



ST HELENS
BOROUGH COUNCIL

**ST HELENS BOROUGH
LOCAL PLAN 2020-2035**

**ST HELENS BOROUGH COUNCIL'S RESPONSE
TO INSPECTORS MATTERS ISSUES AND
QUESTIONS**

**Matter 6 – Employment Land Supply,
Employment Policies and Town Centres**

SESSION 8 – 9:30 THURSDAY 17 JUNE 2021

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Matter 6: Employment Land Supply, Employment Policies and Town Centres

(Policies covered: LPA04, LPA04.1, LPB01, LPB02)

Issue 1: Employment land supply

- 1. Will the up to date employment land supply position and the components of the employment land supply that will meet the employment land requirement be clearly shown in the Plan (base date of 31 March 2021)?*

Yes, the Council has updated the employment land supply position with a new base date of 31 March 2021 as a revision to Table 4.4 in the LPSD. This is provided at Annex 5 of the Draft Main Modifications Schedule (SHBC010). When this is read in conjunction with Table 4.1 in the LPSD, which sets out the proposed site allocations, the Plan will clearly set out the up to date employment land supply position, and the components of it.

Issue 2: Employment Policies

- 2. Would the modification referred to above be justified and necessary?*

It is justified and necessary that the reference to the Covid-19 pandemic is included to ensure the Council is supporting an economic recovery in the Borough and to ensure vitality and viability for sites is protected where they may contribute towards the recovery. This links in with the Council's Town Deal funding bid with the English Cities Fund Regeneration partnership which will assist the economic recovery. This is in line with Paragraph 81 of the NPPF that states policies should seek to address potential barriers to investment. The Council will amend to a MM as requested.

- 3. Is the Council satisfied that Policy LPA04 is consistent with national policy in relation to the above provisions?*

Policy LPA04 does take a positive approach to alternative uses of previously developed land in accordance with paragraph 121 of the NPPF. The Policy is flexible enough to protect existing employment sites where appropriate, while allowing for the redevelopment of existing employment sites for non-employment uses where it can be demonstrated that sites are no longer suitable or economically viable for employment uses. Further detail has been provided in response to PQ58 of SHBC001.

4. Is Criterion 4 b) effective (sufficiently clear and precise to applicants and decision makers), particularly as to how a 'reasonable price' and the manner and period of marketing required would be defined?

Yes, Paragraph 6.17 of the Local Economy SPD outlines that a reasonable price should be based on more than one estimate of value by a suitable qualified chartered surveyor. The definition for the manner and period of marketing required is outlined in response to Question 5 below.

5. Would the above MM, including an 18-month period for marketing, ensure the policy is justified and effective?

Yes, the inclusion of the reference to the 18-month marketing period as a MM in the reasoned justification provides clarity to applicants to dealing with any changes of use or reuse of employment land. The approach is therefore considered effective and justified.

The change of use of other sites and buildings that are or were last in employment uses is dealt with under Policy LPA04 Section 5. Part a) refers to the Local Economy SPD which was published in 2013. Paragraphs 6.10 to 6.17 of the Local Economy SPD sets out how such applications would be dealt with.

6. Are the measures set out above justified and consistent with national policy?

The National Planning Policy Framework, Paragraph 81 outlines that planning policies should “be flexible enough to accommodate needs not anticipated in the plan, allow for new and flexible working practices (such as live-work accommodation), and to enable a rapid response to changes in economic circumstances.” The criterion set out within Paragraphs 6.10 and 6.17 of the Local Economy SPD aim to provide flexibility and to ensure the right uses are situated in the right locations.

The criterion outlines the marketing that is required to determine whether a site is viable for reuse, reconfiguration and redevelopment of B1, B2 or B8 uses. This is to ensure the use is economically viable and had a realistic chance of coming forward for development and aiding economic growth and meeting employment need.

7. Is the above difference in timescales justified?

The Council needs to be sure that proposals for allocated sites are developable and deliverable given their strategic importance in helping to meet employment need. Therefore an 18-month period for allocated sites is considered justified. In terms of the timescale, the Local Plan requirement takes over. In any case, the SPD is a guidance document and recognises that each site is different.

8. *Bearing in mind that SPDs do not form part of the development plan and should be used to add further detail to the policies in the plan, is it sufficiently clear what the requirements of this part of the policy are from Policy LPA04 alone and is the policy effective in this regard?*

With the suggested modification (Q 5 above refers), the Council considers that the Policy is clear and effective in terms of requirements on those seeking to apply for any change of use in employment sites. The Plan in paragraph 4.12.16-17 makes appropriate signposting to the SPD for further detail.

Issue 3: Town Centres

9. *Is the retail hierarchy of centres (set out in Policy LPC04 Section 1 of the Plan) logical and justified by the evidence?*

NPPF (2019) para. 85a states that development plans should define a hierarchy of centres. NPPF (2012) did likewise. The hierarchy in the CS (Policy CSS. 1) was based on evidence within studies of local centres and St Helens and Earlestown¹. The hierarchy was found to be sound in the CS. The hierarchy has been reviewed and reconsidered in the RLS ("RLS") (EMP004) having regard to changes in circumstances.

One change to the hierarchy is justified. This is to not designate Chancery Lane as a local centre. EMP004 para. 9.19 and analysis of Chancery Lane in Appendix 7, page 8, explain that the number of commercial units in the Local Centre declined from 25 in 1999 and 23 in 2006 to 12 in 2016². Commercial premises are dispersed and there is no longer an identifiable centre.

The centre hierarchy is logical and based on evidence about the scale and role of centres. It is based on the hierarchy established in the CS which has been reviewed and updated to account for changes in circumstances by EMP004. A comprehensive review of centres is set out in Appendices 4 to 7 of EMP004. This considers all of the centres within the hierarchy defined in CS Policy CSS 1 and provides evidence of the number and range of commercial uses, the character of the centre and other indicators³. This provides a basis for judgements

¹ These studies comprised the Local Centres Study 2006; this was updated by the Council in 2011; and the St Helens and Earlestown Centre Uses Study 2012. The Inspector examining the CS concluded that it would provide a sound framework for the development of town, district and local centres in the Borough which is effective and deliverable, supported by robust and credible evidence and consistent with national policy CS Inspectors Report para.35). The CS is Parkside Inquiry Core Document CD 2.2 (<https://www.sthelens.gov.uk/media/3385/sthelens-local-plan-core-strategy-october-2012.pdf>). The Inspector's Report is CD 2.10 (<https://www.sthelens.gov.uk/media/2973/report-on-the-examination-into-sthelens-local-plan-core-strategy.pdf>).

² Figures for 2006 and 1999 are from the St Helens Local Centres Study 2006, Table 4.6, page 26

³ Indicators relevant to assessing the health of centres are set out in PPG Paragraph: 006 Reference ID: 2b-006-20190722

the role and function of each centre within a hierarchy. The Council consider the hierarchy to be logical and justified.

10. Taking into account the pandemic has the Council considered whether Policy LPC04 and the extent of defined centres will be effective over the Plan period, particularly having regard to the possible need for town centres to be more adaptable and flexible in terms of uses?

The purpose of Policy LPC04 is to support and focus investment within the defined centres to underpin the role they play at the heart of communities (SDLP para.6.12.1). There are various potential implications arising from the pandemic including⁴:

- An increased use of on-line shopping to the detriment of designated centres;
- An increase in home working and the implications for shopping patterns;
- The impact of lockdown on the viability of retail and other town centre business, including food and drink establishment with the clear prospect of an increase in vacancy rates; and
- The implications of an increase in unemployment.

The factors outlined above pull in different directions and there may be different outcomes for St Helens Town Centre, Earlestown Town Centre, the designated district and local centres.

Increase in flexibility:

The changes in the Use Classes Order (“UCO”) in September 2020 to create Use Class E and General Permitted Development Order (“GPDO”), in April 2021 provide additional flexibility for uses with designated centres. There is now more flexibility for different types of business to occupy premises with centres without a requirement for permission.

The April 2021 changes to the GPDO create a new Class MA that provides a right to change the use of premises from Use Class E to use as dwellinghouses (Use Class C3). Providing conditions within the GPDO are satisfied these changes allow commercial uses to convert to residential accommodation within designated centres.

The removal of controls in primary and secondary shopping frontages policy provides further flexibility for business to react to changing circumstances. CS Policy CAS2(8) St Helens Spatial Area Strategy⁵ and SDLP policies LPD10: Food and Drink; and LPB01: St Helens Town Centre and Central Spatial Area provided controls which had the aim of maintaining the retail function of key shopping frontages. The requirement to define primary and secondary frontages in town centres was removed in NPPF (2018)⁶. The amendments to the

⁴ The High Streets Task Force, Professional Research and Data Group (“PRDG”) April Insight Report (21 May 2021), provides information on the impact of the pandemic on town centres [High Streets Task Force PRDG April Insight Report | Resources | High Street Task Force](#)

⁵ See also CS paras. 8.13 and 8.14.

⁶ The definition of primary and secondary shopping frontages was required by NPPF (2012) para.23

SDLP policies LPD10 and LPB01⁷ align policies within the Plan to the NPPF (2018/2019) and provides additional flexibility than hitherto for businesses within designed centres.

The definition of centres

Regarding the extent of the defined centres, boundaries have been determined (pre-pandemic) through the RLS (EMP004). The increase in the flexibility within designated centres may result in change in the commercial composition and a dilution of shops and services within centres⁸. However, these are matters which can only be addressed after the event through a review of boundaries of designated centres, and the question of whether locations continue to fulfil a viable role as a “centre”.

The boundary of St Helens town centre proposed in the Plan is significantly reduced in area compared to CS/UDP defined boundary⁹. The proposed boundary consolidates the defined area, focussing on the main commercial area of the town centre (as distinct from the Central Policy Area). The justification is set out in EMP004. There is also an adjustment to reduce the extent of the Primary Shopping Area.

Effectiveness of LPC04

In the context of this question two components of Policy LPC04 are relevant:

- To define the hierarchy of centres;
- To set out support for development within the designated centres;

The basis of the hierarchy has been established in the CS and reviewed for this Plan by the RLS (EMP004). It is justified and effective in providing a coherent framework to support development over the plan period. The increase in flexibility arising from changes to policy, the Use Classes Order and GPDO and uncertainties arising as a consequence of the pandemic may require the boundaries of designated centres being considered when the Plan is reviewed.

The second component provides support for appropriate development within designated centres. Policy LPC04 states that planning permission will only be granted for development that is appropriate in terms of its scale and nature relative to the role and function of each centre. This part of the policy could be worded more positively to remove the word “only”.

The policy could also clarify that it supports the development of main town centre uses within the defined centres. It is important that the role and function of defined centres is not undermined by the development for uses other than main town centre uses. Consequently, it would be important to ensure that proposals for other uses are considered having regard to

⁷ MM023 in respect of Policy LPD10; MM026 and MM027 in respect of Policy LPB01 (and INSP003 paras.82 and SHBC001 pages 46 to 51).

⁸ See the assessment in the RLS (EMP004) regarding Chancery Lane, the changes that have taken place and the decision not to designate it as a centre in the Plan (see the response to Question 1 above)

⁹ See the Recommended and Existing Town Centre Boundary at Appendix 4 to the RLS (EMP004)

the scale and nature of the proposal and the role and function of the centre, in order to provide an appropriate safeguard.

In summary, the changes to policy in response to changes to the NPPF, and the changes to the UCO and the GPDO provide flexibility and a greater ability to adapt within defined centres. An amendment to the policy would make it clearer and more positive to support the development of main town centre uses within defined centres and that applications for other uses would be treated on their merits but taking account of the appropriateness of the proposal and the implications for the role and function of a centre. The consequences of the pandemic for each of the defined centres is uncertain. However, there is more flexibility and opportunities to adapt in Policy LPC04 than hitherto. The extent of the defined centres is justified. However, the pandemic and changes to the UCO and GPDO create a scenario where there is greater potential for change within defined centres. The Council considers that Policy LPC04 (as proposed to be amended) is effective but it is recognised that the potential for change will necessitate a more frequent review of the role, function and boundaries of the defined centres.

11. Is the retail strategy the most appropriate strategy for the area and is it justified by the evidence?

The strategy of the CS is set out in Policies CSS 1 and CAS 2 which set out a retail hierarchy and a requirement to focus development in existing centres consistent with the NPPF (2012). The strategy has been reviewed by the RLS (EMP004), having regard to evidence of shopping patterns, an assessment of the requirements likely to arise over the plan period and a detail review of the health, function and role of each centre. The Spatial Vision of the Plan (para. 3.1) indicates that the town centres of St Helens and Earlestown and the Borough's network of smaller centres will have responded to changing economic conditions and provide a wide range of vibrant shopping, leisure and other uses. Policy LPA02 indicates that the preferred locations for new town centre development shall be within St Helens Town Centre (as the Borough's principal town centre), Earlestown Town Centre, and the Borough's network of district and local centres, in line with Policies LPB01, LPB02 and LPC04. The strategy of the Plan therefore is an evolution of that within the CS, taking account of new information, the requirement of regeneration and necessary support for St Helens town centre having regard to evidence of a dwindling market share.

The evidence and assessment arising from the RLS provides justification for the strategy. An alternative strategy has not been addressed expressly by the Study because of the need to align with National Policy and the overarching objective to support St Helens Town Centre, Earlestown Town Centre and the other lower order centres.

12. Does Policy LPB01 clearly set out how future retail needs will be met during the Plan period?

The requirement for additional retail floorspace in para. 5.3.3 of the Plan is derived from the RLS recommendations¹⁰. It should be noted that in respect of the capacity for convenience retail development, the Study identified very limited capacity for new development¹¹. In terms of qualitative aspects of need, no gaps in provision are identified¹². For comparison shopping, a requirement begins to arise after 2023, becoming material at 2028¹³. The Study suggests that if the Council wishes to attract additional comparison goods retailers, consideration should be given to a development for the medium-term to provide new larger format accommodation to cater for national retailers¹⁴. Whilst the Plan prioritises consolidation and the re-occupation of vacant units¹⁵, it provides a foundation for a town centre redevelopment through the identification of the 'Area of Opportunity' in Policy LPB01 and identified on the Policies Map.

The evidence of the RLS is that the need for additional comparison shopping is in the medium term. The impact of the pandemic, a retail market at an unprecedented low ebb and the absence of developer or end user demand¹⁶, indicate there is not an urgent requirement to make provision to meet specific requirements in the Plan. However, the identified 'Area of Opportunity' within St Helens town centre is an appropriate location to accommodate retail development in a location where it can contribute to town centre regeneration.

Policy LPB01 (2) indicates that retail and leisure development will be directed to the town centre and that the 'Area of Opportunity' is identified as a site where such development can be accommodated.

13. Is the policy justified and consistent with paragraph 85 d) of the Framework which states that planning policies should allocate a range of suitable sites in town centres to meet the scale and type of development likely to be needed, looking at least ten years ahead?

As outlined in the response to Q.12, the evidence of the RLS is that the need for additional comparison shopping is in the medium term. There is no urgent need to make provision to meet a specific requirement in the Plan. Given the evidence of need, the timescale over which it arises and uncertainties, the Plan does not allocate a specific site or sites for retail or leisure development. However, it clearly signals a comprehensive redevelopment as part of an enhancement and regeneration of the town centre to be delivered in partnership with

¹⁰ See EMP004 Section 9 generally and Table 9.1 (convenience goods floorspace), 9.2 (comparison goods floorspace) and paras 9.12 and 9.13 in respect of leisure uses.

¹¹ EMP004 para 9.06

¹² EMP004 para 9.07

¹³ EMP004 Table 9.2

¹⁴ EMP004 para 9.11

¹⁵ See para 5.3.4 of the Plan and the justification arising from EMP004 para. 9.10

¹⁶ As evidenced by an absence of representations challenging the retail evidence underpinning the Plan.

the English Cities Fund¹⁷. This will include Church Square/Chalon Way, the “Area of Opportunity” identified by Policy LPB01 and the Policies Map. Consequently, the Plan makes provision to accommodate requirements for development within the Town Centre and provides an appropriate level of flexibility. The Council consider this approach to be consistent with NPPF para. 85d.

The Council has described the genesis of the ‘Area of Opportunity’ (SHBC001 response to PQ59). The indicative location on the Policies Map reflects one part of the ‘Growth Quarter’ (located to the south of the Primary Shopping Area) identified in the draft Town Centre Strategy. The Growth Quarter was identified as an arc of opportunity to enhance the vitality and viability of St Helens town centre and its role as a sub-regional shopping centre. The “Area of Opportunity” is the area of the Church Square/Chalon Way. The Chalon Way multi storey car park which is in this area has been recently demolished.

MM031 is a change to Policy LPB01 to insert reference to the English Cities Fund Regeneration Partnership that will help deliver development of the Town Centre (and Central Spatial Area). MM032 is an update to the justification for the policy which refers to the initiatives presently ongoing, the focus on regeneration and improved connectivity and that the “Area of Opportunity” will be included in and a focus of a comprehensive scheme to support and enhance the Town Centre.

14. Would these suggested modifications ensure that the policy wording is clear as to what is meant by the Central Spatial area and how it is defined for the purposes of the policy?

Para. 5.3.15 of the Plan indicates that the Central Spatial Area embraces a range of retail and leisure uses which are outside the town centre, but which nevertheless attract visitors to the town and held to retain expenditure. The Central Policy Area is a wider area of commercial, retail and sporting/leisure uses with the Town Centre at the heart. Policy LPB01(1) supports development in this area Policy LPB01 requires new development to facilitate linked trips between the Primary Shopping Area and other developments within the Central Spatial Area (LPB01(4)).

15. Is it sufficiently clear from the wording of Policy LPB01 how the area of opportunity is defined, what its purpose is and when development is expected to take place in this area?

Policy LPB01 directs proposals for retail and leisure development to locations within the Town Centre generally, and the ‘Area of Opportunity’ within the Town Centre is specifically referred to. The justification (para.5.3.7) refers to the Town Centre Strategy and that the ‘Area of Opportunity’ is identified as an opportunity for investment and reconfigure a key part of the town centre. The ‘Area of Opportunity’ is intended to be a leading element in the

¹⁷ English Cities Fund is a joint venture between Muse Developments, Legal & General and Homes England.

regeneration of the town centre. It is anticipated that this will be led by the Partnership with the English Cities Fund¹⁸.

Regarding the evidence of the RLS about the need for development, the Plan does not prescribe the scale, scope or format of development. The Plan sets no timescale for development at the 'Area of Opportunity'. However, due to the imperative for the regeneration within the town centre, it is anticipated that development will take place during the Plan period.

16. How will the policies in the Plan deal with development proposals that come forward?

Policy LPB01 directs development to the town centre. In order to provide flexibility, there are no specific restrictions or requirements on the type, scale or configuration of development. The Policy expects high quality development (LBP01(1)); that development should not prejudice planned investment (LBP01(2)); to facilitate where appropriate, linkages to other parts of the town centre and Central Area (LBP01(4) and (8)); and to protect the retail and service role of the town centre (LBP01(6)). Development within the town centre would also be subject to Policy LPA03; Development Principles; Policy LPA04(8) and (9), relating to the economy; and LPD01: Ensuring the Quality of Development.

17. Will the Modifications suggested ensure that the approach to Town Centre definition in the Plan is effective and consistent with national policy?

The response to Q.10 explains that the removal of the Primary and Secondary Frontages within the town centre aligns Policy LPB04 to the NPPF and provides flexibility for businesses and landowners to adapt and evolve. The Modifications also respond to changes to the UCO and GPDO.

The plan is effective because it provides flexibility over the ranges of uses that might be accommodated with the Town Centre, subject to maintaining the retail and service role of the centre, not causing significant harm to the vitality and viability of the centre or prejudicing planned investment (matters identified in LPB01).

The Modifications bring the policy into line with the NPPF for the reasons explained above.

Regarding the definition of the Town Centre, the response to Q.10 above explains the justification for the boundary which the assessment undertaken in the RLS.

¹⁸ It should be borne in mind that the Partnership of the Council with the English Cities Fund was entered into in January 2020.

18. Is this locally set threshold appropriate and justified by the evidence?

RLS paras. 9.21 to 9.34 of the RLS (EMP004) provide the background to the impact thresholds within Policy LPC04 (6) to (8). This sets out policy in the NPPF (para.26) and guidance in the PPG (paras.13-16). The RLS considers that a different threshold is appropriate for out of centre development located close to centres that are at different levels in the hierarchy because of the potential for development to cause (substantial) harm to the health of a centre. The impact thresholds are a judgement within the RLS having regard to the potential for developments such as new convenience stores operated by a national operator to harm a local centre. With regard to St Helens, the threshold is guided by the size of units within the Town Centre. The thresholds are supported by evidence and justified.

19. Is the above wording effective and is it clear that the Council will in effect agree the scope, scale and level of required information having regard to national policy?

PPG para.17¹⁹ relates the impact test and decision taking. This states that impact test should be undertaken in a proportionate and locally appropriate way, drawing on existing information where possible. It goes on to say that applicants and local planning authorities should seek to agree the scope, key impacts for assessment, and level of detail required in advance of applications being submitted. Para.6.12.11 of the Plan reflects the advice of the PPG, which includes agreement on the scope of an assessment. The PPG also sets out a checklist for applying the impact test. Para.6.12.11 indicates that the Council will take account of the checklist when considering impact assessments.

Having regard to available information and the PPG checklist provides the basis for a consistent approach to the preparation and assessment of retail and leisure proposals in out of centre locations when the impact test applies. The scope, scale and level of information required will depend on the particular circumstances of each application, having regard to the scale and nature of the proposal, its' location and the role and function of centres likely to be affected. The PPG refers to impact assessments being a proportionate and locally appropriate way.

Para.6.12.11 is effective because it adopts the approach of the PPG and indicates that the factors outlined in the PPG will inform consideration of any impact assessment submitted.

20. Is the change in the UCO likely to have any significant impacts on the effectiveness of the Plan and could any impacts be addressed by modifications to the affected policies?

The MMs provide a response to changes to the UCO with amendments to policies affected and the justification. The increase in flexibility arises from the changes to the UCO; GDPO

¹⁹ Paragraph: 017 Reference ID: 2b-017-20190722

and policy relating to control over uses in shopping frontages, are discussed in the response to Q.10

Outside defined centres, Use Class E raises the potential for retail activity becoming established that would be inconsistent with National Policy and the strategy of the Plan.