

**Examination of Newcastle upon Tyne Development and Allocations Plan 2015 - 2030
Matter 2 – Economic Prosperity**

**Hearing Statement
On behalf of
Universities Superannuation Scheme
(Ref ID: 1)**

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Introduction

- 1.1 This Statement is submitted on behalf of Universities Superannuation Scheme (USS), the owner of Belvedere Retail Park and Kingston Retail Park and addresses Matter 2, District and Local Centres (Policy DM3), Questions 2.11, 2.12, 2.13, and 2.14. The Statement addresses Question 2.12 first and responds to Questions 2.11, 2.13 and 2.14 thereafter.

Q2.12. What is the rationale for the boundary of Kingston Park Retail Centre as defined on the policies map and referred to in Policy DM3? Does it function separately from Kingston Retail Park? What effect would the inclusion of the additional large retail units at Kingston Retail Park have on the Kingston Park District Centre?

- 1.2 CSUCP Paragraph 9.28 states that;

“..the main role of District Centres is to allow access to a wide range of retail and related services”.

- 1.3 The Retail Evidence Base document 39 “*Review of Primary Frontage Designations, 2018 Update*” states (on page 4) that;

“District Centres are a focus for a wide range of convenience goods and services and serve a wide catchment area. They usually contain at least one supermarket/superstore, offer a range of non-retail services (e.g. banks, cafes, restaurants), have good public transport links and strong walk-in catchments and contain local/community facilities such as a library”.

- 1.4 The rationale for the boundary of Kingston Park District Centre should be to include those areas which contribute to meeting the identified role for the Centre as described above.

- 1.5 Having regard to the above characteristics of a District Centre, it is clear on the ground that Kingston Retail Park adds to the range of convenience goods and comparison goods retail facilities at the District Centre thereby contributing to its identified role.

- 1.6 On this basis alone, the evidence shows that the exclusion of Kingston Retail Park from the District Centre is not justified.
- 1.7 The Council states in the Submission Document SD9 that Kingston Retail Park is not considered to form part of the Kingston Park District Centre boundary, as it has a separate access off Brunton Lane and comprises 4 large retailing units. It is considered by the Council to function separately from the District Centre.
- 1.8 There is nothing in the NPPF, the CSUCP, or in the draft Development and Allocations Plan that requires District Centre boundaries to be defined on the basis of single access points; and in fact, Kingston Court Retail Park, Tesco Extra and Belvedere Retail Park (which are included with the Kingston Park District Centre boundary in the Submitted Plan) are all served by separate accesses. It is not justified to exclude Kingston Retail Park from the District Centre boundary on the basis of its access as suggested by the Council.
- 1.9 In terms of the characteristics of Kingston Retail Park referred to by the Council as comprising of “4 large retailing units”, there is nothing in the NPPF, the CSUCP, or in the draft Development and Allocations Plan that precludes retail units of the size, type or nature of occupiers located at Kingston Retail Park from being included within a District Centre; and the characteristics of the retail units at Kingston Retail Park are clearly similar to the characteristics of the retail units in other parts of the Centre, i.e. Kingston Court Park Retail Park and Belvedere Retail Park.¹ Furthermore, Kingston Retail Park has unrestricted Class A1 consent and can therefore accommodate a full range of occupiers appropriate to a town centre location.
- 1.10 The Council’s statement that Kingston Retail Park is “*considered to function separately from the District Centre*” is not substantiated by evidence and in fact, as pointed out in paragraphs 1.10 – 1.26 in USS’s representations to the Pre-Submission Plan, there are multiple references in development plan evidence base documents over the years that endorse the view that Kingston Retail Park functions

¹ It is noted that paragraph 3.3.5 in the Submitted Plan states that the review of boundaries included “*an analysis of occupiers*” which in the case of Kingston Retail Park clearly provides no justification for its exclusion from the boundary at Kingston Park District Centre

as part of the District Centre, including in the Newcastle-Gateshead Strategic Comparison Goods Retail Capacity Forecasts Update 2012 which stated that;

“...shoppers do not distinguish between the various components of the overall shopping area comprising Kingston District Centre, Belvedere Retail Park and Kingston Retail Park, as these are all very close together, and likely to be visited in a single journey.”

- 1.11 Furthermore, the comprehensive analysis of the accessibility at Kingston Park, submitted as part of USS's representations to the Pre-Submission Plan, also demonstrates that Belvedere Retail Park and Kingston Retail Park, alongside Tesco Extra and Kingston Court Retail Park are well located for reasonable walking and cycling trips to be made, and Kingston and Belvedere Retail Parks serve substantially the same catchments as Tesco and Kingston Court. There is also good pedestrian linkage between Belvedere Retail Park and Kingston Retail Park and Tesco and Kingston Court Retail Park which provides the opportunity for linked trips to be made on foot between these co-located sites within Kingston Park.
- 1.12 With regard to the effect that the inclusion of Kingston Retail Park within the boundary would have on Kingston Park District Centre, it would primarily do no more than properly reflect the reality of the established situation on the ground, i.e. that the Park already functions as part of the Centre.
- 1.13 Inclusion of Kingston Retail Park within the District Centre boundary would also demonstrate that the Plan has been positively prepared in conformity with NPPF paragraph 85 as inclusion of Kingston Retail Park would not just reflect the distinctive and established character of the Centre, but would also make it more resilient in terms of accommodating growth and responding to changes in the retail and leisure industries.
- 1.14 Kingston Retail Park already has unrestricted Class A1 consent and its inclusion within the District Centre boundary, which would confirm its “*town centre*” status, raises no concerns with regard to retail impact or the sequential test given that there

is currently no restriction on the range of goods that can be sold or on the subdivision of existing units at Kingston Retail Park.

- 1.15 It is considered that the exclusion of Kingston Retail Park from Kingston Park District Centre fails to satisfy the soundness tests in terms of not being positively prepared; not justified; not effective; and not consistent with national policy.

Q2.11 Would Policy DM3 be positively prepared, justified, effective and consistent with national policy and with the CSUCP?

- 1.16 To be positively prepared and consistent with the NPPF and CSUCP Policy CS7, Policy DM3 should be positively worded in its support for accommodating “*main town centre uses*” in District Centres rather than stating that non-retail uses “*will only be acceptable*” where they would satisfy the stated criteria.
- 1.17 The NPPF (paragraph 85) and CSUCP (paragraph 9.27) recognise the importance of diversity of uses in town centres. The CSUCP (paragraph 9.28) states that the main role of District Centres is to allow access to “*a wide range of retail and related services*”. The CSUCP (paragraph 9.27) supports non Class A1 main town centre uses in town centres provided that “*the overall vitality and viability*” of a centre is not harmed.
- 1.18 Given that there are permitted development rights for change of use from Class A1 use to Class A2 use for example, the justification for restricting non Class A1 uses is unclear but in light of the wording in the CSUCP, Policy DM3 could be reworded to state that;

“District and Local Centres are designated on the Policies Map. The development of non-retail uses at ground floor (outside Use Class A1 - shops) within these centres will ~~only~~ be acceptable ~~where~~ unless they would either individually or cumulatively harm the overall vitality and viability of a centre”

- 1.19 This wording would allow the Council to adopt an appropriate flexible approach to accommodating a diverse range of uses at ground floor level within District/Local Centres while retaining the ability to refuse such uses if, for example, the individual

or cumulative effect of a proposal would reduce the predominant Class A1 shopping function to an extent where the overall vitality and viability of a centre would be harmed. Reference to maintaining the predominant Class A1 use in centres can be referred to in supporting text to provide context for the Policy.

- 1.20 The above wording would mean that criterion 2 of the Policy is superfluous and can be deleted.
- 1.21 The text at paragraph 3.3.4 of the Plan which states - “*Other uses outside Use Class A1 must contribute to a centres vitality and viability, including increased levels of footfall comparable to surrounding retail uses and provide a transparent shopfront*” should be deleted.
- 1.22 The notion that a non Class A1 use at ground floor can only “*contribute*” to a centre’s vitality and viability by generating “*increased footfall*” compared to surrounding retail uses is not justified. It is the overall mix and diversity of uses in town centres that generate activity, footfall, and linked trips; and the test of requiring non Class A1 uses to generate increased footfall would be onerous and unnecessary in terms of supporting the overall vitality and viability of a centre. Furthermore, the “*increased footfall*” requirement would not be effective in the assessment of individual applications as there is no reasonable or practical way to assess the footfall that an individual proposed use may generate.
- 1.23 The reference to “*transparent shopfront*” should be deleted as there are innovative designs that can be provided on shopfronts that can maintain a sense of activity and relate to the use of the premises without the frontage being “*transparent.*”
- 1.24 There is no requirement for criterion 3 of the Policy to state a requirement for “*active ground floor frontage.*” The matter of shopfront design can be dealt with adequately in the supporting text (at paragraph 3.3.9) and having regard to the comments in paragraph 1.23 above.

Q2.13 Is Policy DM3 sufficiently clear to be effective? How do you measure dominance or fragmentation of the centre either individually or cumulatively?

- 1.25 As noted in response to Question 2.11, criterion 2 is unnecessary and it is also unclear (including with reference to paragraph 3.3.7 in the Plan) how “*dominance*” or “*fragmentation*” would be assessed.

Q2.14 Is Policy DM3 sufficiently flexible to allow centres to grow and diversify in a way that responds to rapid changes in retail and leisure industries?

- 1.26 No. See response to Q2.11 and Q.12