**Response by March Town Council to the Initial Comments of the Independent Examiner dated 13 April 2017**

| **Question**  **Reference** | **Examiners Question** | **Response by March Town Council** |
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| **Town Centre Uses** | | |
| 3 | I have some comments to make about Policy TC1 – entitled Primary Shopping Frontages. I note the first criterion refers to non-retail uses exceeding 40% of the primary shopping frontages. I have a number of questions that I would appreciate a response.   1. Is it 40% of the overall total number of shops which are designated as primary frontage, or? 2. Is it 40% of the length of the overall primary frontage in the town centre? i.e. is a kiosk counted the same as a large unit? 3. Or is it 40% of the row of properties that the particular unit is in? | Paragraph 3.4.24 of the Fenland Local Plan (FLP) refers to the Primary Shopping Frontages (PSF) being retained predominantly for retail purposes; and defined predominantly as three quarters (75%) of the uses in the frontage. Based on this, although not fully clear, it would appear that Fenland District Council’s (FDC) interpretation is based on uses within the frontage rather than actual frontage length, which reflects your first scenario (excluding the percentage figure).  The approach that March Town Council (MTC) wishes to follow is the length of the overall PSF in the town centre, which reflects your second scenario. The basis for this is set out in the attached March Town Centre Primary Retail Frontage Survey, dated 13 February 2015.  Based on the above survey, there are a total of 103 units within the PSF area as defined in the FLP. The PSF has a total frontage of 860 metres. As can be seen from Table 2, A1 retail accounts for 65 units, with a frontage of 525m, which is 61% of the total frontage. It is noteworthy that if the calculation was based on FDC’s approach, 65 A1 units (based on MTC’s up to date survey) accounts for 63% of all PSF units.  This suggests that FDC’s 75% threshold has been substantially breached, offering no scope for change that requires planning approval other than defaulting immediately to the exception tests. MTC therefore propose to set a 40% non-A1 retail threshold based on its study, which offers a degree of flexibility, enhanced by its plans to extend the PSF area. |
| 4 | I would wish to know what the current percentage is and how often is the town centre surveyed and would every application require a survey to ascertain the current figure. | MTC is not aware of when the last PSF study was carried out by FDC, but surmise that it pre-dates its adopted FLP. MTC believe that it is the responsibility of FDC to carry out regular studies, but would be willing to carry out biennial studies to keep more up to date records.  MTC believe that the latest study should be used to inform decision making, but recognise that an applicant may need to refresh the study if seeking a change of use that requires planning approval where the exception tests cannot be met. |
| 5 | I would also invite a submission on the question of whether this measure of the health of a town centre is still a relevant consideration bearing in mind the flexibility now exists to change the use of Class A1-5 which have now been introduced by the recent changes to the Town and Country (General Permitted Development) Order 2015b which allows changes of use across the classes. I am also conscious of the advice set out in paragraph 23 of the NPPF regarding town centre uses. | MTC acknowledges that the GPDO allows some changes between the “A” use classes, and appreciates that this could affect the non-A1 retail threshold. However, it also feels that where permission is required, and the non-A1 retail threshold has been breached, and none of the exception tests can be met, that the policy has an important role to play in protecting the core shopping function of the town centre. Also, with regard to Paragraph 23 of the NPPF, para 3.15 of the March neighbourhood Plan (MNP) makes it clear that MTC will monitor vacancy levels within the PSF and will commit to a review of the plan if it is felt that it is having negative effect in terms of the vitality and viability of the town centre. |
| 6 | In criterion c) what level of concentration of non-retail uses would be likely to have a harmful effect on the primary shopping function of the town centre. Does the similarity of a particular use apply e.g. is it say a restaurant or café use or is it aimed at the similarity of different types of restaurants (or cafes)? | MTC would like to see the A1 shops evenly distributed across the PSF where this is possible. In this respect, the grouping of any non-retail uses involving more than 5 units in a row would give rise for concern, and would only want this to occur where the exception tests were fully met. |
| 7 | In exception 1 – what would “long term” mean in terms of months and is it not better to encourage any town centre use rather than having to have shops vacant for months on end? | MTC acknowledge that the MNP should define what is meant by long term. In this respect, it is noteworthy that the FLP (Paragraph 3.5.25) indicates that a vacant period of 12 months is sufficient, subject to a suitable marketing exercise. However, in its formal response to the MNP Regulation 16 Consultation, FDC advised that “long term” should be defined as 60 months (5 years). MTC feel that this would be too long and would have a detrimental effect on the vitality and viability of the town centre. MTC would be happy to define long term as 12 months in line with the FLP. MTC feel that this would be a reasonable period of time to test the market and allow other A1 retail uses to come forward before accepting its loss to non-A1 retail uses. |
| 8 | Finally, I was a little surprised when reviewing the extent of what is defined as primary shopping areas that the Barclay Bank unit at the corner of Broad Street and Grays Lane, and the Post Office and also the Weatherspoon’s PH opposite. I would have thought they would all be town centre uses. Was there a reason for their omission. Was there a specific set of criteria used to define what is a primary frontage. | MTC based its updated PSF boundary with the PSF defined in the FLP as a starting point. As part of its review, 3 properties were removed from the boundary (see Table 3 in attached study) and 6 buildings were added (see Table 4 in the attached study). The reasoning for exclusion and inclusion are fully explained. As a result of the proposed changes, an additional 39 metres of PSF will be created. The approach adopted was to exclude uses outside A1-A5, derelict periphery properties, and properties with closed frontages/limited window displays. In relation to the uses mentioned, MTC would be happy to include Barclays Bank within the PSF and the Weatherspoon’s Public House. The Post Office however, is now used more as a sorting office and no longer functions as a conventional post office. |
| **Regeneration Sites** | | |
| 9 | Are the non-designated heritage assets designated in any other place e.g. a local list or is it the intention that the neighbourhood plan designates them. If it is the latter I will need more evidence to identify why they are buildings of local interest? Is the area of archaeological interest, a Scheduled Ancient Monument - if it is not, why is it of interest and what is the extent of the area that is of interest and can it be shown as an area on a plan? | The information on non-designated heritage assets and area of archaeological interest was provided by FDC as part of earlier informal consultation work, where FDC requested that these be shown on all proposed regeneration sites. FDC hold the records for these sites. The MNP is not proposing new non-designated heritage assets or areas of archaeological interest. With regard to the area of archaeological interest specifically, FDC did not provide any information on its importance or its boundaries. |
| **Open Space Sites** | | |
| 10 | I am not clear how open space requirements will be sought for residential schemes on windfall sites. Can I be sent a copy of the Appendix B – Open Space Standards and I would ask how the LPA is to approach financial payments under the CIL Regulations in the pooling of contribution and also does it ask for them on schemes of less than 10 units following the changes in national advice on planning obligations. | MTC feel that this question is relevant as FDC has taken the decision not to introduce CIL for the time being, which has clear pooling implications with Section 106. Policy H2 of the MNP does not seek any such contributions in view of the national advice on planning obligations for schemes of less than 10 units. For schemes of 10 units or more, the Policy refers to the need for infrastructure where this is required to make the development acceptable in planning terms. |
| **Housing Sites** | | |
| 11 | In Policy H2 how would a decision maker view a scheme of 10 or over units differently that a scheme of 9 or under. If acceptable developments was being promoted for over 9 units but the applicant had not carried out the pre-application consultation which the policy requires – would the QB expect that otherwise acceptable application, to be refused? | The issue of effective community consultation on larger schemes has been a consistent theme of the MNP as windfall development seems to be significantly high and residents are concerned about the impact this is having on them. The wording in the submission plan was agreed with FDC. However, FDC now feel that they cannot refuse an application if an applicant failed to carry out pre-application consultation, and suggest amending the policy to replace the words “must” and “will” with “should.” However, MTC feel that this approach undermines the purpose of providing clear and precise development plan policies. MTC would expect FDC to be advising applicants of the need for such consultation as part of its pre-application process. It is also in an applicant’s interest to undertake such consultation as it can help streamline the process and achieve better schemes. MTC accept that if a scheme of less than 10 dwellings that was acceptable in planning terms would be difficult to resist if no consultation had taken place, but all partners have a role in encouraging good practice. FDC could make the need for pre-application consultation (SCI) a local validation requirement for March. However, if it was absolutely essential to retain this part of the policy, MTC would accept the substitute word proposed my FDC. |
| 12 | Elsewhere in the district, how is Fenland dealing with the threshold of over 10 units before affordable housing can be sought, as set out in national advice post the Reading and West Berkshire judgement being applied. | FDC to respond. |
| **Strategic Policies** | | |
| 13 | I would be grateful if Fenland could indicate which Local Plan policies it considers to be strategic, in terms of basic Conditions test for “general conformity.” | FDC to respond |