

27 March 2021

Dear Sir/Madam,

**Consultation on National Model Design Code and Revised NPPF**

Response from Accessible Retail

**Introduction**

 Accessible Retail (AR), is the trade body which represents the retail parks and warehouses sector of the retail industry. We have over 1200 members comprising a broad range of retailers, developers, owners, investors and advisers including most of the major companies active in the sector.

 Retail parks and warehouses comprise one of the three major retail sectors. The sector accounts for some third of total retail spend and provides efficient and convenient trading places which meet the needs of retail shoppers.

 We play a significant role in the economy and many of our members trade across Europe and beyond. The investments made by our members help drive the UK's economy employing some 750,000-800,000 people in the UK and our sector provides a large part of investment grade (prime) retail commercial property in pension and insurance funds.

 We welcome the opportunity to respond to this consultation. We have not responded to individual questions as many are not relevant to retail parks and warehouses. However, this is not the case with regard to the proposals on design codes or with those concerning the PDR route to change use from commercial to residential and we comment on each below.

**Design Codes**

We support the principle of requiring strategic policies to set out an overall strategy for the pattern, scale and design quality of places and the new overarching social objective of the planning system to include the fostering of “well-designed, beautiful and safe places’, where previously it required ‘a well-designed and safe’ built environment. However, we have some reservations about how the new system will work in practice on which assurance is needed before we can give our full support.

Our first reservation concerns the new test that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design. This is not opposed in principle, but the application of the policy, particularly with regard to the use of design codes, must recognise that commercial development such as retail parks, warehouses and industrial estates requires a different approach to design which is cognitive of the operational needs of occupiers, owners and customers.

In particular, design codes for retail parks and warehouses need to recognise that the normative designs of their buildings and spaces i.e. a big box shape, use of cladding materials, density and close proximity to car parking for customers are essential if they are to be operationally efficient and, therefore, financially viable in the face of growing competition from online traders. What this means is that design codes for retail parks and warehouses need to be predicated on an understanding of the market. Our experience is that outside of a few of the larger LPAs, most councils do not have this knowledge.

Our second concern is that the process of agreeing design codes impacting on commercial development will rely too heavily on local community involvement and give disproportionate weight to the views of residents who have little understanding of the retail market and a tendency to approach planning matters from a comparatively narrow viewpoint.

Taking these two concerns together, It is conceivable that, under pressure from nearby community groups or because of not having planners experienced in the operational and viability requirements of retail parks and warehouses, well-meaning LPAs seeking to reflect the new approach in the NPPF could impose inappropriate design codes which:

* are more reflective of town centre and high street built environments
* due to a lack of market understanding have damagingly impact on operational efficiency (the layout and operation of internal spaces, deliveries and customer car parking)
* render schemes unviable by adding significantly to costs.

The likelihood of these issues arising increases where warehouses and retail parks are located within towns as these will have perimeters directly adjacent to surrounding residential property. In such cases, design codes must be cognisant of the needs of both retail operators and residents and not simply reflective of the opinions of the latter. To ensure this approach is taken, LPAs should be directed in the NPPF and NPPG to seek a balance in design codes between the views of residents and those of retail owners and occupiers.

Our third concern is that while the pathway for developers to bring forward design codes will be helpful, especially where there is no local population to consult, in the short term to medium term, because of local authority resource constraints and a lack of in-house design skills, in many cases it will be the developer taking the lead as part of the development process. While it is easy to see how this will work for large scale new developments such as regeneration areas, new neighbourhoods and town centre renewal, it remains to be demonstrated that it will work effectively with smaller scale schemes such as infills and the refurbishment or redevelopment of existing buildings within already built urban fabrics.

Fourth, similarly, it needs to be shown that the proposal to produce local design codes at local plan allocation stage rather than at outline permission stage as now will work effectively. Again, it is easier to see how it would work at the master planning stage of proposed new large scale developments than for ‘unplanned’ smaller scale schemes within an existing urban fabric.

Fifth, we are concerned that the proposals do not fully appreciate the need for flexibility in codes. Even with those produced to accompany masterplans, conditions change with time and codes need to be flexible so they can accommodate changes in design brought about by changing environments and changing needs. In short, design codes should not be overly prescriptive and stifle creativity and innovation.

**PDR**

We do not support the proposed changes designed to facilitate a wider use of the PDR pathway. AR remains of the view we expressed in our response to proposals regarding PDR in the planning consultation published at the end of 2020. We oppose enhancing the ability to implement what would likely be piecemeal and incremental change of use on a retail park without full planning scrutiny including the views of other interests on the parks.

Change of use, particularly to residential, could undermine the operation of the park as a whole to the detriment of other traders. Key likely issues are traffic conflict between residents and retail customers/supply chain deliveries and complaints from residents about noise, hours of operation etc. To give proper consideration and weight to such issues, would require a full application including full consultation.

On balance, AR believes the potential threat of uncontrolled change to well established retail parks outweighs the benefit of a speedier more certain PDR process for those parks where redevelopment is being considered. Designating an appropriately high size threshold above which the PDR route would not be available would resolve our concerns on this proposal.

 If you wish to discuss any of our views further, I can be contacted as shown below.



W A McKee

CEO Accessible Retail

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