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Planning. Design. Economics.

**South Gloucestershire Policies, Sites
and Places Plan**

Pre-Hearing Statement

Policy SPS31 – Comment ID 207/1

Cribbs Mall Nominee (1) Ltd, Cribbs Mall
Nominee (2) Ltd, Baylis Estates Ltd and
John Baylis Ltd

13 January 2017

30245/02/JF/JeH

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1.0 Introduction

1.1 Nathaniel Lichfield & Partners ('NLP') act on behalf of Cribbs Mall Nominee (1) Ltd, Cribbs Mall Nominee (2) Ltd, Baylis Estates Ltd and John Baylis Ltd, who are the freehold and leasehold owners of The Mall at Cribbs Causeway.

1.2 Representations have been submitted to the draft Policies, Sites and Places Plan throughout the plan preparation stages in relation to the wording of Policy PSP31.

Tests of Soundness

1.3 Paragraph 182 of the NPPF states that Local Plans will be assessed in terms of whether the plan is sound. For a plan to be found "sound" it needs to be:

- **positively prepared;**
- **justified;**
- **effective;** and
- **consistent with national policy.**

1.4 The Inspector has identified the main issues upon which the soundness of the plan depends, of which Issue 4 is relevant to our client:

"Are the Policies in the PSPP justified and consistent with National Policy?"

1.5 Our client's view is that Policy PSP31 of the draft Policies, Sites and Places (PSP) Plan is not sound, unless modifications are made.

1.6 This Statement provides a response to the Inspector's Issues and Questions which are directly relevant to the previous representations.

2.0 Inspector's Issues and Questions

Response to Question 10 (b)

2.1 Our client has been invited specifically to comment on Question 10 part (b) of the Inspector's Issues and Questions, which relates to Policy PSP31 and is directly relevant to our previous representations. This asks:

“Likewise, having specific reference to the same evidence, is the Council's decision not to allocate sites to meet the identified need for additional retail floorspace beyond 2021 justified and consistent with national policy?”

2.2 The evidence referred to is the Retail Topic Paper (November 2016) prepared by South Gloucestershire Council, which sought to respond to our previous representations; however it does not address the issues raised.

2.3 We question the table within the Topic Paper at 4.2.1 as the figures do not appear to correspond with the table within Policy PSP31. In any event, the residual, unallocated comparison goods floorspace by 2026/27 is between 16,000 sq.m net and 18,000 sq.m net.

2.4 One of the key tests of soundness is whether a plan has been positively prepared based on a strategy which seeks to meet objectively assessed development requirements. As currently drafted, Policy PSP31 does not meet this test.

2.5 The NPPF identifies 12 core planning principles (para. 17) that should underpin both plan-making and decision-taking, including:

“proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth. Plans should take account of market signals, such as land prices and housing affordability, and set out a clear strategy for allocating sufficient land which is suitable for development in their area, taking account of the needs of the residential and business communities.”

2.6 The NPPF is clear in providing instructions for Councils to prepare local plans. The NPPF (para. 161) requires local planning authorities to use their evidence base studies to assess the needs for land or floorspace for economic development over the plan period, including for retail and leisure development, and assess the existing and future supply of land available for economic development and its sufficiency and suitability to meet the identified needs.

2.7 South Gloucestershire Council has correctly sought to identify the future requirements of the district through the preparation of their evidence base studies. The retail floorspace need identified in the Council's evidence base

over the Plan period to 2026/27 is to meet the needs of residents and communities within South Gloucestershire, and not the needs of a wider catchment area.

- 2.8 Using the evidence base, and in line with the NPPF, local plans should allocate sufficient land to meet identified needs. The NPPF identifies (para. 157) that Local Plans should *“be drawn up over an appropriate time scale, preferably a 15-year time horizon, take account of longer term requirements, and be kept up to date.”*
- 2.9 In only allocating needs up to 2021, the PSP fails to meet one of the core planning principles of the NPPF.
- 2.10 The decision for the Plan to not fully meet the objectively assessed needs over the Plan period is contrary to national policy. 2021 is now only four years away, and in only identifying sites for development in the immediate short term, the Plan is clearly at odds with the NPPF.
- 2.11 The Topic Paper states (para. 4.2.4) that significant uncertainties with the retail need post 2021 were considered to exist at the time of the Core Strategy’s adoption (2013) which could make allocation through the PSP unrealistic. However, the Policies, Sites and Places plan has been drafted on the basis of the existing retail evidence base which informed the Core Strategy and underpins the identification of floorspace required. There is therefore no justification to ignore the post 2021 requirements.
- 2.12 Having identified the needs of the District over the plan period, the Council should seek to identify sites to fully accommodate the requirements. In this respect, the plan has not been positively prepared, as the Council has only sought to meet the short term needs to 2021. Waiting until the new Joint Spatial Planning document for the West of England, or a new Local Plan to replace the Core Strategy and this PSP, does not accord with the NPPF guidance. This creates uncertainty for investors and operators, including our client.
- 2.13 The purpose of the South Gloucestershire Retail Capacity Study 2014 was to check that the assumptions made about the capacity of each centre to accommodate growth are reasonable for inclusion in the PSP. The Study assessed the physical capacity of each of the defined centres to accommodate additional retail floorspace.
- 2.14 The 2014 Study states (para. 3.1) that:
*“The Core Strategy requires the provision of 34,000 sq.m of additional comparison goods floorspace to meet the District’s needs up to 2026/27 in accordance with the retail hierarchy as set at Policy CS14. The Council has proposed that 17,000 sq.m of comparison floor space is allocated to the defined centres (proposed distribution shown at Appendix 1) in the Policies Sites and Place Plan (PSP) **with the remainder identified as a residual to come forward in accord with retail policy.**”* (our emphasis)

- 2.15 The Study identified what floorspace each of the defined centres could accommodate, thereby leaving a residual floorspace requirement that needs to be located elsewhere.
- 2.16 Para. 23 of the NPPF explicitly emphasises that needs for retail, leisure, office and other main town centre uses are met in full and are not compromised by limited site availability. Therefore, if the work undertaken by the Council's consultants has not identified sites within the existing centres that can accommodate these needs fully, alternative locations should be sought.
- 2.17 Logically, in seeking to fully allocate sites to meet the identified need for retail floorspace over the Plan period, in the absence of any further sites within the existing centres, sites that have been demonstrated to comply with the sequential test should be the preferred location.
- 2.18 As set out in our earlier representations, The Mall at Cribbs Causeway is the preferred location for the residual floorspace need identified over the Plan period. The site is suitable and available to accommodate additional floorspace. The Mall is an important established retail and transport interchange location providing for the needs of the South Gloucestershire community. It has been proven to provide a highly complementary, rather than competing, retail offer to the other centres in the District.
- 2.19 The shopping centre is already situated at the heart of the Cribbs Patchway New Neighbourhood (CPNN), a major housing growth area where 5,700 new houses are planned over the next 10-15 years in South Gloucestershire. Allocating the post 2021 retail floorspace need to The Mall would coincide with the growth of this major housing area, and help to meet the needs of these new local residents.
- 2.20 As the Inspector may be aware, an application was submitted by our clients in December 2014 (LPA ref. PT14/4894) for an extension to The Mall at Cribbs Causeway. The application received a recommendation for approval at South Gloucestershire Council's Development Control (West) Committee on 3 November 2016, subject to referral to the Secretary of State.
- 2.21 In making the recommendation for approval, the Officer's report and independent consultants commissioned by the Council confirm that the proposed development satisfies the sequential test, as set out in the NPPF. As noted above, this concurs with the Council's local plan evidence base (South Gloucestershire Retail Capacity Study 2014) which did not identify sequentially preferable sites within the existing centres that could accommodate additional retail floorspace.
- 2.22 The Mall at Cribbs Causeway is an available and suitable site that should be allocated, as demonstrated through the planning application. The need identified in the Council's evidence base is to meet the needs of residents within South Gloucestershire, and not the needs of a wider catchment area. The Mall is an established centre within an emerging community. An extension to the centre represents the most sustainable location to accommodate the

residual floorspace needs, and this accords with the NPPF requirement that local plans must be prepared with the objective of contributing to the achievement of sustainable development.

- 2.23 As suggested in our earlier representations, a possible outcome of not allocating the unaccounted and locally derived floorspace at The Mall would be opening the Council up to risk of speculative floorspace grabs from unsustainable out of centre locations in an ad hoc and piecemeal fashion. Such propositions could be difficult to defend if Policy PSP31 remains as drafted as there are no sequentially preferable sites identified to accommodate this need, and the need must be met. It is incumbent upon the Council to plan positively, in accordance with the requirements of the NPPF.
- 2.24 The Council's approach would not meet the identified need and would not represent a positive and proactive approach to plan making. It would not conform to the requirements of the NPPF and would create uncertainty for the future of town centres in the district as well as The Mall and risk other out of centre proposals coming forward in less suitable locations.

Conclusion

- 2.25 In answer to the Inspector's Question, for the reasons set out above, the Council's decision not to allocate sites to meet the identified need for additional retail floorspace beyond 2021 is not justified, nor is it consistent with national policy.

Suggested Amendments

- 2.26 In order to make Policy PSP31 sound and consistent with national policy, we request that after part 3) of Policy PSP31, the following should be added:
"In addition to the above, the residual identified comparison retail floorspace need to 2026/7 should be directed to The Mall at Cribbs Causeway."
- 2.27 This would be a positive change to the PSP, actively meeting the locally generated needs and is the most viable and sustainable option.

3.0 Suggested Modifications, November 2016

3.1 Suggested Modifications proposed to the draft Policies, Sites and Places Plan were issued in November 2016, in response to comments made on the earlier draft versions of the plan. Of particular concern to our clients are proposed modifications SM35 and SM36 which relate to Policy PSP31 and the supporting text.

Proposed Modification SM35

3.2 As currently drafted, the wording of Policy PSP31 that *“development proposal(s) for main town centre uses will **primarily** be directed to town and district centres, identified on the Policies Map...”* accords with national policy and the Core Strategy. The wording acknowledges that town centre locations are the first preference, and the policy correctly sets out the approach that will be taken to edge and out of centre development proposals. There is therefore no need to remove the word “primarily” from this sentence.

Proposed Modification SM36

3.3 Proposed modification SM36 seeks to amend the wording of para. 7.65 of the supporting text to Policy PSP31. As currently drafted, this states:

“As set out in the Core Strategy Policy CS14, the retail parks at Cribbs Causeway, Longwell Green and Abbey Wood Retail Park will be treated as out of centre, with no separate notation on the Policies Map.”

3.4 Proposed modification SM36 suggests that this should be amended to:

“As set out in the Core Strategy Policy CS14, Cribbs Causeway/Mall, Longwell Green and Abbey Wood Retail Park will be treated as out of centre, with no separate notation on the Policies Map.”

3.5 Although notionally a small difference, it is incorrect for The Mall at Cribbs Causeway to be treated in the same way as the retail parks. The Mall is an established shopping centre that provides an extensive range of shops, services and restaurants, and functions as a centre serving the needs of the local population in this part of South Gloucestershire, which is very different from the role of retail parks.

3.6 The Core Strategy distinguishes between The Mall and the retail parks at Cribbs Causeway (para. 9.26) and states that *“new communities are to be developed in the area and will require the provision of additional retail facilities. The Council will undertake a review of the scope for permitting some additional development at this location to support the Mall consistent with the need to maintain the vitality and viability of other centres.”*

- 3.7 As set out in the previous section of this Statement, The Mall should be allocated to accommodate the residual retail floorspace needs, and this should be included within the text of Policy PSP31.
- 3.8 Amending the wording of para. 7.65 of the PSP, as suggested by proposed modification SM36, would be inconsistent with the principle of directing further retail floorspace to The Mall, as set out in the Core Strategy.

Conclusion

- 3.9 Proposed modifications SM35 and SM36 are not required to make the policy consistent with either national policy or with adopted Core Strategy policy. These proposed changes should not be made to the draft PSP.



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