

PLYMOUTH AND SOUTH WEST DEVON JOINT LOCAL PLAN 2014 – 2034 EXAMINATION

MATTER 6: RETAIL DEVELOPMENT / TOWN CENTRES

PEGASUS GROUP ON BEHALF OF: CO-OPERATIVE GROUP FOOD LTD

Pegasus Group

First Floor | South Wing | Equinox North | Great Park Road | Almondsbury | Bristol | BS32 4QL

T 01454 625945 | **F** 01454 618074 | **W** www.pegasusgroup.co.uk

Birmingham | Bracknell | Bristol | Cambridge | Cirencester | East Midlands | Leeds | Liverpool | London | Manchester

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Matter 6 Retail Development / Town Centres

Main issues – Are the objectively assessed retail needs based on robust evidence? Does the plan set out a positively prepared strategy for viable centres and the provision of retail and other main town centre development across the plan area, which is justified, deliverable and in line with national policy?

6.1 Establishing retail needs and other main town centre uses

6.1 (i) Are the retail hierarchies set out in Figures 3.8 and 3.9 of the JLP justified by evidence?

The Co-op supports the identification of a retail hierarchy in the Local Plan, which includes tiers of City Centre, District Centres and Local Centres. This is supported by evidence in the form of 'Review of City, District and Local Centres in Plymouth for the Joint Local Plan March 2017', and NPPF para 23. However, the policy as currently worded gives only a loose description of the scale of retail development which may be appropriate to each centre. NPPF policy is 'town centres first', however this is not portrayed in the draft policy.

The Co-op also refers the Inspectors to its April 2017 representations at paragraph 3.3 with regard to soundness concerns and the way the hierarchy has been produced to exclude certain locations which should be recognised as designated centres.

6.1 (ii) Paragraphs 3.42-3.46 of the JLP summarise the findings of the most recent 2017 retail studies (EC9, EC10 and EC10A). These conclude that there is a limited quantitative need for new net convenience and comparison retail floorspace across the plan area until after 2026 (Figure 3.7 of the JLP (P29)). On this basis, the JLP states that no sites are allocated or floorspace requirements set out to meet future needs. Nevertheless, site allocations are made within the JLP which incorporate retail facilities including Policies PLY38, PLY48, PLY50, PLY56, PLY58 and PLY59. Furthermore Annex 2 of the JLP contains specific floorspace targets for food and non-food retail development. Are the allocations and targets justified by the evidence?

The Inspectors have recognised the contradictory approach set out by the JLP as highlighted in our April 2017 representations with regard to whether the proposed allocations are justified. The Plan proposes allocations (including retail facilities) in policies PLY38, PLY48, PLY50, PLY56, PLY58 and PLY 59. However, the plan also

states to adopt the approach of the findings of the most recent retail study (2017) which concludes that there is no quantitative need for new convenience retail provision until after 2026; that no sites are required to be allocated; and that there is no need for floorspace requirements to be set down.

It is the view of the Co-op that the allocations and targets are not justified and for this reason the plan is unsound.

As confirmed at paragraph 2.5 of our April 2017 representations, we do not find that the February 2017 Retail Study provides 'compelling' evidence of an immediate qualitative need in respect of the locations mentioned policy in SPT5 under clauses 2ii and 2iii. If the Council's test to itself is that the need must be compelling to enable short to medium term development, then the case is not made in its evidence base, and therefore policy SPT5 is not justified or consistent with national policy. In our view, in the absence of any short to medium quantitative need for such floorspace, there is no compelling locational qualitative case for enabling a district centre level of food retail provision at Derriford before the late 2020s / early 2030s. Similarly, there is also no compelling locational qualitative case for new supermarkets on the western side of the city (St Levan Gate [PLY58/1] and Weston Mill [PL58/18]).

The Council appear, in part, to justify the proposed allocations by suggesting that new facilities will improve (quantitatively) the retail offer. NPPF paragraph 23 provides the criteria for producing policies for the management and growth of centres over a plan period. It does state that competitive town centres should be promoted to provide diverse retail offer, and to ensure that markets remain attractive and competitive. This could be interpreted as improving the offer in qualitative terms, however, this relates to existing centres (not out of centre locations). However, when making allocations, which must be balanced against other considerations, including the impact on existing centres, improving provision qualitatively in isolation does not justify new allocations.

We refer the Inspectors to paragraphs 2.23 and 2.28 of our April 2017 representations in respect of Derriford and the other proposed allocations.

6.2 Delivering and managing retail development and other main town centre uses (Policies SPT5, SPT6, DEV6, DEV16, DEV17 and DEV18)

6.2 (i) *Are the retail related terms set out within the policies consistent with the definitions in the Framework?*

Policy SPT5 focuses on qualitative need, and states that proposals which meet compelling 'qualitative' needs will be considered favourably. However, NPPF paragraphs 23 and 24 focuses on Town Centres and other centres with a general aim of enhancing and protecting. It requires local planning authorities to produce policies for the consideration of proposals for main town centre uses which cannot be accommodated in or adjacent to town centres.

NPPF paragraph 24 requires a sequential test to planning applications for main town centre uses, and paragraph 26, an impact assessment for certain scales of retail development depending on the local policy position. The JLP at STP5 is not reflective of the NPPF and instead focuses on 'qualitative' need. The word 'qualitative' does not appear in Section 2 of the NPPF (although it does appear in NPPF paragraph 161) and therefore qualitative need is not a sound basis for a policy.

It is, however, accepted that the NPPF's sequential and impact test is embedded in Policy DEV16. We have made further comment on this policy at paragraphs 4.2 – 4.6 of our April 2017 reps.

6.2 (ii) *The above retail policies refer to Plymouth city centre and town, district, local, village and community centres. Whilst the Policies Map (consisting of 3 plans) is not before us for examination, we note that it only refers to primary shopping areas and centre boundaries within the PPA and primary shopping areas within the TTVPA.*

a. Is the Councils' approach to centre boundaries justified and consistent with national policy, particularly paragraph 23 of the Framework which seeks that LPAs in drawing up local plans 'define the extent of town centres and primary shopping areas, based on a clear definition of primary and secondary frontages in designated centres....'?

b. How do the Councils propose to determine whether a development proposal is within a centre, is in an edge of centre location or is out of centre? Are the policies clear in this regard?

The JLP's approach to centre boundaries is not justified or effective, on the basis that NPPF paragraph 23 states that policies should *"define the extent of town centres and primary shopping areas, bases on a clear definition of primary and secondary frontages in designated centres, and set policies that make clear which uses will be permitted in such locations"*.

The current JLP lists the centres, but their boundaries are not identified. The recent retail study (2017) suggests that with the exception of the city centre, the primary shopping area will form the centre boundary. This is insufficiently clear, as centres are predominantly made up of a core area (primary) and a secondary area, which are equally important, but where certain uses may be more appropriate. This is not made clear within the plan, and as indicated by the Inspector's questions (6.2 ii b) it will make it difficult for the Council to access planning applications, and equally for those promoting schemes to understand the policy position that they could find themselves in.

6.2 (ii c) Are the primary shopping areas and centre boundaries identified within the plan area justified and based on robust evidence?

We refer the Inspectors to our April 2017 representations at paragraph 3.3. Within the representations, a number of comments are made about the boundaries to the Crownhill Local Centre; Albert Road Local Centre and why a number of existing retail facilities should be afforded designated Local Centre status, or at least some form of Policy Protection.

6.2 (iii) Do Policies SPT5 and SPT6 provide sufficient clarity on delivering retail provision during the plan period?

This has been previously addressed in detail in our April 2017 representations. We have also made comments regarding the 'qualitative' needs test applied by Policy SPT5. The policy is not sufficiently clear, not justified and is therefore unsound.

6.2 (iv d) In relation to Policy SPT5:

d. Does the evidence justify the qualitative need for new retail development within the proposed Derriford district centre and the western side of the city? Should cross-reference be made to the specific detailed policies for these proposals?

In our view, given that the JLP confirms that there is no short and medium quantitative need for new floorspace until after 2026, there can be no qualitative

or quantitative case for the retail provision at Derriford to come forward until after this time. This should be made clear by the policy. We refer the Inspectors to paragraphs 2.24 and 2.25 of our April 2017 representations.

6.2 (vi) *Are the provisions set out in Policy DEV16 for determining retail and town centre development proposals, effective, justified and consistent with national policy? In particular:*

- a. Do the local thresholds set out in point 3 of the policy realistically reflect the current situation in the relevant centres and do they achieve an acceptable balance between maintaining the retail function of the centres and allowing flexibility to accommodate an appropriate range of other uses?*
- b. Point 4 allows the provision of a limited amount of bulky goods retail in out of centre locations. How much would be considered a 'limited amount' and is the approach justified by the evidence?*
- c. Is it clear what the terms 'limited development' and 'complementary to' mean within the context of point 5? Are Plymouth's core tourism areas appropriately defined? Is the approach of the policy justified?*

We refer the Inspector's to paragraphs 4.1 – 4.6 of our April 2017 representations.

6.2 (ix) *Regarding Policy DEV18 - the protection of local shops and services:*

- a. Is it effective for the first paragraph to be negatively worded when national policy seeks the promotion of the retention and development of such services and facilities?*
- b. Are the specific percentages and requirements relating to primary shopping areas within the TTVPA justified, effective and based on robust evidence?*
- c. No specific percentages relating to primary shopping areas are set out in point 4 which relates to the PPA. Why is the approach different in the PPA and is it justified by the evidence?*
- d. Point 5 includes reference to hot food takeaways. How does this relate to Policy DEV6?*
- e. How will 'no significant harm' be determined by decision-makers when considering development proposals against point 6?*

For this policy to be effective, there needs to be clarity elsewhere within the plan as to the definitions and extent of the primary and secondary frontages as required by NPPF paragraph 23.