

Examination Hearing Statement Plymouth and South West Devon Joint Local Plan – Matter 6

On behalf of: Drake Circus Limited Partnership (ID: 893484)

Date: 5 January 2018

Background

This Statement supplements the written representations made on behalf of Drake Circus Limited Partnership, wholly owned by British Land Company PLC ("British Land"), to the Examination in Public of the Plymouth and South West Devon Joint Local Plan 2014-2034.

For ease, a short summary of representations dated 26 April 2017 to the Regulation 19 consultation is provided below. Following this summary, and where relevant British Land, we seek to address the questions raised within "*Matter 6 – Retail Development / Town Centres*", scheduled to take place on Tuesday 6 February 2018.

Summary of representations

British Land has engaged with Plymouth City Council ("PCC") throughout the Local Plan process, having submitted representations in August 2016, December 2016 and April 2017. Prior to the Joint Local Plan, British Land responded to consultations on the Plymouth Plan in March 2015 and January 2016. In 2012, British Land attended the examination of the Derriford and Seaton AAP, to allocated Derriford as a new district centre.

British Land own Drake Circus Shopping Centre and have demonstrated their commitment to continued invested in the leisure extension of the Drake Circus Shopping Centre at Bretonside, which has now commenced development, and the recent purchase of the New George Street block adjacent to the Shopping Centre.

New George Street

With the purchase of the New George Street block, British Land are reviewing opportunities for site allocation PLY8 (Land at Royal Parade). Accordingly, British Land supported the proposed allocations for mixed used retail-led development and note that PCC has incorporated the site allocation within the 'City Life' theme, as previously recommended. Policy PLY8 was largely supported, although detailed wording amendments to reflect the ambition of British Land in sensitively enhancing the shopfronts and canopies was sought.

Primary Shopping Area

The Primary Shopping Area had not been included within the Planning Policy Map. This was first identified in March 2017 within the Review of City, District and Local Centres in Plymouth for the JLP (EC11). British Land consider that the proposed boundary should be amended to include Drake Circus Leisure at Bretonside and the 'Jigsaw Site' to the north of the Shopping Centre.

Derriford

British Land has maintained that any future development at Derriford, including a new commercial centre as part of the growth corridor, should only serve the new and existing residential communities, it should not have a large or city-wide catchment area. Non-food shopping and leisure floorspace should be limited to a scale and type which will not result in a significant adverse impact (including when assessed cumulatively) on the vitality and viability of, and investment in, the Plymouth City Centre.

Detailed wording to control the scope and potential impact of Derriford was proposed by British Land in relation to Policies SPT5, PLY38 and DEV16. In relation to Derriford, British Land support the recommendation of a policy test but seek controls in maximum retail floorspace, the maximum split between convenience and comparison retailing, a maximum floorspace for complementary units, and other retail floorspace restrictions in relation to high order comparison shopping and the future amalgamation of units.

Plan making

Paragraph 182 of the National Planning Policy Framework states that in order for Local Plans to be 'Sound' they must be:

- Positively prepared;
- Justified;
- Effective; and,
- Consistent with national policy.

This Statement identifies the amendments which are required for the Local Plan to be found Sound. This Statement only references questions and issues which are relevant to British Land's representations.

Matter 6 Retail Development/ Town Centres

The main issues are identified as:

"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? (Note: Retail related site allocations will be considered under Matters 7 and 8)."

6.1 Establishing retail needs and other main town centre uses	Response
i. Are the retail hierarchies set out in Figures 3.8 and 3.9 of the JLP justified by the evidence?	<p>British Land do not object to the principle of Derriford as a proposed District Centre for significant growth in new jobs and homes. It is recognised that this will include a supporting commercial centre.</p> <p>As set out within this Statement and the accompanying statement made in relation to Matter 7, British Land consider it imperative that controls are placed on proposals for a new District Centre to ensure that there is no unacceptable adverse impact on the City Centre and that it retains its role as a District Centre. Its role is to "fill a gap in main food shopping provision in the north of Plymouth and to provide retail facilities to serve those who work, study and visit the area's facilities and services." (Policy PLY38).</p>

6.1 Establishing retail needs and other main town centre uses	Response
<p>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?</p>	<p>The findings of the latest Retail Study prepared by GVA in February 2017 (EC9) reiterate the importance of protecting the City Centre.</p> <p>PLY38 - Derriford The Derriford allocation is justified based on the Retail Study, however the extent of the allocation in comparison retail terms is not. It has not been objectively measured and cannot therefore be shown to be effective in protecting the City Centre.</p> <p>The Retail Study finds that quantitative capacity for comparison retailing only occurs after 2026. As such there is no quantitative need within Plymouth until then and the development of Derriford as a district centre should be only occur after further assessments have been undertaken to demonstrate that such need exists, rather than relying on long term forecasts.</p> <p>Restrictions need to be put into place for District Centre proposals to ensure what is built is justified and explicit reference to the sequential and impact assessment tests required by Policy DEV16 should be included in Policy PLY38.</p> <p>Annex 2 - targets The plan targets and direction of travel indicators in Annex 2 of the JLP are not justified as specific targets over such a long period to 2034. The Retail Study (EC9) makes it clear that these are long range economic forecasts which should be revisited and refreshed every five years, and that those beyond 2021 should be seen as "a guide only and not relied upon." (para. 7.8, p.77). It is recognised that previous targets have already been revised downwards. It is not possible to accurately assess the floorspace need towards the end of the Local Plan period and cannot be positively prepared for at this stage.</p> <p>The focus of the JLP should be on the location and quality of retail floorspace within the City Centre. It is important that retail capacity is not overstated to ensure that the City Centre does not suffer as a result and is not threatened by out-of-town proposals justified on the basis of floorspace targets.</p>

6.2 Delivering and managing retail development and other main town centre uses (Policies SPT5, SPT6, DEV6, DEV16, DEV17 and DEV18)	Response
<p>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.</p> <p>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...?'</p> <p>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?</p> <p>c. Are the primary shopping areas and centre boundaries identified within the plan area justified and based on robust evidence?</p>	<p>Bullet A. The Policies Map: Plymouth Policy Area (SUB2) identifies only the Primary Shopping Areas (PSA) and Centre Boundaries, however it is noted that primary and secondary frontages are identified separately within the Review of City, District and Local Centres in Plymouth for the JLP (March 2017) (EC11).</p> <p>For completeness, and to be consistent with national policy (NPPF para.23), both primary and secondary frontages should be clearly defined on the planning policies map.</p> <p>Bullet B. As currently drafted, the Joint Local Plan does not define edge of centre or out of centre locations within its glossary. To ensure consistency with national policy, these definitions should be set out within the JLP.</p> <p>Bullet C. While the supporting Review of City, District and Local Centres in Plymouth for the JLP (EC11) shows retail boundaries, it does not provide justification as to why they have been drawn or proposed changes to the boundaries.</p> <p>Drake Circus Leisure at Bretonside, which has now commenced development should be included in both the City Centre Boundary and the PSA (EC11). This site is a key extension to the Shopping Centre which will have an important role in increasing the attractiveness of the City Centre, enhancing the leisure and evening economy and improving connections towards the Barbican.</p> <p>It is recognised that the 'Jigsaw site', a proposed mixed-use allocation in the July 2016 consultation (ref. 0854), is identified within the City Centre Boundary (EC11). However, the proximity of the site to the Shopping Centre and the opportunity for this to contribute to the function of the City Centre and to develop connectivity with University sites should justify the inclusion of the site within the Primary Shopping Area. To date, no justification for the exclusion of this site from the JLP, from the PSA or removal as a site allocation, have been provided.</p> <p>The definition and justification of secondary frontages within the PSA is not clear. A number of frontages within the PSA are similar in nature of retail provision, but their allocation differs. Secondary frontages should have flexibility within town centre uses and the approach towards Old Town Street and Royal Parade frontages</p>

	<p>should be clarified. These frontages create an important connection towards Bretonside and Drake Circus Leisure.</p> <p>The boundary of the proposed Derriford District Centre has not been identified and should be subject of public consultation when this comes forward in the strategic masterplan.</p>
<p>iii. Do Policies SPT5 and SPT6 provide sufficient clarity on delivering retail provision during the plan period?</p>	<p>The findings of the Retail Study (EC9) identify qualitative retail need, however Policy SPT5 should reference the requirement for proposals which meet compelling needs remain subject to the sequential and impact assessments to protect the City Centre from unacceptable adverse impacts.</p>
<p>iv. In relation to Policy SPT5:</p> <ol style="list-style-type: none"> a. How will 'compelling' qualitative needs be determined? b. Is it clear what a small local convenience shop means in terms of size and is this supported by evidence? c. What does the policy mean by 'reasonable walking distance'? 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? e. What is meant by the term 'complementary non-food retail'? f. What size of new retail development will be supported in these locations and is this justified? g. Have the potential effects of these proposals been adequately assessed and are they in accordance with the overall spatial strategy of the plan? 	<p>Bullet D. Provision for retail development in relation to the proposed Derriford district centre (Policy SPT5 and PLY38), should reference the sequential and impact tests required by Policy DEV16.</p> <p>Bullet F. The size of new retail development in Derriford has not been set out or justified within the JLP. Without this assessment having been undertaken, it is therefore important that controls to protect the City Centre should be included in the JLP, in addition to the application of the sequential and impact tests.</p> <p>British Land support the approach proposed by the Retail Study (EC9) in setting a policy test for proposals at Derriford, however this should be used alongside floorspace thresholds, including:</p> <ul style="list-style-type: none"> • Maximum retail floorspace; • Maximum size of foodstore and convenience / comparison floorspace split; • Other retail floorspace restrictions, including: <ul style="list-style-type: none"> ○ Uses normally associated with City Centre locations, such as high order comparison shopping including clothing and footwear, should not be located in the District Centre; and ○ The units should not be amalgamated to create larger unit sizes. <p>This approach to managing the development of a District Centre in Derriford should be referenced in the JLP, but set out as a framework in the forthcoming strategic masterplan. Such a strategic masterplan will be fundamental in delivering development at Derriford, accordingly it is necessary that this is subject of public consultation and engagement with British Land.</p>

	<p>Bullet G.</p> <p>The evidence basis sets out explicitly clear advice in relation to the need to support the City Centre and its prioritisation over the allocation of large levels of new comparison goods retail floorspace elsewhere in the city (EC9, para. 7.10).</p> <p>Without a proposed quantum of retail development within the proposed district centre, it is not possible to assess the potential effects. It is therefore key that an assessment is undertaken in the preparation of the strategic masterplan for Derriford.</p>
<p>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:</p> <ul style="list-style-type: none"> 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? 	<p>In relation to point 5 of Policy DEV16, clarification should be provided that Plymouth's core tourism areas including the waterfront area, are not identified as retail centres and should be subject to the same controls in point 3 of that policy.</p>
<p>ix. Regarding Policy DEV18 - the protection of local shops and services:</p> <ul style="list-style-type: none"> a. Is it effective for the first paragraph to be negatively 	<p>Bullet C.</p> <p>In relation to point 3 of Policy DEV18, British Land support the approach proposed by the JLP in not setting</p>

<p>worded when national policy seeks the promotion of the retention and development of such services and facilities?</p> <p>b. Are the specific percentages and requirements relating to primary shopping areas within the TTVPA justified, effective and based on robust evidence?</p> <p>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?</p> <p>d. Point 5 includes reference to hot food takeaways. How does this relate to Policy DEV6?</p>	<p>percentage based frontage restrictions within the Primary and Secondary frontages of the Plymouth Policy Area.</p> <p>The current approach preserves their primary retailing function, but will ensure a flexible approach which is suitable for an evolving high street environment.</p> <p>City Centres and high streets need to continue to adapt to future changes in consumer trends. This has been demonstrated in government changes to the General Permitted Development Order to introduce greater flexibility and to respond to changes in the retail environment.</p>
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