

PLYMOUTH & SOUTH WEST DEVON JOINT LOCAL
PLAN EXAMINATION

HEARING STATEMENT
TUESDAY 6th FEBRUARY

MATTER 7

JANUARY 2018



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1. MATTER 7 - City Centre and Waterfront Growth Area

- 1.1 Our client supports the general principle of managing and enhancing Plymouth's waterfront.
- 1.2 However, our client is concerned that the replacement of the existing AAP for Sutton Harbour (as a whole) will result in a loss of certainty (paragraph 4.86, page 83 refers). This loss of 'plan certainty' will have a negative impact upon the ability to achieve inward investment to Sutton Harbour (and probably other locations).
- 1.3 Our client has attempted to engage positively with the Council (PCC) including trying to 'plug' the hole that will be created by the replacement of the Sutton Harbour Area Action Plan (SHAAP) and has suggested the inclusion of a more holistic policy, linked to the preparation of an SPD. That draft SPD is included as (Appendix 3 of our representations to the Regulation 19 consultation, dated 26th April 2017).
- 1.4 The Council has clarified that it is not prepared to entertain an SPD (e-mail appendix 1). Also, recent case law *R (Skipton Properties Ltd) v. Craven DC [2017] JPL 825* and *R (William Davis Ltd) v. Charnwood Borough Council [2017] EWHC 3006 (Admin)*, included as appendix 2) clarifies that the scope of SPD is limited in such situations.
- 1.5 Our client does not consider that the approach of the Council is helpful. The rather vague, aspirational document that the Council

refers to in its e-mail of 2nd November 2017 (appendix 1) is more likely to confuse and stifle investment than stimulate it (for example schemes may well be refused on the basis that they fail to capture that aspirational vision).

- 1.6 Reflecting upon these circumstances our proposal is that the draft SPD, or at least an abridged version of it, is included within the plan. This would provide sufficient certainty about the provision of the DP, in order that potential inward investors can make rational decisions about the likely outcome of planning applications in due course.
- 1.7 Sutton Harbour is a unique situation, a historic harbour that requires ongoing investment. The statutorily controlled harbour does not represent a sufficient income stream to allow anything other than 'maintenance'. Regeneration must be funded by viable new development in order to deliver the attractive environment and visitor experience that PCC desires.
- 1.8 A way needs to be found so that the maintenance and enhancement of the port function (that is performed by our client who is the statutory harbour authority) can be complemented by improved facilities. There is commonality about the desire to improve Sutton Harbour, but there is not commonality about how to achieve this aim.
- 1.9 Economic conditions are such that the range of uses that are able to deliver this investment are limited. The office market in Plymouth is weak with low levels of rent making new build office development almost impossible to deliver profitably to current standards. It is predominately residential type uses that are able to support the heavy abnormal costs that are associated with developing in a sensitive waterside location.
- 1.10 Without the clarity that my client seeks, the plan fails to be positively prepared and will fail to be effective.

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- 1.11 For example, Sugar House (Draft Policy PLY 25) is an important redevelopment site that currently sits on the cusp of scheme viability. The negative approach of the plan to the potential for student provision generally has stifled mixed use schemes on this site.
- 1.12 At Harbour Arch Quay (part of draft Policy PLY 24) concerns about the reduction of the affordable housing threshold proposed in the plan place pressure on the need to ensure an expedient determination of the planning application that has recently been submitted to PCC.
- 1.13 In summary, the changes involved in replacing the SHAAP are negative (not positive) and are unlikely to be effective.
- 1.14 In our opinion, this lack of certainty within the Plan means that the Plan fails to be sufficiently positively prepared, and will fail to be effective.
- 1.15 The Plan is reliant upon a spatial strategy that seeks to focus growth on the City Centre and Waterfront Growth Area as one of 3 growth areas (PLY2). The lack of certainty that will stem from replacement of the SHAAP will not assist the ability to secure the investment necessary to deliver the vision of the plan. In particular the use of the word safeguarding is a term used too often and will inevitably be interpreted in a negative way by objectors to development in a manner that could thwart investment opportunities.
- 1.16 For example: Whilst PLY26 does not use the word safeguarding, it must be read in conjunction with PLY20 which uses the term liberally, and we again find the term in the elaboration at paragraph 4.85 (page 82). We find the term 'protect' at paragraph 4.8 'Safeguarding' and 'protection' are essentially negative terms that are likely to be used, by objectors, to prevent what is perceived by some to be the

loss of any existing operational space at Plymouth Fisheries Hub Complex. As the evidence shows a significant proportion of that space is currently redundant. Safeguarding this space will thwart new investment. What is needed is a plan for Plymouth Fisheries Hub Complex that continues to provide for the fishing industry, but that also allows the other limbs of the PLY26 policy to be realised (3 and 4 in particular). This can only be achieved by a positive approach to redevelopment, that embraces a wider range of uses than currently takes place at Plymouth Fisheries Hub Complex and, via that stimulus, improves the vitality and connectivity of this Fishing Quarter of Sutton Harbour. Our client proposes an appropriate solution. Currently the contribution the site makes to the local economy has reached a ceiling. Only redevelopment can facilitate an increase.

1.17 It is a fact that competition from other ports is increasing (Newlyn and Brixham in particular, and both in terms of landing of catches and the marketing of fish). For the fishing industry to maintain its vitality and viability in Plymouth it needs to continue to evolve. Our client's proposals for Plymouth Fisheries Hub Complex will ensure that there will be no loss of functionality of Plymouth Fisheries Hub Complex for the industry because:

- *"there will be no loss of berthing or offloading space, more efficient storage facilities will enable storage capacity to be improved, but from a smaller ground floor area; the market will be improved in terms of both servicing thereof and the retail function."*

1.18 That fact that there is redundant/void space is unsurprising, as fishing vessels have become much bigger over time, and processing operations undertaken on an industrial scale (and at industrial locations) there is little or no processing operations that are currently undertaken at Plymouth Fisheries Hub Complex. Those processing operations are undertaken at remote locations to the point of landing and sale (Plymouth Fisheries Hub Complex). Fish are landed to other

locations in Plymouth other than Plymouth Fisheries Hub Complex. Fish are sometimes transported from those locations to Plymouth Fisheries Hub Complex for sale. A significant quantity of fish is also currently transported to Plymouth Fisheries Hub Complex that is landed at other ports (Brixham and Newlyn in particular), due to the quality of the market function that is available at Plymouth Fisheries Hub Complex. This market function needs to continue to develop, and that operation is a fundamental part of Plymouth Fisheries Hub Complex, but the importance of the function to 'overland fish' needs to be understood. Plymouth Fisheries Hub Complex is, as the name suggests, like a hub. The 'rim' functions of remote fish landing and overland transport for sale at Plymouth Fisheries Hub Complex needs to be understood. That function is very important to the success of the market. The remote processing operations are also important to the industry. So long as these existing remote functions continue to exist and thrive the market function at Plymouth Fisheries Hub Complex will be 'protected'. There will be no loss of landing space at Plymouth Fisheries Hub Complex - so that element of servicing the industry will continue unabated. Because of the deep water restrictions that affect Sutton Harbour, it is simply not realistic to consider that increased fish sales are likely to come from increased landings at Plymouth Fisheries Hub Complex - that growth is much more likely to come from 'overland' fish from less restricted berthing opportunities (such as Cattewater).

- 1.19 We must remember that Plymouth Fisheries Hub Complex is not simply about serving the fishing industry (although that is an important part of Plymouth Fisheries Hub Complex). The site is juxtaposed to the National Marine Aquarium (NMA). The route from Lockyer's Quay to the NMA is incommodious and indirect - this section impedes the vitality and viability of the east side of Sutton Harbour and the NMA. The vitality of the Plymouth Fisheries Hub Complex, and the proximity of the NMA give a unique opportunity to enhance the range of functions that occur at Plymouth Fisheries Hub

Complex to create a more vibrant and commodious experience than currently exist. The uses that could be accommodated in a redeveloped Plymouth Fisheries Hub Complex include: fish cooking school (including an element of fishmongery); short term accommodation related to this and other marine uses; marine related office space, shop/cafe/restaurant opportunities; and, a new footpath through the revised site layout. This theme will positively deal with the issue summarised at paragraph 4.104 and paragraphs 4.106 and 4.10 of the Plan.

- 1.20 Our client recognises that positive improvement is needed at Plymouth Fisheries Hub Complex. This objective is only likely to be achieved via the vision outlined above - not by the more negative safeguarding/protection stance set out in PLY20.
- 1.21 In order to provide sufficient certainty that a positive approach, inevitably, will result in a ground floor reduction of space currently under-utilised by the fishing industry is supported by the DP, then a change of wording and content to the Plan is required.
- 1.22 Again, reflecting on the lack of co-operation of PCC our client needs to ensure that a positive approach is enshrined in the DP. Since the existing wording of the SHAAP will be lost, and the scope of SPD is limited (and resisted by PCC), we, again, propose that at least an abridged version of the draft SPD for Plymouth Fisheries Hub Complex (Appendix 5 of our representations to the Regulation 19 consultation, dated 26th April 2017) is included within the Plan.

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PLY25 Sugar House

2. PLY25 - SUGAR HOUSE

- 2.1 The DP provision for the redevelopment of Sugar House is supported in principle.
- 2.2 The fragility of the office market in Plymouth generally and in Sutton Harbour in particular, needs to be recognised and understood.
- 2.3 Currently there are no office requirements that would enable the redevelopment of this important site. The policy is correct to make provision for a residential-led redevelopment scheme with, where possible, ground floor uses to encourage vibrancy around the eastern side of Sutton Harbour.
- 2.4 However, a greater number of residential units could be accommodated on the site than currently set out in the policy wording. A wider mix of residential uses could also possibly be accommodated at this location (including for example, student related accommodation).
- 2.5 This site is an important redevelopment site that currently sits on the cusp of scheme viability. The negative approach of the plan to the potential for student provision generally has stifled mixed use schemes on this site.

2.6 Changes to policy wording have been proposed and were included at Appendix 6 of our earlier representations to the Regulation 19 consultation (dated 26th April 2017).