

Bath & North East Somerset Placemaking Plan

COUNCIL'S RESPONSE TO ID/3: MATTER 6 – Economic Development

Issue 1: Whether the development management policies in the Placemaking Plan will support economic growth, whilst working towards a low carbon economy as set out in the CS.

Q1. Do policies avoid the long term protection of sites allocated for employment use, where there is no reasonable prospect of a site being used for that purpose?

1. The Placemaking Plan identifies 4 Strategic Industrial Estates and 4 Other Primary Estates that will be offered protection from alternative uses in Policy ED.2a. In identifying these sites, the Council has had regard to:
 - The Industrial Market Review produced by Lambert Smith Hampton (CD/PMP/DM18)
 - Whether the site is strategic or of primary importance
 - Whether it is needed to maintain a balanced and mixed economy based on economic forecasts
 - Whether there are reasonable prospects of churn
2. The Industrial Market Review confirms that the majority of the sites safeguarded for employment within Policy ED.2a are fully occupied. There is currently an availability rate of just 1.6%. These are the modern, purpose built industrial starts for which there is high demand for premises. Preparation of the Plan entailed a review of land safeguarded for employment in extant policies of the B&NES Local Plan and those industrial estates which no longer meet the tests of the NPPF are no longer protected.
3. The Council considers that in identifying these Strategic and Other Primary Estates it is avoiding the long term protection of sites allocated for employment use, where there is no reasonable prospect of a site being used for that purpose. The Policy responds to para 20 of the NPPF which expects the Council to plan proactively to meet development needs of business including industrial type activity by protecting the best of what the District has to offer in terms of industrial supply. There are strong economic reasons to retain them and are therefore afforded the highest levels of protection in the Plan.

4. Para 474 confirms that any applications for loss of employment floorspace at these safeguarded employment locations will be assessed to see if there remains a reasonable prospect that an employment use will be realised. Policy ED.2a requires compelling evidence that circumstances have changed to the extent that there is no reasonable prospect of land or premises being used for the allocated purpose.

Q2. Is the designation of existing industrial premises such as Hallatrow Business Park as 'non-strategic industrial premises' rather than Strategic or Primary Industrial Estates justified and consistent with National Policy?

5. The non-strategic industrial premises are subject to Policy ED.2b. These sites and premises are still subject to protection, to guard against the wholesale and unsustainable redevelopment of industrial land supply to other higher value uses, albeit to a lesser extent than the Strategic and Other Primary Estates.
6. The Council considers that this strikes a reasonable balance between supporting economic growth and avoiding the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose.

Q3. Is the lesser protection afforded to existing employment sites as non-strategic industrial premises justified having regard to the CS objective to support economic growth and the need for balanced sustainable communities?

7. These non-strategic industrial premises are still subject to protection albeit to a lesser extent than the Strategic and Other Primary Estates. This is consistent with the Core Strategy objective to support economic growth and the need for balanced communities.

Q4. In paragraph 494 is it clear to the decision maker that the reference to 'these locations' refers to the Strategic Industrial Estates and Other primary Industrial Estates?

8. The Council concedes that para 494 could be made clearer for the decision maker. A proposed change has been put forward to the Inspector in the Main Mods.

Issue 2: Whether the approach to meeting the assessed retail needs of the area is soundly based.

Q1. CS Policy CP12 was clear that the Placemaking Plan will review and define the boundaries of all shopping centres and that an updated retail study will be undertaken. Paragraph 23 of the NPPF confirms that it is important that needs for retail, leisure, office and other main town centre uses are met in full and are not compromised by limited site availability.

(a) Is the approach to retail provision consistent with national policy?

9. The Placemaking Plan proposes a range of positive Development Management Policies and Site Allocations that promotes competitive town centre environments over the Plan period. Para 23 of the NPPF outlines what LPAs should do when drawing up Local Plans. The following bullet points summarise how the Placemaking Plan responds to Para 23:
- Paras 534-535 recognise town centres as the heart of their communities and the importance of pursuing policies to support their viability and vitality
 - Policy CP12 defines a network and hierarchy of centres that is resilient to anticipated future economic changes
 - The Placemaking Plan defines the extent of town centres, Primary Shopping Areas and Primary Frontages (CD/PMP/DM19), shown on the Policies Map.
 - Policies CP12 and CR3 set out policies that make clear which uses will be permitted in such locations.
 - Policy CP12 promotes competitive town centres which will be maintained and enhanced.
 - Paras 572-573 outline the approach to markets. Policy CP12 encourages their use and states that markets will be primarily located within or where appropriate adjoining town centres.
 - The site specific sections allocate a range of suitable sites to meet the scale and type of main town centre uses required. These needs are met in full (except for retail in Bath, see Q1C).
 - The Core Strategy assessed the need to expand town centres and concluded that Bath City Centre will expand westwards by 2029 as key development sites on the edge of the centre are redeveloped (see Diagram 3A).

- Policies CR1, CR2 and CR4 set out policies for the consideration of proposals for main town centre uses which cannot be accommodated in or adjacent to town centres.
 - Policy CP12 recognises that residential development can play an important role in ensuring the vitality of centres provided the centre is suitable for such development and has a high level of accessibility by public transport, cycling and walking
 - Para 539 recognises that London Road local centre is in decline. Paras 574-577 outline a positive plan for its future to encourage economic activity.
10. The approach to retail provision is therefore considered consistent with National Policy.

(b) Is the approach justified and the most reasonable strategy when considered against any reasonable alternatives?

11. The Retail Study Stage 1 (CD/PMP/DM14) and Stage 2 (CD/PMP/DM15) provide the evidence and justification for the strategy set out in the Placemaking Plan. The Sustainability Appraisal concludes that this is the most reasonable strategy when considered against any reasonable alternatives.

(c) Paragraph 546 explains that Council unable to meet OAN in longer term. What period of need is being met?

12. The only location where OAN for retail is not being met in full is within Bath. This is due to the Council having to prioritise land uses to meet its housing numbers and office floorspace in full, leaving a shortfall in meeting the retail capacity. The Policy approach focuses on meeting the housing requirement and accommodating town centre uses with higher job generation and GVA growth potential.
13. The Sustainability Appraisal acknowledges that whilst Policy B1 does not facilitate meeting the full assessed retail capacity, it does enable the development of a significant quantum of office floorspace to plan for the growth in the knowledge intensive and creative employment sectors. Annex D of the SA states that whilst there are negative consequences for not providing for the full retail OAN, the overall effect of the Placemaking Plan policies on the objective to build a strong, competitive economy is positive.

Mitigation and enhancement measures are proposed, including that progress of development will be monitored and reviewed as part of the Plan review process.

14. The projected quantitative capacity for additional retail floorspace 2011-2029 in Bath is shown in Table 8 and reproduced below:

	2014	2019	2024	2029
Bath				
Convenience	139	1,237	2,394	3,524
Comparison	7,679	11,642	20,554	31,044

15. Placemaking Plan Policy B2 sets out a strategy to accommodate small to medium sized comparison retail development and 2,000sqm of convenience retail within the Central Area. Site specific allocations for retail in Bath as a whole in the Placemaking Plan include:

Site	Type	Floorspace (sqm)	Anticipated delivery	Within next five years?
Walcot Street / Cattlemarket (SB1)	Retail	Not specified	2022/23	✗
Manvers Street (SB3)	Retail	Not specified	2022/23	✗
Bath Quays North (SB4)	Retail	Not specified	2021/22	✗
Green Park Station West (SB7)	Retail	Not specified	2022/23	✗
Sydenham Park (SB7)	Retail	7,000sqm	2022/23	✗
Roseberry Place (SB10)	Local Needs Retail	Not specified	2018/19	✓
Former MoD Foxhill (SB11)	Retail	500sqm	2020/21	✓
Twerton Park (SB14)	Retail	Not specified	Not specified	✗

16. Monitoring during the 2011-2016 Plan Period shows that there has been a net increase in convenience floorspace in Bath of 1,800sqm. This meets the identified need up to 2019, and the majority of the need up to 2024. The Roseberry Place development (SB10) has since been subject to a planning application and approved on 10th August 2016 (15/01932/EOUT) and contains 1,000sqm of net A1 floorspace, which is likely to be a convenience store. When constructed (anticipated in the next five years), this would meet 100% of the OAN for convenience retail up to 2024, and the majority of the convenience need to the end of the Plan period (80% of OAN).
17. During the same time period there has been a net loss of 1,200sqm of comparison floorspace.
18. Comparison commitments (sites with planning permission but not yet built) show a net gain of 3,600sqm, which can be expected to be delivered over the next five years. This is mainly comprised of the bulky goods units permitted on the former Herman Miller site adjacent to the Lidl store on Lower Bristol Road.
19. Taking completions and current commitments together, over the next five years Bath should see a net gain in comparison floorspace of 2,400sqm.
20. The Placemaking Plan allocations, listed above, (not including Roseberry Place) are expected to deliver a variety of different retail floorspace, focusing on comparison goods. Whilst the floorspace figures are not set (apart from the Sydenham Park allocation – SB7), the Council estimates that around 10,000sqm of comparison goods floorspace will be brought forward on these sites throughout the Plan period. As the table above shows, the majority of these sites are likely to come forward from 2021 onwards. Only Former MoD Foxhill (SB11) is likely to contribute to the comparison floorspace figure over the next five years.
21. Taking completions, current commitments and site allocations together, during the Plan period Bath should see a net gain in comparison floorspace of 12,400sqm.
22. This figure equates to Bath meeting 40% of its OAN for comparison retail over the Plan period. Further information on the 'Strategy for Bath', particularly in relation to prioritising competing land uses, is provided in the Council's Statement to Matter 2, Issue 1 (g)- (j)

Q2. Is the scale of development of 280sqm gross floorspace set out in Policy CR1 justified?

23. The 280sqm figure directly in Policy CR1 directly relates to Policy CR4. Policy CR4 gives in principle support for proposals for small scale retail outside of designated centres that are less than 280sqm. 280sqm relates to small shops as defined by the Government in the Sunday Trading Laws. As Policy CR4 gives in principle support for proposals for these small shops (subject to being located within a settlement with a HDB), Policy CR1 exempts them from the need to undertake a sequential test. This is considered to be consistent with the NPPF, and the advice in Para 25 that the sequential approach should not be applied to small scale rural development.
24. Proposals over 280sqm are therefore not considered to be small scale.
25. The Retail Study Stage 2 Report (CD/PMP/DM15) para 4.17 confirms that this special dispensation for small stores is in line with the NPPF and PPG as both allow the sequential test to be influenced by 'location specific needs'.
26. The 280sqm figure is also used to define whether or not an Impact Test is required in Policy CR2 (for A1-A5 proposal outside of Bath and not in a designated Town Centre).

Q3. Are the locally set thresholds for impact assessments contained in Policy CR2 justified?

27. Paras 4.21 to 4.30 of the Retail Study Stage 2 Report (CD/PMP/DM15) provide the justification for the setting of the proportionate, locally set floorspace thresholds for impact assessments, as allowed by Para 26 of the NPPF. These are for A1-A5 development within Bath, A1-A5 development outside Bath (as described above), commercial leisure development and office development. All other main town centre uses will be assessed against the default threshold as set out in NPPF para 26.
28. The Retail Study (para 4.27) proposed a lower floorspace threshold of 200sqm, which is in line with the recently adopted Wiltshire Core Strategy. This figure was raised slightly to 280sqm in the Draft Plan to bring it in line with the Sunday Trading Law figure, and Policies CR1 and CR4

Q4. Is Policy CR1 consistent with national policy?

29. The Retail Study Stage 2 Report (CD/PMP/DM15) concluded that Policy CR1 is consistent with national policy, subject to a number of changes. These have been incorporated into the draft Plan, and therefore the Council considers that Policy CR1 is consistent with national policy.