

**EXAMINATION INTO THE SOUNDNESS OF THE BANES PMP**

**INSPECTOR'S MATTERS AND ISSUES FOR EXAMINATION AT  
HEARINGS**

**MATTER 6: A PROSPEROUS ECONOMY**

**POSITION STATEMENT ON BEHALF OF**

**CMBI LTD (ID: 7123)**





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## 1. Introduction

- 1.1 This Statement sets out a preliminary response to the Inspector's questions in relation to Matter 6, Issue 2 relating to Centres and Retailing
- 1.2 It should be read in conjunction with the representors' more specific and detailed representations and Position Statement in relation to Matter 12 (Site Allocations), and in particular Policy SB1.

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

### Q1(a)

- 2.1 The approach to retail provision is quite plainly inconsistent with national policy. The requirement of paragraph 23 of the NPPF is clear that, in drawing up Local Plans, local planning authorities 'should', *inter alia*:
- *allocate a range of suitable sites to meet the scale and type of retail, leisure, commercial, office, tourism, cultural, community and residential development needed in town centres. It is important that needs for retail, leisure, office and other main town centre uses are met in full and not compromised by limited site availability. ... (NPPF, para. 23, emphasis added)*
- 2.2 The NPPF is clear that meeting needs in full must not be compromised by limited site availability. The Council's approach is in direct and overt conflict with this requirement since, as is made clear in paragraph 544 of the PMP, it is not planning to meet retail needs in full since there is considered to be "*not enough land in the city to meet this (retail) and other land use demands that have been identified by the evidence ... because Bath is a small city with relatively few development sites*".
- 2.3 The failure to meet retail needs in full is therefore being compromised by limited site availability. There is no equivocation in the NPPF that retail and other needs 'should' be met in full 'unless' there are mitigating circumstances. The requirement is plainly and simply that they 'should' be met.
- 2.4 The development strategy that underpins the PMP is only to accommodate development needs to the extent that they can be met within existing settlement limits, with delivery subordinated to environmental priorities. To the extent that this cannot be achieved, the Council's approach is to prioritise 'preferred' land uses ahead of others. As with development associated with the University (see representors' Position Statement in relation to Matter 13), meeting retail needs is subordinated to other land uses, and in particular office and residential uses (as is confirmed in PMP, para. 545).

- 2.5 The retail strategy of the PMP not to allocate sufficient sites to meet identified floorspace needs in full owing to limited site availability, and that it be subordinated to meeting other development needs, means that the plan is not 'positively-prepared'. Moreover, it is not 'justified' since it fails to demonstrate how this is the most appropriate strategy, nor is it 'consistent with national policy'. In this respect, the plan is unsound.

### **Q1(b)**

- 2.6 The approach is not justified and the most reasonable when considered against reasonable alternatives. Whilst accommodating retail floorspace needs is comparatively inflexible in locational terms since expansion of existing town centres can, by definition, only occur within or adjacent to them, accommodating other development requirements is more footloose. For example, the Council has development options available to it for accommodating the housing requirement, such as the safeguarded land at Keynsham. That, in turn, could free up more land in Bath for office and other less footloose development requirements, such as that associated with the University. It would also enable sites within the city centre to be prioritised for meeting retail floorspace requirements.
- 2.7 In their Position Statement in relation to Matter 12, it is the representors' submission that the site selection strategy is not the most appropriate since it has failed to recognise the potential of the most sequentially-preferred development opportunity site at Walcot Street / Cattle Market for accommodating a substantial quantum of the objectively assessed need for retail floorspace (Policy SB1). Given that there is evidence of potential for accommodating additional retail floorspace needs in a sequentially-preferred location within the city centre, the Council's approach is not considered to be justified and the most reasonable when considered against other reasonable alternatives.

### **Q2**

- 2.8 It is assumed that the figure of 280 sqm coincides with the locally-set floorspace threshold for requiring retail impact assessments set out in Policy CR2 for locations outside Bath. However the policy applies district-wide, meaning that it is inconsistent with the locally-set floorspace threshold of 500 sqm for Bath.

- 2.9 More fundamentally, a locally-set floorspace threshold for impact assessment is incorrectly assumed to be an upper limit for retail floorspace beyond which it will be in conflict with the development plan. The consequence of Policy CR1(ii) is that a proposed development that clears the hurdles of sequential and impact tests would still find itself in conflict with Policy CR1. It would appear to prejudge the outcome of any impact assessment required in accordance with Policy CR2. It is not what is intended in the NPPF (para. 26), and such a blanket development plan restraint on retail and other main town centre uses that exceed 280 sqm in locations not within an existing centre, is not justified by the evidence.
- 2.10 It is noted that the Council's retail advisors (GVA) recommended removal of any reference to 'scale' from Policy CR1 since "... *the test of 'scale' was removed from national planning policy when the NPPF replaced PPS4 and the recent Rushden Lakes call-in decision also cautions against the use of 'scale' as a material issue in development management decisions under the NPPF*" (CD/PMP/DM15, para. 4.14).

### Q3

- 2.11 The national default threshold (of 2,500 sqm) for impact assessment set out in the NPPF (para. 26) is an indication of the scale of floorspace below which impact will not normally be felt or of such magnitude as to give rise to significant adverse impact. The principal justification for a locally-set floorspace threshold is set out in CD/PMP/DM15. It essentially relates to the potential for competition owing to the proximity of the city to Bristol (CD/PMP/DM15, para. 4.25).
- 2.12 Given the strength of Bath city centre, and its niche as a 'destination' owing to its environmental attractions which brings in visitors for more than simply its 'shopping' appeal, the cumulative threat of small scale developments below the default threshold is not considered to be great. This is particularly so in view of the Council's acknowledgement of the constraints on land resources for accommodating retail floorspace, which they have used in justification for a retail strategy that is not NPPF-compliant.
- 2.13 It is therefore not considered that the locally-set floorspace threshold has been robustly justified.



#### Q4

2.14 Policy CR1 is considered to be consistent with the general thrust of 'town centre' first policies. However, for reasons set out in response to Q2 above, it is not considered to be consistent with national policy.



