

# **Gloucester, Cheltenham and Tewkesbury Joint Core Strategy**

## **Retail Study 2011 - 2031 Phase 1**

### **Addendum: The National Planning Policy Framework, July 2012**

#### **Introduction**

A1 This addendum has been prepared by DPDS Ltd for Gloucester City Council, Cheltenham Borough Council and Tewkesbury Borough Council following the publication of the National Planning Policy Framework (NPPF) in March 2012. It is to be read in conjunction with the Joint Core Strategy Retail Study 2011 – 2031 Phase 1 which was prepared and completed in the context of Planning Policy Statement 4 (PPS4). The NPPF replaced much of government planning policy including PPS4 which had formed a major part of national planning policy for retail and other economic development.

Section 2 of the JCS Retail Study report sets out the draft NPPF policies for town centres, but there have been significant changes from the draft to the final version of the NPPF. This addendum highlights the main changes to the policy for town centres for the attention of the JCS authorities and also assesses the extent to which the Retail Study continues to reflect government policy.

A2 The NPPF must be taken into account in the preparation of local and neighbourhood plans and is a material consideration in determining planning applications. As it has only been recently issued, the implications of its interpretations by Planning Inspectors, the Secretary of State and the Courts have yet to emerge. The JCS authorities should monitor decisions by these bodies and develop the policies in their development plan documents in accordance with such decisions.

#### **Practice Guidance**

A3 The Practice Guidance on Need, Impact and the Sequential Approach remains a material consideration, where it does not conflict with the provisions of the NPPF, until such a time as it is replaced or withdrawn by the Department for Communities and Local Government. This detailed guidance therefore remains unchanged at present.

## **The General Approach to Development**

A4 The NPPF sets out the role of the planning system in contributing to the achievement of sustainable development, in which the planning system must perform economic, social and environmental roles. Paragraph 14 sets out the overlying presumption in favour of sustainable development for both plan-making and decision-taking. In terms of decision taking, the same paragraph states that development proposals that accord with the development plan should be approved without delay; and where the development plan is absent, silent or relevant policies are out of date, planning permission should be granted unless:

*“ any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or  
- specific policies in this Framework indicate development should be restricted.”*

To deliver sustainable development, the NPPF sets out core planning principles. These include the Government’s commitment to building a strong and competitive economy based on securing economic growth to create jobs and prosperity. Other principles include; the need for planning to be genuinely plan-led, to conserve and enhance the natural environment, to encourage the effective use of land, to conserve heritage assets and encourage walking, cycling and the use of public transport.

Paragraph 19 states that significant weight should be placed on the need to support economic growth.

## **Development Plans**

A5 At paragraph 23, the NPPF states that planning policies should be positive, promote competitive town centres and set out policies for the management and growth of town centres over the plan period. In drawing up plans, local planning authorities are required, inter alia, to:

- pursue policies which support town centres’ vitality and viability;
- define a network and hierarchy of centres that is resilient to anticipated future economic changes;
- define the extent of town centres and primary shopping areas based on a clear definition of primary and secondary frontages in designated centres and set policies which make clear which uses will be permitted in such locations;

- promote competitive town centres that provide customer choice and a diverse retail offer and which reflect the individuality of town centres;
- retain and enhance existing markets and where appropriate re-introduce or create new ones, ensuring that markets remain attractive and competitive;
- allocate a range of suitable sites to meet the scale and type of development needed in town centres. Allocations should meet the needs in full and local authorities should therefore undertake an assessment of the need to expand town centres to ensure a sufficient supply of suitable sites;
- allocate appropriate edge of centre sites for main town centre uses that are well connected to the town centre where suitable and viable town centre sites are not available;
- set policies for the consideration of proposals for main town centre uses which cannot be accommodated in, or adjacent to town centres;
- recognise the contribution of residential development to the vitality and viability of town centres; and
- where town centres are in decline, plan positively for their future to encourage economic activity.

A6 The requirements for local planning authorities to allocate a range of suitable sites in development plan documents to meet the needs for retail, leisure, office and other main town centre uses during the plan period in full is particularly important. This is a new requirement and may be difficult to implement. The principal difficulties are to measure the floorspace capacity of sites and hence whether the requirements are met in full and secondly to avoid undue rigidity in the uses acceptable for town centre sites. It is usually desirable to introduce a mix of uses on town centre sites for both vitality and viability reasons and to allow flexibility in those uses so that development can be responsive to the particular market conditions at the time. There can be a serious risk to development if policies for town centre uses are too prescriptive.

It is noted that the requirement is for local planning authorities to take account of the NPPF advice, and provided they have done so, they must implement it with due regard to local circumstances. If, in preparing development plan documents for any of the centres, and the participating JCS authorities do not identify sufficient land to accommodate the identified retail requirements, the local planning authority should justify why it has not done so. Nevertheless, the sites examined in this report are, as far as it can be assessed, sufficient to accommodate the likely development needs for town centre uses for the JCS plan period.

- A7 It is often claimed by applicants for retail and other main town centre uses that the requirement to make provision in full, is a requirement in the determination of planning applications for out of centre development. However, the requirement is clearly in plan-making, rather than for decision-taking. Where a plan is not up to date or prior to the adoption of a plan, planning applications will be considered with regard to the NPPF paragraphs 24 to 27 and existing local plan policies, where appropriate.
- A8 The NPPF requires local planning authorities to retain and enhance existing markets, and where appropriate to re-introduce or create new ones. Markets exist in each of the three main retail centres in the JCS area (ranging in type from indoor, street, open air, and farmers/seasonal markets) although their accessibility to the main town centres varies. Local plans will have to consider the future of these markets carefully. The appropriate response will vary according to the local circumstances, but the key to their wider success will be to ensure that they have good links to the town centre so that the centre as a whole benefits from the attraction of footfall.
- A9 The JCS authorities should also bear in mind the contribution that residential development in the centres can make to their vitality and viability. This has not featured prominently in this advice, but it is an obvious point, of which the three authorities are already aware.
- A10 In relation to the other requirements, it is considered that the main report has:
- assessed the network and hierarchy of centres in the JCS area;
  - provided advice on the extent of the primary shopping areas, and primary and secondary shopping frontages, and provided advice on the nature of appropriate policies towards different uses within those areas;
  - considered the sites in each centre suitable for redevelopment for town centre uses;
  - advised on the appropriate policies for out of centre retail development (see below for further comment); and
  - identified and advised on centres in decline.

It is therefore concluded that the report is in accordance with the advice of the NPPF with regard to the preparation of development plans.

## **Development Management**

- A11 The NPPF continues to include the requirement for a sequential approach for main town centres uses that are not in an existing centre and are not in accordance with an up to date development plan (paragraph 24). The paragraph further requires that town centres should be the location for main town centres uses, and then edge of centre locations. Only if suitable sites are not available should out of centre sites be considered, with preference given to accessible sites that are well connected to the town centre. When assessing sequentially preferable sites, the guidance requires that applicants and local planning authorities demonstrate flexibility on issues such as format and scale.
- A12 In this respect, there is little change from PPS4 in the overall policy although it is expressed in less detail. The JCS Retail Study continues to provide the relevant guidance.
- A13 Paragraph 25 states that the sequential approach should not be applied to applications for small scale rural offices or other small scale rural development. This is likely to have relevance to some development management policies in Tewkesbury Borough and in the determination of planning applications for small scale rural development. To provide certainty for applicants, the JCS authorities should consider whether it is appropriate to include a threshold above which the sequential test should apply in its development plan documents.
- A14 The requirement for an impact assessment for retail development outside of town centres and not in accordance with an up to date development plan is set out at paragraph 26. This applies to development over 2,500 sq. m unless local thresholds have been set. The NPPF advises that such assessments should consider the impact of a proposal on:
- existing, committed and planned public and private investment in a centre or centres of the catchment area of the proposal;
  - the impact on town centre vitality and viability of town centres, including local consumer choice and trade in the town centre and wider area, up to five years from the date the application is made. For major schemes where the full impact will not be realised in five years, then impact should also be assessed up to ten years from when the application is made.

A15 This list of factors to be taken into account in assessing impact is considerably shorter than the list in policy EC16.1 of the former PPS4, but broadly covers the same matters. The main omissions are in relation to locally important impacts (to be identified in local plans) and whether the scale of the proposal is of an appropriate scale relative to the size of the centre and its role in the hierarchy. Where these matters arise, whether identified in planning policy or not, they represent material considerations to which local planning authorities must have regard. The JCS Retail Study did not identify any local impacts which should be identified in local plans and it is considered there is no need to revise the report in view of the changes introduced by the NPPF.

A16 We have advised in our report that the threshold for retail impact assessments of 2,500 sq. m gross is appropriate in Cheltenham town centre and Gloucester city centre but that a lower threshold of 1,500 sq. m gross should be considered for Tewkesbury town centre (JCS paragraph 7.32). For small development serving a local catchment area which may have an impact on district and other local centres, it is recommended that a threshold of 200 sq. m gross should be considered, with the information required proportionate to the size of the proposal (JCS paragraph 7.33). It is not considered that there exists a need for this advice to be reviewed in the context of the NPPF.

A17 Paragraph 27 is of key importance in decision-taking. This states that:

*Where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the above factors, it should be refused'.*

There is effectively no change in the policy with regard to this in the NPPF, except to the extent that there is no reference to there being 'clear evidence' of significant adverse impact. Although it may be argued that the onus of proof is no longer on the local planning authority, the guidance states that local planning authorities should only refuse planning permission where there are objections to the proposal and should not refuse permission without evidence of significant adverse impact. At best, the change could be interpreted as no longer requiring a higher burden of proof in relation to retail impact than other considerations.

### **Monitoring**

A18 Paragraph 7.41 of the JCS Retail Study noted that PPS4 Policy EC9.2 contained a requirement for local planning authorities to collect market information and economic

data on town centres. This is no longer a requirement in the NPPF. However, it is recommended that the monitoring of the health of the JCS centres continues to be undertaken as it is important to identify undesirable trends quickly and before they become more difficult to reverse. Furthermore many of the health check indicators, such as footfall, only achieve their full data value when there is a consistent set of data available over a long period of time. It is therefore considered that there is no need to amend the advice on monitoring the health of the JCS centres or the economic data in the context of the NPPF advice.

### **Conclusions**

- A19 Paragraphs 2.3 to 2.14 of the JCS Retail Study setting out the Government's policy for retail and other town centre uses are no longer up to date. However, the changes introduced by the NPPF do not alter the fundamental thrust of policy. The JCS Retail Study has been assessed in the context of the NPPF and it is considered that it continues to provide the appropriate advice to inform the preparation of the development framework for the JCS Area.