

From:
To: [Bristol Local Plan](#)
Subject: Old Market Quarter Neighbourhood Plan
Date: 23 March 2015 17:48:50

Dear Sir/Madam,

Please forward the following comments on the Old Market Quarter Neighbourhood Development Plan - Submission Version to the independent examiner for consideration.

There are concerns that many of the plan's policies are unclear. They may also be inappropriate for achieving the stated aim of re-establishing Old Market Street and West Street as the area's high street, and could have negative impacts on nearby centres outside the plan area. In addition, there are concerns that the overly prescriptive and onerous nature of many of the policies could act as a deterrent to those considering bringing much-needed investment into the area. Consequently, they appear to fail to meet the basic condition of having regard to the policies and advice of the Secretary of State, specifically the National Planning Policy Framework (NPPF) and the Planning Practice Guidance (PPG).

Vision

The vision set out for the plan area on pages 16 and 17 is very narrow and partial, focussing heavily on Old Market Street and West Street. This is only a small part of the plan area. No mention is made of the significant residential areas in Newtown, The Dings and St Jude's, which include large council housing estates. What is the vision for how these areas will be improved by the plan (or are they to be untouched?). The vision for the industrial estates which cover significant parts of the area is also not referred to. The sketched vision diagram on page 16 merely states that these areas will be "Attractive businesses and housing". This is too vague.

The vision for Old Market Street shown in the birds eye sketch on page 17 shows numerous, significant changes to the public highway. It is not clear how the plan will implement these changes given that they would be the responsibility of the highways authority rather than through the determination of planning applications by the planning authority or Secretary of State.

There are concerns therefore that the vision fails to accord with the PPG that neighbourhood plans should be based on "a clear and deliverable vision" (Reference ID: 10-005-20140306).

Policy T1

There are concerns that this policy is onerous. It is unreasonable to expect all development proposals, irrespective of their scale, type and impact, to "reduce the impact of vehicular traffic and provide pedestrian and cycle friendly streets and footpaths around Old Market". No viability assessment has been produced which provides evidence that these requirements will not affect the viability of proposals, contrary to the PPG (Reference ID: 10-005-20140306). It therefore fails to accord with paragraph 173 of the NPPF that plans should not place unnecessary burdens on the viability of new development.

Policy T2

This policy seems unclear. The "vicinity" of Old Market Street and West Street is

not adequately defined. It is also not sufficiently clear how new development can "enhance the pedestrian experience". It does not therefore accord with paragraph 17 of the NPPF and the PPG (Reference ID: 41-041-20140306) which states that "a policy in a neighbourhood plan should be clear and unambiguous. It should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications."

Policy B2

There are concerns that this policy's requirements, which include the expectation that new development adheres to a very detailed Design Code appended to the plan, are unclear, overly prescriptive and inflexible. They risk dissuading investors from bringing improvements to the area through innovative new development.

Most of the plan area contains large estates of very ordinary current or ex-council housing and utilitarian industrial buildings. New development provides an opportunity to improve the visual appearance of these areas. Flexibility should therefore be encouraged.

This is not provided in the policy which instead seeks overly restrictive, detailed and unclear architectural requirements; for example: "buildings and elements within the facade of buildings [should] have a vertical emphasis".

The policy also requires "Materials used for facing buildings [to be] sympathetic to those used in the immediate vicinity". But what if the existing materials in the immediate vicinity are unattractive? The policy would indicate that new development should provide more unattractive materials rather than taking opportunities to improve visual amenity. Similarly, the Design Code contains too great a degree of prescriptive detail; for example, its section on Materials and Details is far too restrictive on the type of building stone that must be used in new development given the diversity of existing building types and land uses across the plan area.

The policy therefore fails to accord with paragraphs 59 and 60 of the NPPF. These state that design policies should avoid "unnecessary prescription or detail" and "should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles."

The overly complex and unclear nature of this policy also fails to accord with the PPG which states that a policy in a neighbourhood plan should be clear and unambiguous (Reference ID: 41-041-20140306).

Policy B4

The effect of this policy would be to allow the unrestricted change of use of buildings across the plan area, subject to the development proposal meeting four criteria, three of which relate to detailed architectural matters.

There are concerns that the policy is unclear. Regarding the third bullet point of the policy it is not clear whether the policy would apply when a development site does not have an existing "active street frontage". Would the conversion of existing buildings still be allowed if there is no active street frontage to retain and the other three policy criteria could be met? Also, no clear definition of "active street frontage" is provided. The policy therefore fails to accord with the PPG that a policy in a neighbourhood plan should be clear and unambiguous (Reference ID: 41-041-20140306).

By allowing the conversion of buildings across the plan area there is concern that the effect of the policy could be to allow the loss of viable shops, businesses and community facilities in the plan area. Without a clear definition of "active street frontage" it could be argued that, by locating intensively used habitable spaces such as living rooms in the front of a dwelling, residential development could provide an "active street frontage". Subject to meeting the remaining three, easy-to-fulfil architectural requirements, the policy could then permit the loss of otherwise viable shops, businesses and community facilities to housing. This would be contrary to the NPPF, paragraphs 17 and 70. These emphasise the importance of the planning system delivering sufficient business and industrial units and guarding against the loss of locally valuable shops, community services and facilities which help the local community meet its day-to-day needs.

Policy B5

There are concerns that Policy B5 gives support to introducing residential and mixed-use development on the perimeter of the area's Principal Industrial and Warehousing Areas.

This policy would provide support for housing development in many locations where acceptable standards of residential amenity are unlikely to be achieved. Many of the industrial estates within the plan area (particularly in the south, east and north of the plan area) adjoin other industrial areas outside of the plan area. This means that new residential development on the perimeter of these industrial areas in these locations is likely to be surrounded by industrial development. There are concerns that this policy is not in accordance with the NPPF paragraph 120. This states that: "To prevent unacceptable risks from pollution and land instability, planning policies and decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account." No evidence has been provided to indicate that acceptable living conditions could be provided on perimeter locations on the Principal Industrial and Warehousing Areas across the plan area. Therefore, the policy does not accord with the PPG which states that "proportionate, robust evidence should support the choices made and the approach taken. The evidence should be drawn upon to explain succinctly the intention and rationale of the policies in the draft neighbourhood plan" (Reference ID: 41-040-20140306).

Similarly, there are concerns about the impacts that residential development on the perimeter of industrial estates would have on the viability of existing businesses within the core of the Principal Industrial and Warehousing Areas. Residential uses can conflict with industry and warehousing due to noise and other forms of pollution arising from normal business operations. Giving support to residential uses on industrial estates would appear to be at odds with the NPPF paragraph 123. This states that planning policies should "recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established".

There are also concerns that Policy B5 is not sufficiently justified by evidence in relation to the viability of mixed use development on the perimeter of the Principal Industrial and Warehousing Areas. There are relatively high levels of retail vacancy in the plan area, as identified in section 1.4 of the plan. There must be significant uncertainty therefore as to whether further retail uses, for example,

as part of mixed use development on the perimeter of Principal Industrial and Warehousing Areas would be viable given the low footfall in these out of centre and often isolated locations. Without adequate evidence of the viability of mixed use development on Principal Industrial and Warehousing Areas, the policy fails to accord with the PPG which states that "proportionate, robust evidence should support the choices made and the approach taken. The evidence should be drawn upon to explain succinctly the intention and rationale of the policies in the draft neighbourhood plan" (Reference ID: 41-040-20140306).

There are concerns that the policy's promotion of mixed use development on the perimeter of Principal Industrial and Warehousing Areas across the plan area is also inappropriate in planning terms. No clear definition is provided of the "mixed uses" referred to in the first sentence of the policy. The second and third bullet points refer to "commercial" and "employment space" but do not provide clarity on what land uses these refer to, as defined by the Use Classes Order. "Commercial" and "employment space" could refer to retail, leisure and office development. These are defined by the NPPF as main town centre uses. As the Principal Industrial and Warehousing Areas are in out of centre locations Policy B5 would be providing support to town centre uses in locations contrary to the NPPF paragraph 23.

Such an approach would also appear to be at odds with the stated vision of the plan (p.16) that Old Market Street and West Street will once again be the neighbourhood's high street. Rather than focussing new retail, office and other commercial investment in Old Market Street and West Street to consolidate and increase its vitality and viability, the policy instead risks undermining the 'high street' by supporting the pepper-potting of retail, office and other commercial uses in scattered locations well-away from Old Market Street and West Street.

This approach of supporting main town centre uses in out-of-centre locations might also have negative effects on the viability of centres just outside the plan area, such as Stapleton Road and Church Road, contrary to NPPF paragraph 23.

Policy C2

The first sentence of this policy relates to development within retail units. Unless the premises is listed, internal works do not require planning permission. This part of the policy therefore fails to have regard to the NPPF and PPG that neighbourhood plan policies must relate to the development and use of land.

Policy C3

The policy's requirement that ground floor development on specified routes must provide a minimum 3.3 metre ceiling height is too inflexible, unnecessarily prescriptive and not supported by adequate evidence. It could thwart much-needed new investment in the area. The policy therefore does not accord with the NPPF, for example paragraph 59, and the PPG (Reference ID: 41-040-20140306).

Policy C4

The policy provides in principle support to new supermarket development, irrespective of its location in the plan area. This is contrary to the NPPF paragraph 23 that retail uses, as a main town centre use, should be located in centres. The policy would also appear to be at odds with the stated vision of the plan (p.16) that Old Market Street and West Street will once again be the neighbourhood's high street.

Policy C6

The policy is unclear as it does not specify which locations are "appropriate for families". It therefore does not have regard to the PPG which states that a policy in a neighbourhood plan should be clear and unambiguous (Reference ID: 41-041-20140306).

There are concerns over the robustness of the evidence used to justify the policy's requirement that at least 20% of new dwellings should provide 3 or more bedrooms. The Easton and Lawrence Hill Housing Needs and Requirements Study referred to dates from 2007. Eight years have since elapsed which has included a severe economic recession. It is suggested that this Study does not represent robust evidence as it is considerably out of date.

To further justify the policy, a table of anticipated housing completions over the next 12 years is provided in the text preceding the policy. It is unclear how this speculative forecasting supports the proposed 20% policy requirement.

The policy does not therefore accord with the PPG which states that "proportionate, robust evidence should support the choices made and the approach taken. The evidence should be drawn upon to explain succinctly the intention and rationale of the policies in the draft neighbourhood plan" (Reference ID: 41-040-20140306).

Policy C7

This policy requires the undertaking of pre-application community consultation. This is contrary to the PPG which states that pre-application consultation is only mandatory for certain types of wind turbine development (Reference ID: 20-009-20140306).

Site Specific Policies C8-C14

A number of these policies in effect allocate sites for specific forms of development such as housing and retail or commercial or simply "mixed use"; for example, sites C8.1, C10.1, C10.4, C11.1, C11.2, C13.2-13.4, and C14.6.

There is concern that no evidence of the viability of the retail or commercial or mixed use elements of these allocations has been provided. Given the relatively high levels of retail vacancy identified in the plan in section 1.4, there must be significant uncertainty as to whether additional retail (and other commercial) development would be viable and therefore deliverable. It therefore does not accord with the PPG which states that "proportionate, robust evidence should support the choices made and the approach taken. The evidence should be drawn upon to explain succinctly the intention and rationale of the policies in the draft neighbourhood plan" (Reference ID: 41-040-20140306). The PPG also states that the development of "plan policies should be iterative – with draft policies tested against evidence of the likely ability of the market to deliver the plan's policies, and revised as part of a dynamic process".

There is also concern that, for the sites proposed for allocation, no testing of options for the proposed allocated uses has taken place. This is particularly important given how overly prescriptive many of the policy requirements for the site allocations are. Policies C8-C14 therefore fail to accord with the PPG which states that "a qualifying body should carry out an appraisal of options and an assessment of individual sites against clearly identified criteria" (Reference ID:

41-042-20140306).

A number of the sites allocated for retail and commercial uses are in out of centre locations. This applies to Policies C10-14, specifically sites C10.1, C10.4, C11.1, C12.1, C12.3, C12.4, C13.4, C14.3, C14.6. There are concerns that these policies and site allocations therefore provide in principle support to main town centre uses in locations contrary to the NPPF paragraph 23.

Such an approach for these out-of-centre sites would also appear to be at odds with the stated vision of the plan (p.16) that Old Market Street and West Street will once again be the neighbourhood's high street. Rather than focussing new retail, office and other commercial investment in Old Market Street and West Street to consolidate and increase its vitality and viability, the policy instead risks weakening the 'high street' by supporting the pepper-potting of retail, office and other commercial uses in scattered locations often well-away from Old Market Street and West Street.

This approach of supporting main town centre uses in out-of-centre locations might also have negative effects on the viability of centres just outside the plan area, such as Stapleton Road and Church Road, contrary to NPPF paragraph 23.

Policies C8-C13 require new development to contribute to works to public highways through, for example, the realignment and reduction in highway widths. These are matters for the highways authority and not appropriate or within the power of the neighbourhood forum as the qualifying body. They therefore fail to have regard to the NPPF and PPG that neighbourhood plan policies must relate to the development and use of land. Furthermore, no viability assessment has been produced which provides evidence that these requirements will not affect the viability of proposals, contrary to the PPG (Reference ID: 10-005-20140306).

If public hearings are held as part of the examination I would welcome an opportunity to attend such a session to discuss these comments. If no hearings are held please notify me of the examiner's final decision on the neighbourhood plan.

Please confirm receipt of this email and add my details to your list of contacts to be notified about future Local Plan consultations.

Kind regards,

Mr T Martin