

# **Bristol City Council's response to Inspectors' matters, issues and questions**

## **Matter 9: Retail and Town Centres**

This statement sets out the council's response to the Inspectors' matters, issues and questions regarding retail and town centres matters.

### **Council's introduction**

The Inspectors' questions are shown below in ***bold italics*** with a border, following any preamble to the question also in ***bold italics***. The council's responses are shown in normal typeface below the Inspector's questions.

Suggested main modifications arising from the Inspectors' questions are set out in grey tint boxes.

### **Responses to Inspectors' questions**

***Issue 9.1: Whether policies SSE1 – SSE8 are justified, effective and consistent with national policy.***

***Policy SSE1: Supporting Bristol's Centres – network and hierarchy***

***Q9.1: Is Policy SSE1 justified, consistent with national policy and effective? In particular:***

***a) In the first paragraph of Policy SSE1 reference is made to where uses covered in this policy may also be applicable to areas adjoining the centres. The Council's response to PQ114 provided an explanation as to how to areas adjoining the centres may be assessed. Is the policy justified in this respect and is it clear to the decision maker how to react to such proposals?***

#### Council's response

1. The policy is justified in referring to areas 'adjoining the centres,' as such locations can play a crucial role in delivering sustainable development due to their proximity to existing centres. The term 'adjoining the centres' is used in the current Core Strategy Policy BCS7 (DPD001), which specifies that retail, office, leisure, and cultural uses should primarily be located within or, where appropriate, adjoining the identified network of centres. Both decision-makers and applicants are familiar with its application, ensuring a consistent and well-understood approach when assessing proposals in these areas.
2. The policy's intent aligns with the National Planning Policy Framework (NPPF), which uses the term 'edge of centre sites' to describe areas immediately adjoining a defined town centre boundary.
3. The council has clarified in its response to PQ114 in Bristol City Council's response to Inspectors' Document IN2 (EXA024) that edge-of-centre sites will be considered appropriate if the proposed development supports the role of the centre and is of a scale and intensity proportionate to the centre's position in the hierarchy. Supporting the role of the centre means that development should complement existing uses by filling identified gaps in services, enhancing footfall, and reinforcing the economic function of the centre rather than diverting trade away. This can include introducing uses that attract a wider customer base, offering community or cultural services that enhance the centre's appeal, and ensuring connectivity with existing transport and pedestrian networks to facilitate accessibility.

4. In addition, the policy ensures that development contributes to the vitality of the centre by responding to the local characteristics and needs of the surrounding community. This includes integrating with the existing urban fabric, respecting the character and scale of surrounding buildings, and providing high-quality public realm improvements that encourage social interaction and community engagement.

***Q9.1 b) Is the Centre Network and Hierarchy contained within the policy justified, in accordance with national policy and is it sufficiently comprehensive? Having regard to the Council's proposed main modification for Policy SSE1 proposing a change to this part of the policy in response to PQ118, is this necessary for soundness?***

Council's response

5. The council's Centre Network and Hierarchy is justified, in accordance with national policy and sufficiently comprehensive. The centres identified contain a diversity of uses, pedestrian flows and are in accessible locations. They are supported by a range of sustainable transport options and active travel infrastructure. The selection of centres was comprehensive and involved various steps including re-assessing the centres currently identified by policy BCS7 of the Core Strategy (DPD001) and the addition of 20 new local centres to the hierarchy. This process was supported by two evidence documents:

- Bristol City Centre Retail and Leisure Study (EVEC01)
- Bristol Local Centres Study (EVEC02)

6. The Centre Network and Hierarchy also has clear boundaries for the centres and the Primary Shopping Areas as shown on the Policies Map. The Policies Map key shows the symbology used for centre boundaries (SSE1) (these are also the Primary Shopping Areas for Local Centres) and the Primary Shopping Areas for centres (SSE4).

7. The suggested modifications are necessary for the policy to be effective. This is because the policy is incorrect to say that Old City is within the city centre Primary Shopping Area. The second modification again makes clear which parts of the city centre are within the Primary Shopping Areas and which are not.

***Q9.1 c) Having regard to Policies SSE2, SSE3 and SSE4 will it be sufficiently clear to the decision maker how to assess that proposals are of a scale and intensity appropriate to the position in the hierarchy and to the character of the centre?***

Council's response

8. The concept of ensuring that development is of a scale and intensity appropriate to the hierarchy and character of centres is contained within the current local plan. Policy BCS7 (DPD001) in the Core Strategy and DM7 of the Site Allocations and Development Management Policies Local Plan (DPD002) sets out how scale and intensity should be considered.

9. The explanatory text in Policy SSE1 provides in paragraphs 8.4-8.7 a clear framework for understanding the type of development supported within each tier of the centre hierarchy. Policies SSE2, SSE3, and SSE4 build upon this framework by establishing specific criteria that decision-makers can use to assess whether a proposal is of an appropriate scale and intensity relative to the position of the centre within the hierarchy and its established character.

**Q9.1 d) Will the policy be effective in achieving vitality, viability and diversity of uses through active ground floor uses?**

Council's response

10. Policy SSE1 is drafted to protect and promote active ground floor uses, ensuring the vitality, viability, and diversity of centres. This will be primarily achieved through the designation of Primary Shopping Areas, which have been strategically drawn to encompass areas with a high concentration of active ground floor uses.

11. By managing the types of development permitted within these areas, as outlined in Policies SSE1 and SSE2, the policy framework will safeguard their role as vibrant hubs of activity at the hearts of their communities, consistent with the NPPF (previous and current versions). This approach will help maintain a consistent and engaging street-level presence, ensuring that centres continue to attract people to visit, live, and work. In doing so, the policy supports the long-term sustainability and attractiveness of these areas, reinforcing their importance within the wider city context.

**Q9.1 e) Is the reference to underused and vacant space in the part relating to residential uses sufficiently clear?**

Council's response

12. The paragraph encourages new residential development on appropriate sites within centres consistent with the National Planning Policy Framework (September 2023) in paragraph 90 sub-paragraphs a) and f).

13. The term *vacant* can be understood to mean space that is not currently in use or operational, while *underused* refers to spaces that have the potential to be utilised more effectively.

14. The use of the term *underused* is consistent with existing adopted planning documents, such as the Bristol Central Area Plan (BCAP) (DPD003). Policy BCAP2 states that "*where the upper floors of commercial premises are vacant or underused, the conversion of those upper floors to residential use*" is encouraged.

15. The National Planning Policy Framework and guidance uses the term under-utilised when discussing policy approaches to spaces that have the potential to be utilised more effectively.

**Q9.1 f) Is the part of the policy relating to the creation of new centres justified and will it be effective if proposals come forward?**

Council's response

16. The policy relating to the creation of new centres is justified and will be effective in guiding future proposals. It allows for the potential establishment of new centres where their scale, design, and siting align with the local needs of the area. The policy is primarily intended to support areas of growth and regeneration, ensuring that new communities have access to essential services and facilities.

17. The policy ensures that new centres are developed in a way that complements the existing centre hierarchy, with Policies SSE1 and SSE2 providing clear criteria to manage their development.

18. Regeneration efforts in the city are expected to lead to the development of new communities that may require well-planned centres. This aspect of the policy is appropriate and flexible, assisting in enabling regeneration areas to make appropriate provision for main town centre uses, contributing to sustainable development patterns.

***Policy SSE2: Development in Bristol's centres***

***Q9.2: Is Policy SSE2 justified, consistent with national policy and effective? In particular:***

***a) Having regard to the Council's proposed main modification for Policy SSE2 proposing a change to the second and third paragraphs in response to PQ118 relating to St Nicholas Market, is this necessary for soundness?***

Council's response

19. The modification is necessary for the soundness of the plan. This is because the modification gives added clarity which ensures the policy is effective.

***Q9.2 b) Having regard to the Council's proposed main modification for Policy SSE2 proposing an additional paragraph relating to environmental enhancement and public realm improvements in response to PQ119, is this necessary for soundness?***

Council's response

20. The modification is necessary for the soundness of the plan. The modification adds a new subheading before an existing paragraph of policy text, the purpose being to separate it from the preceding paragraphs which relate specifically to residential development. The modification is necessary for clarity to make the policy effective and therefore sound.

***Q9.2 c) City Centre***

***The city centre sets out differing approaches to development within the different areas within the City Centre. Will these be effective and are they consistent with Policies DS1 and DS1A? Are the areas covered sufficiently comprehensive?***

Council's response

21. The policy provision for the city centre in SSE2 encourages proposals for main town centre uses where these comply with other relevant local plan policies. It goes on to address approaches to the specific primary shopping areas within the city centre which are shown on the Policies Map. The approaches are consistent with and would be used in conjunction with Policies DS1 and DS1A which relate respectively to the city centre as a whole and the Broadmead, Castle Park and Old City regeneration area.

22. The policy reflects existing local plan policy BCAP13 (DPD003) which takes a similar approach to that in SSE2. The primary shopping areas referred to provide comprehensive coverage of those parts of the city centre having regard to evidence and the areas' characteristics.

23. The modifications suggested in the council's response to PQ118 correct the wording for clarification to ensure the policy is effective and introduces a map similar to that used in the existing local plan.

***Q9.2 d) Is the policy sufficiently clear as to how development proposals would be assessed in the Town Centres and District and Local Centres?***

Council's response

24. Policy SSE2 provides a robust and clear framework for assessing development proposals within the identified Town Centres, District Centres, and Local Centres. It outlines comprehensive criteria that ensure proposals contribute to the continued vitality, viability, and resilience of these centres, supporting a diverse range of uses that align with local needs and economic objectives. The policy effectively differentiates between the various tiers of centres, ensuring that development is appropriate to their respective roles while promoting sustainable economic growth and accessibility. The policy also identifies uses and the scale of development which is most appropriate in each section of the centre hierarchy.

25. SSE2 closely reflects principles set out in the currently adopted Bristol Local Plan, particularly Core Strategy Policy BCS7 (DPD001) which has a similar role and effect to SSE2 in supporting the hierarchy of centres by ensuring they remain vibrant and provide essential services to local communities. SSE2 is consistent with the approach of NPPF chapter 'Ensuring the vitality of town centres'. The latest version of the NPPF continues the approach of the September 2023 NPPF and represents a national approach to planning for centres which has remained consistent for many years.

***Q9.2 e) Residential Development***

***Is the approach to residential development consistent with Policy SSE1 where it relates to active ground floor uses?***

Council's response

26. The approach to residential development is consistent with Policy SSE1, particularly in relation to the requirement for active ground floor uses as set out in Policy SSE2. SSE1 clearly establishes that new residential development should focus on making positive use of upper floors and underused or vacant spaces away from commercial frontages. This aligns with SSE2, which specifies that within primary shopping areas, changes of use of ground floor frontages to residential development (where planning permission is required) will not be appropriate. Both policies work together to ensure that the function and vitality of centres are protected by maintaining active ground floor uses while encouraging residential development in suitable locations.

27. This consistent approach reinforces the role of Bristol's centres as dynamic mixed-use environments where commercial and leisure uses can thrive at street level, supporting footfall, economic activity, and community interaction. By guiding residential uses away from key commercial frontages, the policies ensure that centres retain their primary function as hubs for shopping, services, and social engagement, which is essential for their long-term sustainability.

28. The policy approach is well-aligned with the National Planning Policy Framework September 2023 (and now its successor), which emphasises the importance of ensuring the vitality of town centres by promoting diverse uses while protecting their retail and service functions. The NPPF encourages local plans to direct residential development to appropriate locations within centres without compromising their commercial role, which SSE1 and SSE2 achieve effectively.

**Q9.2 f) i) Will it be clear to the decision maker how to react to proposals for changes to ground floor uses to residential in respect of what would be a suitable period of appropriate marketing?**

Council's response

29. Policy SSE2 looks for appropriate marketing evidence when considering proposals for changes of use from ground floor commercial uses to residential. The policy does not specify an exact duration for the marketing period. An appropriately flexible approach is taken where the length of the marketing period would be considered having regard to the circumstances, depending on factors such as the scale of the development, the type of use, and the location of the property. Decision-makers would have regard to the adequacy of the marketing, including the time period, based on the specifics of each proposal, taking into account the size of the development, the nature of the use, and the local context.

**Q9.2 f) ii) How will fragmentation of the commercial function be assessed?**

Council's response

30. Any consideration of the fragmentation of the commercial function would necessarily have regard to the specific impact of any proposal taking into account factors such as the composition of the centre, the type of proposed use, the effect on commercial frontages and its impact on the overall concentration of commercial activity. Any assessment would take into account local context and changing economic conditions, maintaining a balance between commercial vitality and the adaptability of centres to evolving needs.

**Policy SSE3: Supporting Bristol's evening, night-time and culture economy**

**Q9.3: Is Policy SSE3 justified, consistent with national policy and effective? In particular:**

**a) Is the policy sufficiently clear as to what uses would be acceptable, does the policy need to be specific about this? Is the policy consistent with paragraph 193 of the NPPF?**

Council's response

31. Policy SSE3 builds on the council's established commitment to supporting the economic and social benefits of the evening and night-time economy and cultural activities while addressing potential challenges such as impacts on residential amenity and local character. The policy encourages proposals that protect, promote, diversify and revitalise hospitality, evening and night-time economy, culture and leisure uses.

32. The policy provides clarity on acceptable uses within the evening and night-time economy, ensuring that a broad range of cultural, leisure, and entertainment uses can be accommodated.

33. Paragraph 93 of the NPPF (September 2023) sets out the need to plan positively for shared spaces, community facilities and other local services. Policy SSE3 responds to and is consistent with this and also has a wider role in the support it gives to the socially and economically important evening, night-time and culture economy, with particular reference to centres.

**Q9.3 b) With reference to the third paragraph of Policy SSE3, will it be sufficiently clear to the decision maker how to react to proposals in respect of whether they would be neighbourly?**

Council's response

34. The third paragraph of Policy SSE3 indicates that new evening and night-time economy uses should be neighbourly, taking into account the character of the centre where they are proposed. This aligns with the broader approach of balancing economic activity with the need to safeguard residential amenity and local character.

35. A development would be considered to be neighbourly when it would not have an adverse impact on the amenity of the local area having regard to the context and the agent of change principle. Paragraph 8.16 of the explanatory text to SSE3 discusses the balance of considerations, with neighbourliness being a matter of context and balance. While being neighbourly, the uses would not be expected to be designed and operated in a way that is unreasonably constrained having regard to the general expectation that such use are expected to be found within centres.

36. Factors such as noise impact, hours of operation, and the scale of activity would be assessed in the context of the surrounding area's character. The policy's reference to larger, busier centres provides a further framework for the balance of considerations.

**Q9.3 c) Is the policy sufficiently clear as to any loss of cultural venues and nighttime economy uses would be assessed in respect of viability and being able to demonstrate it cannot accommodate similar uses?**

Council's response

37. In the council's response to the preliminary questions, it was indicated that viability assessments for cultural venues and night-time economy uses are likely to be subject to detailed scrutiny. It is expected that applicants would generally provide comprehensive marketing evidence, which could include details of trade potential, trading history, and marketing efforts at a realistic market rate over an appropriate period. This approach aligns with the principles set out in the NPPF, which encourages the protection of valued community assets and seeks to ensure their retention wherever feasible.

38. The application of this policy is expected to consider individual circumstances, with assessments tailored to the specific characteristics of each proposal. Decision-makers will likely take into account factors such as the local economic context, the scale of the venue, and the potential for adaptation to alternative or similar uses. This flexible approach allows for a case-by-case assessment, ensuring that cultural and night-time economy uses are retained where possible while recognising the evolving needs of the city.

**Policy SSE4: Town centre first approach to development**

**Q9.4: Is Policy SSE4 justified, consistent with national policy and effective? In particular:**

**a) Is the policy consistent with the NPPF where it relates to ensuring the vitality of town centres? Is it consistent with Policy E6A of the Plan?**

### Council's response

39. Policy SSE4 is consistent with the NPPF September 2023 (and December 2024), which emphasises the importance of ensuring the vitality of centres by directing development to sustainable locations. Paragraph 86 of the NPPF sets out a clear approach for maintaining and enhancing the role of centres, including the need to define a hierarchy of centres, support their diversification, and apply the sequential test to new development.

40. Policy SSE4 reinforces this approach by prioritising centres as the primary locations for retail, leisure, and service uses, ensuring that they remain economically viable and resilient to changing market trends. The policy also applies the sequential test, requiring applicants to demonstrate that no suitable sites are available within centres before considering edge-of-centre or out-of-centre locations.

41. By supporting investment, adaptation, and sustainable growth within Bristol's centres, Policy SSE4 aligns with national planning objectives, ensuring that development contributes to the long-term vitality and viability of the city's retail and commercial hubs.

42. Policy SSE4 is consistent with Policy E6A of the Bristol Local Plan, which focuses on the provision of new workspace within mixed-use developments, ensuring that economic growth is supported through the integration of commercial uses in sustainable locations. Policy E6A addresses uses currently used for business, industry and distribution as described in the policy and explanation text and is consistent with SSE4. Paragraph 7.38 defines the spatial scope of Policy E6A.

***Q9.4 b) The designation of "primary and secondary frontages" is no longer national planning policy. However, the PPG on Town centres and retail states that planning policies are expected to define the extent of primary shopping areas and that authorities may, where appropriate, also wish to define primary and secondary retail frontages where their use can be justified in supporting the vitality and viability of particular centres. Is the approach to primary shopping areas in the sixth paragraph of Policy SSE4 consistent with this?***

### Council's response

43. Policy SSE4 has the overall effect of reflecting the NPPF's town centre first approach as set out in the sequential approach.

44. The sixth paragraph of SSE4 confirms that primary shopping areas will continue to be the focus for new retail development. The NPPF annex states that the primary shopping area is a defined area where retail development is concentrated. The Planning Practice Guidance (PPG) on Town Centres and Retail emphasises the importance of local circumstances and maintaining a strong retail core within town centres.

45. The inclusion of primary shopping areas in Policy SSE4 provides clarity for developers, businesses, and stakeholders regarding where retail activity should be focused. This approach helps to prevent the fragmentation of retail uses, ensuring that shopping areas remain vibrant and resilient to changing market conditions.

46. The local plan does not propose to designate secondary retail frontages, such that the focus remains on strengthening primary shopping areas to support the long-term sustainability of centres. The distinction SSE4 provides between primary shopping areas and wider centre boundaries provides flexibility to adapt to evolving retail trends, ensuring that the centres can accommodate a mix of complementary

uses that enhance their overall appeal and functionality This approach ensures that planning policies remain responsive to current and future economic trends, supporting the overall sustainability and competitiveness of Bristol's retail offer.

**Q9.4 c) Paragraph 8.20 of the reasoned justification sets out the requirements for an impact assessment in cases where an unspecified Use Class E development is sought. To be effective, should the policy include this requirement?**

Council's response

47. To ensure that the policy is effective, it would be appropriate for the policy text to include this requirement.

48. Paragraph 8.20 is intended to offer an exemption from impact testing for uses within Use Class E that do not fall within the definition of main town centre uses. However, as drafted, the intention of the paragraph is not sufficiently clear. In moving the paragraph into the policy text, a modification is required to ensure that the policy is clear and effective.

49. A correction is also required to the present policy text in relation to the impact assessment threshold that applies outside the areas specified.

50. The following modifications have been added to the schedule of suggested main modifications (EXA002):

Policy SSE4, policy text – amend final paragraph and insert additional paragraph:

The impact assessment thresholds above related to town, district and local centres will be applicable for proposals within 800 metres of the boundary of the relevant centres. Elsewhere the threshold of 500m<sup>2</sup> metres applies.

Where permission is sought for development falling within Use Class E, the above requirements in relation to impact assessment will apply unless the specific use proposed has been identified and does not meet the definition of a main town centre use. In these cases, uses may be restricted to the specific part(s) of Use Class E proposed.

Policy SSE4, explanatory text – remove paragraph 8.20:

~~8.20 Where permission is sought for unspecified Use Class E development, an impact assessment will be required unless the specific use proposed has been identified. Uses may be restricted to the specific use applied.~~

**Policy SSE5: Temporary uses in centres**

**Policy SSE5 also states that 'proposals for the temporary use of vacant sites for car parking will not be acceptable'. Although Paragraph 8.32.1 of the reasoned justification states that centres are the most well-served locations by public transport, this may not be the case for all locations.**

**Q9.5: Is the policy justified, consistent with the NPPF, positively prepared and effective? Including:**

**a) Would the policy be effective in defining a temporary period?**

### Council's response

51. Policy SSE5 is justified, consistent with the NPPF, positively prepared, and effective in its aim to allow temporary uses within Bristol's centres while ensuring that they do not undermine future development potential. The policy supports economic activity and vitality in town centres by encouraging the reuse of vacant buildings or sites for temporary purposes. This aligns with the NPPF's emphasis on promoting the vitality of town centres and ensuring that opportunities for short-term uses are maximized without compromising longer-term development goals.

52. The Bristol Central Area Plan (BCAP) (DPD003), in Policy BCAP12 uses similar policy wording for temporary uses. This adopted policy provides both developers and decision-makers with clarity and certainty, ensuring consistency. The approach is also consistent with the Planning Practice Guidance (PPG), which states that 'temporary activities' can help to support the vitality of town centres.

53. No fixed definition of temporary is given, this is in line with the PPG and ensures a flexible approach to benefit the vitality of town centres. Paragraph 8.29 of the explanation deals with the parameters for meanwhile uses. The approach is appropriate to the variety of circumstances which might arise with determining how long a temporary use might remain in place.

***Q9.5 b) Is the policy fully justified given that car parking will not be acceptable, irrespective of circumstance?***

### Council's response

54. Policy SSE5 is consistent with the NPPF and is effective in promoting the vitality of town centres through short-term uses, such as pop-up shops and community events, while safeguarding future development. The policy aligns with the NPPF's emphasis on activating vacant spaces and contributing to the vibrancy of town centres without compromising long-term regeneration opportunities.

55. The Bristol Central Area Plan (BCAP) (DPD003), in Policy BCAP12 uses similar policy wording for temporary uses and also the approach to car parking, albeit in the city centre which is an accessible location. Other centres are well served by public transport (and other active modes) as paragraph 8.31 indicates, relative to their scale and function. Given the centres provide services close to homes, and are accessible by public transport (and active modes), it would be perverse for the policy to support temporary car parking, given the other policies and objectives of the local plan and local and national transport policies. Such uses are also liable to discourage and delay permanent redevelopment as paragraph 8.31 indicates.

56. This approach supports the broader sustainability objectives of the NPPF by prioritising sustainable transport options and reducing reliance on cars in town centres. Additionally, the Bristol Local Plan includes specific policies, such as Policy T4A: Parking, Servicing and the Provision of Infrastructure for Electric Vehicles, which comprehensively addresses parking provision, servicing requirements, and the integration of electric vehicle charging infrastructure within developments. This policy ensures that parking needs are met in alignment with the city's transport and sustainability goals, supporting a balanced approach to urban development.

***Q9.5 c) Does the assessment of future proposals include those in the wider area, or limited to those on site?***

Council's response

57. The policy states that proposals for temporary uses should demonstrate that they would not prejudice future development proposals. This would necessarily involve the consideration of how temporary use of a specific site in a centre would impact on future development proposals in that centre more widely.

***Policy SSE6: Retaining and enhancing markets***

***Policy SSE6 states that markets can significantly contribute to the range of shopping facilities and that new proposals will be 'encouraged'. The policy lists four bullet point that developments should 'have regard to'.***

***Q9.6: Are these bullet points requirements and, if so, is the wording of the policy sufficiently precise to avoid ambiguity?***

Council's response

58. Policy SSE6 uses the same wording as existing local plan Policy DM11: Markets (DPD002).

59. SSE6 will be effective in its intent to guide development proposals within town centres, ensuring that markets continue to play a significant role in the range of shopping facilities. The bullet points in the policy are intended as key considerations for developers to have regard to, which means these factors should be considered in any proposal. They provide clarity on the important aspects to be taken into account when proposing market-related developments. The criteria would be taken into account in determining the acceptability of markets, which the policy generally seeks to encourage.

***Policy SSE7: Provision of public toilets***

***The Council's answer to PQ125 is noted and the list of examples where public toilets are to be provided, include the phrase 'similar forms of development' and the change of use of a building and that the number of toilets will be decided on a case-by-case basis. Although the Council has referred to policies in the London Plan and the Lambeth Plan, it is unclear as to the evidence which justified these policies.***

***Q9.7: Is policy SSE7 justified, consistent with national policy and effective? In particular:***

***a) Has there been an assessment of the scale of need and geographical areas where they may be a deficiency?***

Council's response

60. The intention of the policy is to ensure that when publicly accessible development occurs, the toilet and changing facilities are provided which are publicly accessible. The approach is consistent with the social dimension of sustainable development.

61. The provision of public conveniences is important in enabling a safe and inclusive public realm. This policy aims to ensure that such provision is part of major public facing developments in centres and elsewhere.

62. The issue of public access to toilets is widely reported and understood. A recent article on the authoritative BBC News website describes the many and complex issues surrounding the response to one of the most basic human needs<sup>1</sup>.

63. As the article describes, people away from their homes frequently have to make non-customer use of toilets provided in business premises, whether this is part of a formal access scheme, informal voluntary permission, use without permission which can be seen as degrading or are forced to buy to use.

64. The policy has the effect of ensuring new major developments in the specified circumstances, which will be providing some form of toilet facilities in any case, ensure facilities are available for general use. This will help to share the impacts felt by existing development/businesses and by the public sector.

65. As mentioned in Bristol City Council's response to PQ125, this approach is in use elsewhere, with references given to the London Plan and the Lambeth Plan. The needs and benefits of toilet provision are universal and not thought to be confined to the London or Lambeth context.

66. In the light of the policy objectives and the universal needs it seeks to address, there is no assessment of the scale of need and geographical spread of any deficiencies. However, the council publishes information on the locations of toilets available for public use. This is on the council's website<sup>2</sup>. The council operates a community toilets scheme<sup>3</sup>.

***Q9.7 d) Are the circumstances clearly defined where a development should provide public toilets so to provide certainty to future developers and decision-makers?***

Council's response

67. Policy SSE7 clearly defines the circumstances under which developments are expected to provide public toilets, ensuring certainty for developers and decision-makers. The policy specifies that major developments open to the public will be required to provide public toilets. This includes developments such as large retail, leisure, and cultural facilities, as well as transport hubs, where significant numbers of people are likely to be present.

68. The NPPF defines major developments as those that meet certain thresholds, typically involving significant floorspace or impact on the local area, such as developments of more than 1,000 square metres of retail space or over 10 residential units. By referencing this definition, the policy aligns with national guidance, ensuring that the requirement for public toilets applies to developments that are large-scale and likely to attract high levels of public interaction.

69. The policy applies specifically to developments that are "open to the public," not merely those over a certain size. The key factor is whether the development is understood to be accessible to the general public. Uses that are typically open to the public might include retail premises, sports and leisure facilities, healthcare facilities, transport hubs, and cultural or civic buildings, offices which have public access along

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<sup>1</sup> ['I don't want to buy a £4 coffee just so I can use the loo' - BBC News](#)

<sup>2</sup> [Public toilets](#)

<sup>3</sup> [Join the Community Toilet Scheme](#)

with similar forms of development. The approach is that the policy targets spaces that serve the community and are regularly accessed by the public.

**Q9.7 e) Does the policy provide sufficient guidance and clarity for decision-makers and developers as to how many toilets should be provided, including instances where the use of an existing building is to be changed?**

Council's response

70. Policy SSE7 does not provide a specific number of toilets to be provided. The policy's flexibility, which involves case-by-case consideration, ensures that the number of toilets provided will be determined based on each specific development and location. This approach reflects the reality that the provision of public toilets is dependent on the individual circumstances of each development, such as the type of use, the size of the development, and the expected footfall.

71. The policy is applicable to major developments that are open to the public. The policies in the local plan are applicable, where relevant, to new builds or to conversions in cases where planning permission is required for such developments. If an existing building would become open to the public through development comprising a change of use, the provisions of Policy SSE7 'Provision of public toilets' would be applicable.

**Policy SSE8: Public houses**

**Policy SSE8 requires there to be an 'adequate and diverse range of alternative public house provision' in the locality. This wording does not appear to explain how 'adequate' is to be calculated, nor is there any information as to what constitutes a 'diverse range'.**

**Q9.8: Is policy SSE8 justified, consistent with national policy and effective? In particular:**

**a) Is the policy sufficiently clear and unambiguous with regard to what would constitute an adequate and diverse range of alternative public house provision within a locality?**

Council's response

72. Public houses are an important part of Bristol's economy, culture and social landscape. The NPPF notes that planning policies and decisions should plan positively for the provision and use of shared spaces and community facilities, including public houses (NPPF September 2023, paragraph 93, a). Policy SSE8 builds on existing local plan policy DM6: Public Houses (DPD002).

73. Policy DM6 applies similar policy tests to those in Policy SSE8 and has been applied in various cases across the authority and an established approach for addressing the policy's various tests has been set out in the DM6: Public houses practice note (EXA032). The practice note provides detailed information for applicants and officers to assess the adequacy of alternative public house provision. Policy SSE8 provides greater detail than the extant policy in its explanatory text and will be accompanied by an updated practice note upon adoption of the new local plan to assist with its application. The policy wording is therefore considered sufficiently clear and unambiguous.

**Q9.8 b) What evidence underpins the specified period of marketing?**

Council's response

74. The 18-month marketing period is considered to be a reasonable period and reflective of other local plan policies in England and Bristol's need for new development. The London Plan and Lewisham Council's local plan both apply significantly longer requirements for marketing period of 24 and 38 months respectively. 18 months is considered sufficiently robust to help demonstrate the unviability of a public house, whilst also not unduly slowing the planning process for instances where the loss of a public house is appropriate under the terms of the policy.

**Q9.8 c) What is the status and requirements of the Public Houses practice note?**

Council's response

75. The DM6: Public houses practice note (EXA032) was published in October 2022. It is not a statutory planning document and was produced to assist in the application of Policy DM6: Public Houses (DPD002) in practice to be used by applicants and officers. The council uses practice notes for a variety of other policy areas to support users in applying them. The DM6: Public houses practice note provides detailed information as to the implementation of the policy and its tests: whether the public house is no longer economically viable or whether there is a diverse range of public house provision within the locality.

76. For the first test, it provides information on how developers should demonstrate the unviability of a public house and provides a template test to be used which addresses a range of issues to be assessed. It also details evidence of marketing and valuation that should be provided alongside applications.

77. For the second test, it provides information on how developers should demonstrate that a diverse range of public house provision exists within the locality. It details how the locality and how the suitability of alternative provision should be assessed.

78. The council intends to update the practice note to reflect policy SSE8: Public houses upon adoption of the new local plan. Given the similarity of the two policies in approach, the substantive content of the practice note would remain largely unchanged.