

## **Examination of the Bristol Local Plan 2022-2049**

### **Written Statement by the Westbury on Trym Society (ID 229)**

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

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

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

##### **1. Introduction**

1.1 This representation is from the Westbury on Trym Society, which was established in 1972 to look after the amenities, landscape and historic settings of this 1300 year old village within the city of Bristol. The Society is thus now over 50 years old. The Society has had particular involvement with businesses in the village and planning applications affecting them.

1.2 For a number of years, the Society has been responsible for organising the floral displays in Westbury on Trym's town centre, including hanging baskets for businesses. Through the financial support of local residents and businesses and the Society's own funds, these displays from spring to autumn help to brighten up and enhance the environment of the village centre and, we believe, help to attract visitors to the businesses there. During the Christmas period we organise displays of illuminated Christmas trees on premises to help attract trade to the businesses. Accordingly, through its dealings with local businesses, the Society has a very good understanding of the concerns that they have in relation to economic and planning matters.

1.3 Westbury on Trym is exceptional in Bristol in that retains a unique rural village character with a shopping centre, the remnants of that which was developed in Victorian times remains, together with early and later twentieth century developments. Large parts of the village centre form part of the Westbury on Trym conservation area, one of the first to be designated in Bristol in 1972. However, the most recent shops, including Carlton Court which was developed in the 1960s and are the most accessible for shoppers, are not within the conservation area. Westbury on Trym is designated as a town centre in the retail hierarchy.

##### **2. The Evidence Base and its Conclusions in relation to Westbury on Trym**

2.1 We found significant flaws in the evidence base in relation to Westbury on Trym in terms of the vacancy rate and composition of the floorspace of the village in 2022. We consider that table 6.1, on page 50 of EVEC02, to be misleading. Even if the data relating to the other town and district centres was reliable in February 2022, we consider that the evidence base, now 3 years old, is likely to be out of date and fails to take account the continuing changes affecting town centres in Bristol, such as bank closures and branch closures of national multiples such as Boots.

2.2 Table 6.1 suggests that the vacancy rate in Westbury on Trym is very low (4.7%) and therefore it is considered to be 'vital and viable town centre'. As set out in our earlier representation ([https://files.smartsurvey.io/3/1/LF6O0U3Q/234532488\\_20966090\\_3223125.pdf](https://files.smartsurvey.io/3/1/LF6O0U3Q/234532488_20966090_3223125.pdf)), we consider the figures for unit composition on page 139 Table 2 of EVEC02, in January 2022 are incorrect:

- the table failed to account for the **following units which were vacant in Jan 2022**– the former Post Office, High Street (ref. 1 on the plan attached to the representation [https://files.smartsurvey.io/3/1/C6VX3VPR/234532488\\_20966090\\_3164910.jpg](https://files.smartsurvey.io/3/1/C6VX3VPR/234532488_20966090_3164910.jpg)); former Vanilla Gifts (47 High Street, ref 2); vacant units formerly occupied by PDSA and Woods estate agents 28-34 High Street (refs 3&4); unit 1, 68 Westbury Hill now occupied by Domino's pizza (previously Johnson's Dry Cleaning, ref 5).
- We classify Bristol Locksmiths (ref 6) given its retail sales and shop display, as **retail, not Financial & Business services** and the survey fails to identify A&J Shoe Repairs at 27 High Street as a retail unit (a subdivision of Patco, ref 7). We consider these to be both comparison goods units.
- The survey also **failed to identify** Westbury Smiles dental practice at 10 High Street (previously occupied by the Co-op bank, ref 8), which we consider could be considered as a retail service use.
- The table also included as a leisure unit the former Royal British Legion club (ref 9). This was not a ground floor use, but was upstairs to the rear of the High Street, was already closed in January 2022 and will not be reopening. It is still unused.

2.3 The current situation in January 2025 is different to that in 2022, with an even higher vacancy rate (10.8%). According to the conclusion of the Westbury on Trym town centre Healthcheck, page 143, EVEC02 '*Due to the centre's lower than national average vacancy figures and wider healthcheck indicators, it is considered to be a vital and viable town centre*'. We do not consider that this represent the true picture of the centre.

2.4 We have reworked table 2 of Appendix 4, page 139 of EVEC02 bringing it up to date.

Table 2 (Westbury on Trym Healthcheck) Re-interpreted

GOAD Category	Jan 2022 Nexus PIng	Jan 2022 WoT SoC figures	Jan 2024 WoT SoC figures	Jan 2025 WoT SoC figures	Jan 2022- Nexus PIng %	Jan 2022- WoT SoC %	Jan 2024 WoT SoC %	Jan 2025 WoT SoC %
Comparison	24	26	24	25	27.9	27.9	25.8	26.8
Convenience	9	9	9	9	10.5	9.7	9.7	9.7
Financial & Business Service	15	14	13	13	17.4	15.1	14.0	14.0
Leisure Service	14	13	14	16	16.3	14.0	15.0	17.2
Retail Service	20	21	21	20	23.3	23.6	22.6	21.5
Vacant	4	9	12	10	4.7	9.7	12.9	10.8
<b>TOTAL</b>	86	93	93	93	100	100	100	100

2.5 Accordingly, we calculate there were 93 business units, not 86 at the time of the 2022 survey. With 9 of these units being vacant, the vacancy rate would have been 9.7%, over twice the 4.7% set out in the Bristol Local Centres study healthcheck. This gives a quite misleading picture of the viability and vitality of Westbury on Trym town centre. This belies the statement in para 11.45 that Westbury on Trym appears to have fared relatively well following Covid-19.

2.6 Turning to January 2025, there are still 93 units, allowing for one unit identified as vacant in 2022 (British Raj restaurant) now converted to residential (ref 10), cancelled

out by a new unit which was built as part of the redevelopment of 1 Stoke Lane. (ref 11). That remains unlet.

2.7 Changes since 2022 are many and involve:

- **Closure of 4 Financial Services outlets** (3 banks, HSBC, Natwest and Barclays– and Bristol Tax savers) – all vacant apart from HSBC now charity shop
- **Opening of Star Legal and Balloon Letting, both Financial Services.**
- **Closure of 4 Comparison goods outlets** (Kitchens Direct, Fitz Woodburners & Stoves, Bristol Carpet & Flooring and Shuttercraft).
- **Opening of 3 Leisure Services outlets** (Domino's, Goldfinch & Fed).
- **Opening of Crossfit gym** in the vacant Post Office building.
- **Closure of Classic Man, High Street, now vacant.**
- **Closure of Glam, Carlton Court, retail service unit, now vacant.**
- **Bristol Carpet & Flooring, Canford Lane** now a vape shop.

2.8 Currently, we calculate the percentage of vacant units to be 10.8%, quite a change from the apparently very favourable figure of 4.7%, the second best amongst town centres in the Evidence Base. The financial and business service sector is no longer '*anchored by three (sic) retail banks, Lloyds, NatWest and HSBC*' as stated on p143 of appendix 5 of the Nexus Planning evidence base'. Lloyds bank is still there but it can only be a matter of time before closure can be expected.

2.9 On the evidence we have provided, Westbury on Trym would be ranked only 5<sup>th</sup> best amongst the 11 town centres. When looking at the vacancy figures, as a proxy for vitality and viability, it is noted that the vacancy levels overall do not support the contention that Bristol's town and district centres are generally successful, with vacancy rates of 20.7% recorded in St George (Church Road) and 14.0% in neighbouring Henleaze town centres and 40% in Whitchurch (Oatlands Avenue) and 16.8% in Stapleton Road district centres. We consider that they need will need considerable help to ensure their continued viability.

### 3. Policy SSE2

#### Use of Article 4 directions

3.1 One concern for the future of Westbury on Trym and all the other town and district centres is that insufficient support is offered by policy SSE2 in preventing the conversion of ground floor retail to residential uses and thereby harming their vitality and viability.

3.2 The multifarious uses that are now included in the new Use Class E makes it difficult for planning authorities to control changes of use of retail units in shopping centres. Policy SSE1 includes the text '*Active ground floor uses will be maintained and enhanced throughout the centres*'. However, in the light of the extent of class E we consider these words have little meaning.

3.3 Under the section of policy SSE2, which is headed 'residential development' it reads '*within the primary shopping areas, changes of use of ground floor frontages to residential development (that require planning permission) will not be appropriate*'. We agree that the creation of ground floor residential uses within primary shopping areas can create dead frontages, with shutters and curtains used for privacy and can adversely impact on the vitality of the centre.

3.4 Changes of use to residential are now permissible under schedule 2 part 3, class MA2 of the Town & Country Planning (General Permitted Development Order) (England) 2015,

subject only to prior approval principally in respect of transport impacts, contamination, noise from commercial premises. Unless the site is within a conservation area, prior approval does not permit the planning authority to take account the impact of the change of use on the character, vitality or sustainability of the centre.

3.5 At para 11.56 of EVEC02, the study notes the importance of Article 4 Directions being imposed in appropriate circumstances to control changes of use in town centres. Para 11.59 of EVEC02 notes *'Suitable circumstances for the use of Article 4 directions include the protection of town centres, as a July 2021 Written Ministerial Statement noted at Paragraph 53. Taken together, it is clear than an Article 4 direction applied to a town centre could support and protect the ongoing vitality and viability of the centre, and could provide local authorities a greater level of control in the context of increasing permitted development rights and the introduction of Class E'*.

3.6 Despite the comments as to the use of Article 4 Directions in the evidence base, their use as a policy tool is not referred to at all in the Bristol Local Plan Publication Version chapter on Centres, shopping and the evening economy. The text at para 8.22 merely states *'it is considered important to future viability and viability to manage the proportion of non-retail uses in the primary shopping areas to ensure that other uses support and do not dominate the primary retail function of the area.'*

3.7 Protecting the core of a shopping centre from loss of key retail facilities is now established as justification for issuing an Article 4 direction, as pointed out in para 11.57 of EVEC02.

3.8 Changes of ground floor use of retail premises to residential have already been sought in the primary shopping area of Westbury on Trym. The British Raj was subject to a planning application, but as this was on the very edge of the town centre outside the primary area and this was not considered harmful to its vitality. However, an application affecting the ground floor of the former Barclays Bank, situated in the primary shopping area, is currently the subject of an appeal against refusal of permission under the prior approval procedure. In this instance the building is within the conservation area and because of that the council was able to consider the 'impact of the change of use on the character or sustainability of the conservation area'. Had that not been the case it is difficult to see how the council could have refused the application.

3.9 Accordingly, we propose that the following wording be added to the section 'Residential Development' in policy SSE2. **Within the primary shopping areas, changes of use of ground floor frontages to residential development that require planning permission will not be supported and the council will consider the use of Article 4 Directions to prevent the use of permitted development rights in such areas in appropriate circumstances.**

3.9 Given the wording of class MA2 of the Town & Country Planning (General Permitted Development Order) (England) 2015, we cannot understand how the section of the policy referring to *'changes of use to ground floor residential development in wider centre boundaries'* can control such changes without the use of Article 4 Directions.

#### **4. Use of Vision Statements and Town Centre strategies**

4.1 The Evidence base makes recommendations as to possible ways of encouraging the use of the town centres in Bristol. Table 11.3 of EVEC02, gives 'recommendations' for each of the town centres, amounting to a preliminary 'vision statement' for identified centres. National Planning Policy guidance para 004 Reference ID 2b-004-20190722 includes the

use of vision statements for each town centre as a possible element of a town centre strategy.

4.2 However, the text of the 'Centres, shopping and evening economy' chapter in the Bristol Local Plan Publication version makes no reference to the use of town centre strategies. The Westbury on Trym Society has a good knowledge of the businesses in its town centre and would want to be involved in promoting activity within Westbury on Trym.

4.3 We consider that within the wording under the 'Town Centres' part of policy SS2 there should include a commitment to develop town centre strategies for the identified town centres in Bristol, as set out in policy SSE1. Our suggested wording is:

**Town centre strategies will be developed for each of the town centres identified in policy SSE1, to accommodate a range of suitable development and support their vitality and viability.**

## **5. Conclusion**

5.1 We ask that the Inspectors give due consideration to the amendments proposed to policy SSE2. We consider that this will help to ensure that the policy is justified, effective and consistent with national policy.

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