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Dear Sir or Madam

**Possfund Custodian Trustee Limited
St Nicholas Gate Retail Park, Carlisle
Representations on the Carlisle Proposed Submission Draft Local Plan**

Introduction

1. We write on behalf of our client, Possfund Custodian Trustee Limited (Possfund), to make representations on the Carlisle Proposed Submission Draft Local Plan (2015).
2. Possfund is the owner of St Nicholas Gate Retail Park on London Road, which is located at the southern edge of Carlisle City Centre at the end of Botchergate, and is therefore a key stakeholder with an important role to play in ensuring a prosperous future for Carlisle. Possfund has a long term commitment in Carlisle to ensure that the Retail Park remains a viable retail asset which fulfils its important role in serving the shopping needs of Carlisle's residents.
3. Available opportunities for further retail developments at St. Nicholas Gate Retail Park provide prospects to ensure that it remains an attractive and viable retail destination in Carlisle. If the Park can be improved and expanded it will enhance Carlisle's overall retail offer and continue to operate alongside the City Centre in a way that attracts visitors to central Carlisle. Investment at the Retail Park is contributing to the wider economic and aesthetic regeneration of the Bothchergate area and creating a more attractive gateway to the City Centre.

Carlisle Proposed Submission Draft Local Plan

4. We have reviewed the draft Local Plan and note the following points and changes in relation to retail locations and development proposals:
 - a. There is no specific retail allocation for St Nicholas Gate Retail Park, which was allocated as 'Large Stores and Retail Warehouses' in the adopted Carlisle District Local Plan under Policy EC5, and also in previous versions of this emerging Local Plan.
 - b. The City Centre boundary does not extend as far south as St Nicholas Gate Retail Park. In the previous Preferred Options Policy Map (July 2013) the Retail Park was identified as being located within the City Centre Policies Area, which was to be finalised through the production of the City Centre Masterplan.
 - c. There are no additional retail allocations included in the draft Local Plan.

- d. The existing shops to the north of St Nicholas Gate on London road have been identified on the Policies Map as 'Botchergate South' local centre.
- e. Draft Policy SP4 identifies development opportunities in the City as follows:
 - i. Caldew Riverside Development Opportunity – this is the area to the west of the City Centre identified for regeneration for a mix of uses which would '*complement those in the City Centre*'. Proposals for retail would need to address sequential and impact testing.
 - ii. Citadel Redevelopment Opportunity – this is an identified opportunity to redevelop existing buildings, including some within Botchergate, for a mix of uses to improve vitality and viability and 'sense of arrival'.
 - iii. Potential Future Expansion of the Primary Shopping Area (PSA) – an area to the north of the PSA, which includes Lowther Street and Rickergate, has been identified as an opportunity for future expansion.
5. The remainder of this letter provides our comments and recommendations on the following draft policies:
 - a. SP1: Sustainable Development
 - b. SP2 Strategic Growth and Distribution
 - c. SP4: Carlisle City Centre and Caldew Riverside
 - d. EC3: Primary Shopping Areas and Frontages
 - e. EC 5: District and Local Centres
 - f. EC 6: Retail and Main Town Centre Uses Outside Defined Centres
 - g. IP8: Planning Obligations
6. Silence on other areas of the draft Local Plan does not necessarily imply support or opposition for those aspects of the Plan.

Comments on Draft Policies

a. Policy SP1: Sustainable Development

7. Draft policy SP1 states:

'When considering development proposals Carlisle City Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It will always work proactively with applicants, and communities, jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions of the District.'

Planning applications that accord with the policies in this Local Plan (and, where relevant, with policies in neighbourhood development plans) will be approved without delay, unless material considerations indicate otherwise.

Where there are no policies relevant to the application, or relevant policies are out of date at the time of making the decision, then the Council will grant permission unless material considerations indicate otherwise - taking into account whether:

1. *any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole; or*
2. *specific policies in that Framework indicate that development should be restricted.'*

Savills comment

8. We agree that it is appropriate for the Plan to include a strong presumption in favour of sustainable development which accords with paragraph 15 of the National Planning Policy Framework (NPPF).

b. Policy SP2 Strategic Growth and Distribution

9. The draft policy identifies a number of principles *'To ensure that objectively assessed development needs are met, and met in the most sustainable manner, strategic growth within the District of Carlisle.'* The draft policy continues to state at points (4) and (5) fourth and fifth relate to retail development, stating:
 4. *The City Centre will maintain and enhance its status by being the primary focus for further comparison retail development across the Plan period:*
 - a. *specifically, sufficient land will be identified within the City Centre to accommodate an additional 18,700m2 net comparison retail floorspace until 2030.*
 5. *Provision for leisure and other 'main town centre uses' will be based on the need to protect and enhance the vitality and viability of the City Centre, District Centres and Local Centres as defined on the Policies Map.*

Savills comment

10. The draft Local Plan reflects the town centres first approach as set out in national policy and guidance. However, it should recognise that there are a range of types of shopping destinations which support different shopping needs.
11. St Nicholas Gate Retail Park is an existing established retail destination in the City that provides large format retail units, which there is an identified lack of in the City Centre's shopping areas. We recommend that St Nicholas Gate is identified in the Local Plan as a shopping destination, as it is currently in the adopted development plan and has been in previous versions of this emerging Plan. This would support investment at the Park which could provide for units for retailers that operate from larger floorplates.
12. Point (5) of the draft policy sets the context for the retail policy tests against which proposals for out of centre retail development will be considered. The specific details are set out in draft Policy EC6, which we comment on below.

c. Policy SP4: Carlisle City Centre and Caldew Riverside

13. Draft Policy SP4 states that in order to support vitality and viability the main focus for comparison retail development is the City Centre. It states that development proposals should create a *'diverse mix of uses'*, including residential uses, to support healthy daytime and evening activity.
14. The draft policy allocates land to the north of Lowther Street including Rickergate as an area of the potential future expansion of the Primary Shopping Area (PSA). In this area retail led developments will supported provided they are in response to identified needs and do not prejudice the ability to respond to an identified needs to deliver additional comparison retail floorspace.
15. The policy also comments on Botchergate, which is located immediately north of St Nicholas gate Retail Park, where there is a new allocation on the Policies Map for the 'Botchergate South' local centre. It states that that development proposals should respond to opportunities to:
 2. *reserve or enhance the character, appearance and wider setting of the City Centre, Botchergate and Portland Square/ Chatsworth Square Conservation Areas and contribute towards the delivery of objectives within their respective Management Plans*

'To the south of the City Centre a notable and significant opportunity exists in the locality of the Citadel, as defined on the Policies Map, to reuse and redevelop buildings and land for a mix of uses which could act as a catalyst to enhance the vitality and viability of the southern extent of the City Centre, including Botchergate, and further improve the sense of arrival for visitors using this important historic and iconic gateway. Consideration will be afforded to progressing a development brief for this locality to ensure that the opportunity to deliver a comprehensive and strategic development across this area is safeguarded. This approach will also ensure that the potential benefits are maximised and that any opportunities to accelerate delivery are identified. Proposals will be supported providing that they do not prejudice any longer term opportunities and respect the significance of the heritage assets which characterise this area.'

Savills comment

16. We agree that the policy should encourage development activity in Botchergate to regenerate the area and enhance the sense of arrival to the City Centre. Consented improvements at St. Nicholas Gate Retail Park will enhance the appearance of the wider Botchergate area and make the route into the City more attractive. This may stimulate further investment on the London Road corridor, which will support the realisation of the policy objectives for the Botchergate area and Botchergate South local centre.
17. Given it is an existing retail destination with strong linkages to Botchergate, reference could be made to St. Nicholas Gate Retail Park in Policy SP4 and the development brief for the area which the draft policy states may be progressed. This policy and guidance should support proposals which focus on the consolidation and improvement of retail uses within the area.

d. Policy EC3: Primary Shopping Areas and Frontages

18. The draft policy states:

'The District's Primary Shopping Areas, as defined on the Policies Map, will be the focus for new retail development across the plan period, in accordance with the hierarchy set out in Policy SP 2. Proposals for the change of use of ground floor shops to non retail uses within Primary Shopping Areas will be supported providing the proposal:

- 1. would not lead to an unacceptable concentration of such uses and/or undermine the vitality and viability of the area; and*
- 2. includes provision for views into the building or for a window display in keeping with the character of the frontage, in order to retain active frontages.*

In order to retain a strong retail core within the City Centre Primary Shopping Area, a number of Primary Shopping Frontages have been defined and are identified on the Policies Map. The impacts of proposals for non retail uses within a designated frontage will be assessed in the context of the defined frontage as well as the wider area.'

Savills comment

19. The retail areas in Carlisle City Centre extend beyond the areas identified on the Policies Map. It should also include those secondary frontages which are contiguous and closely related to it, including retail uses along Botchergate.
20. In Carlisle, primary and secondary retailing extends from the heart of the City Centre along the full length of Botchergate, including at St Nicholas Gate Retail Park. The mix of uses along Botchergate is predominantly leisure and Class A uses, including a significant proportion of retail.

21. The draft policy also seeks to protect retail uses in the PSA from changes of use to non-retail, which seems somewhat inconsistent with draft Policy SP4 which seeks to support a 'diverse mix of uses' within the City Centre.

e. Policy EC 5: District and Local Centres

22. We agree with the allocation of 'Botchergate South' local centre in Botchergate. The allocation will support retail development at this location, which is consistent with existing land uses, and will encourage the regeneration of the area as an important gateway into the City Centre.

f. Policy EC6 - Retail and Main Town Centre Use Outside Defined Centres

23. The draft policy states:

'Development proposals for new retail and main town centre uses should in the first instance be directed towards defined centres, and for comparison (non-food) retailing proposals the defined Primary Shopping Areas within these centres, in accordance with the hierarchy set out in Policy SP 2.'

Proposals outside of defined centres which exceed 200m² will be required to undertake a sequential and impact test in accordance with national policy proportionate to the scale and nature of the proposal.

This approach also applies to proposals for the extension of floorspace (including the use of a mezzanine floor) at existing stores or retail warehouses where these are outside defined centres...'

Savills comment

1. The sequential approach

24. The draft policy follows the town centres first approach set out at paragraph 24 of the NPPF, which states:

'Local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. They should require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale.'

25. To ensure that the policy accords with this advice, and to protect against sporadic out of town development at inappropriate locations, it is important that St Nicholas Gate Retail Park is identified as a shopping destination in the Plan. The Retail Park is located at the end of Botchergate, both of which are established retail and commercial destinations just south of the City Centre. It follows that the site is well related to and shares connectivity to the City Centre, more so than other retail parks in Carlisle.
26. Given its location and the fact that it is a well-established retail destination, St Nicholas Gate should be identified for the purposes of the sequential test as the preferred retail warehouse location in Carlisle. It is the best retail location in the City that can provide the large floorplate units that the City Centre shopping areas lack. The status of the Retail Park needs to be retained and enhanced in order to compete effectively with competing retail warehouse schemes further afield, which provide no connectivity with the City Centre or opportunities for linked trips to occur.
27. Moreover, by recognising St Nicholas Gate Retail Park as the principal destination in Carlisle for large format retail warehousing, where development proposals emerge that cannot be accommodated in the

City Centre itself, the Local Plan should seek to direct development to the next most suitable location in order to maximise the benefits for the City. The advantages of this approach would include:

1. Directing new investment to appropriate existing and established locations.
2. Ensuring Carlisle has a strong counterweight to competing retail park destinations further afield.
3. Accommodating more sustainable shopping patterns by supporting the provision of large format retail units in an area of the City that benefits from good connectivity with the City Centre.
4. Promoting the economic regeneration of the Botchergate through supporting investment in the area.

2. Threshold for the impact test

28. The threshold set out in the draft policy for requiring an impact test is set at any proposal for retail development over 200 sq. m. This is only eight percent of the 2,500 sq. m threshold for impact assessments recommended at paragraph 26 of the NPPF.
29. Paragraph 27 of the NPPF states that applications for retail development should be refused where they are likely to lead to a 'significant adverse impact'. It follows that the threshold suggested at paragraph 26 implies that the impacts of retail developments below 2,500 sq.m are unlikely to lead to a significant adverse impact.
30. No justification for the 200 sq. m threshold is provided in draft Policy EC6, which is too low in our view. The proposed threshold is such an insignificant amount of floorspace that a proposal of that scale could not possibly have a significant adverse impact on the City Centre. The amount of retail floorspace in Carlisle City Centre is approximately 68,000 sq. m. A 200 sq. m threshold for assessing impact equates to just 0.3% of City Centre retail floorspace, This is particularly relevant if applied to applications for mezzanine floorspace, which typically has a lower sales density than ground floor retail floorspace.
31. Requiring an assessment for such small scale proposals does not comply with Government's objectives to speed up the planning system and remove barriers to investment and growth as set out at paragraph 21 of the NPPF:

'Investment in business should not be over-burdened by the combined requirements of planning policy expectations. Planning policies should recognise and seek to address potential barriers to investment, including a poor environment or any lack of infrastructure, services or housing...'

g. Policy IP8: Planning Obligations

32. Draft Policy IP8 states that new development will be expected to provide improvements to infrastructure, services and community facilities, identified through the Carlisle Infrastructure Plan, which are directly related to and necessary to make the development acceptable.

Savills comment

33. The draft policy should refer to the tests set out at paragraph 204 of the NPPF to ensure that planning obligations meet all of the relevant tests:

'Planning obligations should only be sought where they meet all of the following tests:

- *necessary to make the development acceptable in planning terms;*
- *directly related to the development; and*

- *fairly and reasonably related in scale and kind to the development.'*

Summary

34. Possfund supports the Council in its aspirations to promote the economic regeneration of Carlisle through the Local Plan.
35. However, some aspects of the Plan go beyond what is reasonably required by the NPPF and could be counter-productive to stimulating retail development in the City at appropriate locations for retail investment. Our recommendations are:
1. The 200 sq. m threshold for requiring impact and sequential assessments is set too low, and should be revised in to a more appropriate level to accord with paragraph 26 of the NPPF.
 2. St Nicholas Gate Retail Park should be identified on the Policies Map as a retail warehouse park and should be afforded favourable status ahead of other retail warehouses further from the centre of Carlisle or new retail warehouse developments. St Nicholas Gate is an established retail destination a well connected gateway site to the City Centre where investments can assist in supporting the regeneration of the Bothcher gate area.
36. We hope that the above comments assist and will be taken into consideration as part of the Council's ongoing preparation of its Local Plan. We would be grateful if the Council could keep us up to date on the progression of the Local Plan and any future consultations.
37. Should you require any clarification or additional information, please do not hesitate to contact Trevor Adey or Peter Whittingham at these offices.

Yours faithfully

Savills
Planning

Encs.

cc. A Bolitho (LaSalle IM)