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SOUTH CAMBRIDGESHIRE
LOCAL PLAN
EXAMINATION IN PUBLIC**

**HEARING STATEMENT
BY SHRIMPLINBROWN
ON BEHALF OF
HOWARD GROUP**

**MATTER 2. OVERALL SPATIAL
VISION AND GENERAL ISSUES**

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1. This Hearing Statement has been produced by ShrimplinBrown on behalf of Howard Group.

a. Is the overarching development strategy, expressed as the preferred sequential approach for new development, soundly based and will it deliver sustainable development in accordance with the policies of the National Planning Policy Framework?

2. We consider that the overarching development strategy risks being undermined by, firstly, the Local Plan's failure to accurately record the NPPF's presumption in favour of sustainable development and, secondly, its failure to encourage existing development to become more sustainable.

Accurate recording of the NPPF's presumption in favour of sustainable development

3. The importance of timely decisions is highlighted as a central element of the NPPF's presumption in favour of sustainable development. It makes clear that "Policies in Local Plans should follow the approach of the presumption in favour of sustainable development so that it is clear that development which is sustainable can be approved without delay" (paragraph 15). This should be specifically referenced in Policy S/3.
4. Policy S/3 does not accurately reflect the advice in paragraph 14 of the NPPF. It quotes directly from paragraph 14 of the NPPF but, without providing justification, adds additional caveats, as listed below:
 - The Policy refers to "material considerations indicate otherwise" which is not part of the test in the NPPF.
 - The Policy suggests that the two tests in the NPPF will be "[taken] into account", suggesting that their importance will be downplayed.
5. These additions risk watering down the very clear guidance in the NPPF and undermining its central objective of encouraging sustainable development. The policy therefore fails the tests of Soundness as it is not positively prepared and not consistent with national policy.
6. Amend policy accordingly (additions highlighted in bold, deletions struck through):

Policy S/3: Presumption in Favour of Sustainable Development:

1. When considering development proposals the 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 jointly to find solutions which mean that proposals that accord with the Local Plan and Neighbourhood Plans can be approved **without delay** ~~wherever~~

~~possible~~, and to secure development that improves the economic, social and environmental conditions in the area unless material considerations indicate otherwise.

2. 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:~~

- a. 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
- b. Specific policies in that Framework indicate that development should be restricted.

Fails to encourage existing development to be more sustainable

7. The introduction to the NPPF makes clear that “Pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people’s quality of life, including (but not limited to):

- making it easier for jobs to be created in cities, towns and villages;
- moving from a net loss of bio-diversity to achieving net gains for nature;
- replacing poor design with better design;
- improving the conditions in which people live, work, travel and take leisure; and
- widening the choice of high quality homes” (paragraph 9).

8. Sustainable development is therefore not limited to ensuring that new development is sustainable, but also includes a desire to ensure that existing communities are more sustainable.

9. The “Objectives” of the Local Plan should therefore recognise the need to ensure that existing development, as well as new development, has access to appropriate facilities in order to ensure that sustainable communities are created. Without this the Local Plan fails the tests of Soundness as it is not positively prepared and not consistent with national policy.

10. Amend policy accordingly (additional text highlighted in bold):

Policy S/2(e): Objectives of the Local Plan:

e. To ensure that all **existing and** new development provides or has access to a range of services and facilities that support healthy lifestyles and wellbeing for everyone, including shops, schools, doctors, community buildings, cultural facilities, local open space, and green infrastructure

Paragraph 2.27:

“The National Planning Policy Framework (NPPF) states that the purpose of planning is to help achieve sustainable development, and the NPPF has at its heart a presumption in favour of sustainable development, which it says should be seen as a golden thread running through both plan making and decision taking. For South Cambridgeshire, sustainable development means supporting the economic success of the Cambridge area, maintaining the setting of Cambridge as a compact historic city, and providing for development needs in a way that **improves the sustainability of existing settlements whilst maintaining** maintains the high quality of life enjoyed by residents that makes it such an attractive place to live, work and study, and locates new homes close to services and employment or on high quality public transport routes. The Local Plan has a number of chapters covering the full range of planning policy issues, which together contribute to the achievement of the three dimensions of sustainability: an economic role, a social role and an environmental role”.

b. Is it clear what other strategic options were considered and why they were dismissed?

No comment

c. Are the Plans founded on a robust and credible evidence base?

11. We are concerned that the Councils’ Joint Retail Study (2008) contains some fundamental flaws which have led it to underestimate current and future retail needs. We have addressed this in our Hearing Statement for Matter 4: Employment and Retail, which is repeated below.

12. Our concerns with the Councils’ Joint Retail Study (2008) are as follows:

- Out of date and not in accordance with the Local Plan’s timeframe to 2031;
- Mismatch in population information between Retail Study and Local Plans;
- Existing overtrading ignored; and
- Identified needs met?

13. We deal with each of these issues in turn below.

Out of date and not in accordance with the Local Plan’s timeframe to 2031

14. The Councils’ Joint Retail Study (2008) was produced in October 2008, six years before the Local Plan Examination is taking place. The data that informed the Retail Study is even older. This is a fundamental flaw as key inputs will all have changed. These include expenditure per person (both current expenditure and expected

growth rates), special forms of trading, company average turnovers. Importantly, the latest data on population growth and housing, which have been informed by the latest census data, will not have been included despite this data informing the Local Plan's strategies.

15. Retail is a particularly dynamic sector of the economy and has been affected by the global recession and changes in peoples' shopping habits. There has, for example, been significant growth in smaller convenience stores and deep discounters (who themselves have evolved and changed). The retail offer in competing centres, as well as within the survey area itself, will have changed since the Retail Study was published. The answers to the retail survey questionnaire which underpins the Retail Study may therefore have changed significantly. For example, the Joint Retail Study (2008) assumes a 75%/25% split between main and top-up food shopping (paragraph 10.5), whilst the Cambridge City Update (2013) assumes a 70%/30% split between main and top-up food shopping (paragraph 7.7). This demonstrates how important it is that the evidence upon which the Council are basing their decisions on retail matters is also up to date.
16. As Section 2 of the Retail Study explains, it is based on PPS6 and the East of England Regional Plan. Both of these have since been revoked.
17. The Retail Study also pre-dates the NPPF and the new approaches that has introduced towards meeting objectively assessed housing needs, which has had a fundamental impact on the way LPAs calculate their housing target and, as a result, other development needs.
18. The fact that the Retail Study is outdated is demonstrated by the fact that it covers the thirteen year period 2008-2021, which we will be over halfway through by the time the Local Plan is adopted. The Local Plan timeframe, in contrast, extends to 2031, well beyond the timeframe of the Retail Study.
19. The Introduction to the Retail Study clearly warns that "we advise that forecasts beyond a five-year period should be interpreted with caution. We therefore recommend that the assessments be monitored and updated to take account of changes in retail and property market trends, as well as revised spend and population growth projections" (paragraph 1.3). By its own admission, therefore, the Retail Study has been out of date since 2013 and needs to be updated.
20. This warning is repeated in the conclusion to the Retail Study's assessment of convenience goods: "It is important to note that capacity forecasts become increasingly open to margins of error over time and should be updated over the LDF period" (paragraph 10.30).
21. The final conclusion of the Retail Study is that "The majority of capacity we have identified is arising towards the end of the LDF period and we therefore suggest that

the forecasts are updated and reviewed on a regular basis to re-examine the capacity” (paragraph 12.15).

22. The fact that the Retail Study is out of date is witnessed by the fact that Cambridge City Council felt it necessary to commission an update, dated May 2013. The Introduction to the Cambridge City Update explains that “The purpose of this report is to provide a sound and robust evidence base to inform the strategic options and development management policies set out within the City’s emerging Local Plan which will cover the period up to 2031” (paragraph 1.1). This included a new household survey. This suggests that the original Retail Study was not considered Sound.
23. The Joint Retail Topic Paper explains the objectives of the Cambridge City Update (2013e. These are equally applicable to South Cambridgeshire:
- “Establish the extent to which the current retail and leisure provision in the city satisfies the level and nature of consumer demand within its catchment;
 - “Estimate the scale and nature of changes in this position that may arise in the light of potential increases in population, and forecast changes in retail and leisure expenditure;
 - “Identify the scale and nature of additional retail provision that may be appropriate in the city to the period 2031 and intervening five year periods;
 - “Assess the scope for new retail development and the potential to accommodate this within the city; and
 - “Advise on the appropriateness of the existing hierarchy of centres, shopping frontages and the need for specific development management policies.”

Mismatch in population information between Retail Study and Local Plans

24. The fact that the Retail Study is out of date is demonstrated in the very first assessment table which calculates the catchment area’s population. The Retail Study’s population calculations are based on the 2001 Census (paragraph 10.9). This information has been superseded by the 2011 census.
25. The Retail Study’s population calculations are also based on future housing allocations taken from the East of England Plan. As recent case law has made clear, housing projections based on old regional plans do not meet the NPPF’s requirement to meet the full, objectively assessed needs for market and affordable housing (paragraph 47).
26. The Local Plan is instead based on up to date information in the Cambridge Sub Region SHMA 2012 (April 2013) and the supporting ‘Population, Housing and Employment Forecasts Technical Report’ (April 2013).

Existing overtrading ignored

27. The Retail Study explains that in Cambridge City “The quantitative analysis indicates that the convenience stores in Cambridge are performing well... Nearly all of the national multiples in the district and local centres are performing at above average levels and several of the stores are trading extremely well” (paragraph 12.5). The picture is similar in South Cambridgeshire where “most of the convenience stores in the rural centres are performing well. Similarly all the out of centre convenience superstores are performing at above average levels” (paragraph 12.6).
28. The Retail Study highlights that in Cambridge “The household telephone survey identified the use of four out of centre foodstores in Cambridge city local authority area which collectively turnover over £123m, compared to a company average of £132m [7% overtrading¹]. Waitrose at Trumpington is performing very strongly with a turnover of £43.7m compared to a company average £31m [41% overtrading], this reflects Cambridge’s affluent catchment, its high-end offer and the fact that this is the only Waitrose store in the Cambridge urban area. Sainsbury’s at Coldham Lane is also performing strongly with a turnover of £39.1m compared to the company average of £29m [35% overtrading]” (paragraph 10.23).
29. The picture is similar for South Cambridgeshire: “There are three out of centre foodstores in South Cambridgeshire, all of which are operated by Tesco. The results of the household telephone survey reveal that the Tesco store at Milton is performing very well with a turnover of approximately £45.7m compared to the company average of £29m [58% overtrading]. The other two Tesco stores, at Bar Hill and Yarrow Road are performing at average levels according to the survey results. In reality, the Bar Hill store may be performing better but this has not been identified by the survey as it focuses on main food shopping and may not have picked up less frequent but higher spend shopping trips” (paragraph 10.29).
30. Overtrading of stores raises problems in terms of the acceptability of the shopping environment for customers, items being out of stock, traffic congestion etc. These are likely to be exacerbated in an area where the vast majority of stores over a large area are overtrading.
31. Despite this acknowledged overtrading, and the problems it can cause, it is completely ignored in the Retail Study which instead assumes that existing stores will be trading in equilibrium in the base year (Appendix 5, Tables 18-20). Ignoring the overtrading of existing stores fundamentally distorts the results of the Study. The same approach is taken in the Cambridge City Retail Study Update (Appendix 2, Table 12).

¹ The total overtrading of the stores is depressed because of the Asda at the Beehive Centre undertrading, which the Retail Study suggests is exaggerated: “It is likely that the Household Telephone Interview Survey has under estimated the turnover of the Asda, Beehive Centre.”

32. Moreover, the final conclusion draws the results for Cambridge City and South Cambridgeshire together (Table 20) which hides the more pronounced overtrading of existing stores in South Cambridgeshire. Stores in South Cambridgeshire are on average overtrading by 11.5% in the base year (base year average trading density of £12,977/m² versus £11,640/m² in subsequent years) (Table 19).

Market share remains constant

33. The opening paragraph of the section in the NPPF dealing with retail matters makes clear that “Planning policies should be positive, promote competitive town centre environments and set out policies for the management and growth of centres over the plan period” (paragraph 23). This includes trying to “promote competitive town centres that provide customer choice and a diverse retail offer and which reflect the individuality of town centres” (paragraph 23).
34. The Retail Study, however, fails to plan positively and instead assumes that settlements will simply maintain their existing market share. Unsustainable settlements, or those lacking in facilities, will therefore remain unsustainable.

Identified needs met?

35. Even ignoring the overtrading that is occurring in the base year, the Retail Study still identifies a need for significant amounts of additional convenience goods floorspace of 4,130m² net in 2011, increasing to 8,359m² net by 2016 and 11,216m² net by 2021. It indicates that “this capacity could however be absorbed by convenience goods development in the pipeline” (paragraph 12.7). However, there is no update as to whether the development which is intended to absorb this floorspace has been provided.
36. Moreover, additional floorspace provided in Cambourne or Northstowe will meet the needs of those new developments. Similarly, additional floorspace in Cambourne or at the Station Fringe Area will not meet needs in areas elsewhere created by existing deficiencies and future growth in expenditure.

Conclusion

37. The Local Plan therefore fails the tests of Soundness as it is not based on an up to date evidence base.
38. Paragraph 8.73 of the Local Plan should be amended as follows to reflect the need to update the Retail Study (additional text highlighted in bold):

“In order to explore future needs for retail development, Cambridge City Council and South Cambridgeshire District Council commissioned the

Cambridge Sub-Regional Retail Study 2008. This showed that retail in Cambridge was performing well and provided an assessment of the need for new floorspace for both comparison goods (items not generally purchased on a frequent basis e.g. clothing, shoes, electrical goods, furniture, books.) and convenience goods (everyday and essential items e.g. food and drink) to 2021. It identified that additional needs were generally related to serving the planned major developments such as Northstowe. **The Retail Study is now out of date and so can be given limited weight in decision taking. It will be revised and updated.**