

Review of Relevant Planning Policy

National Planning Policy Framework

- 1 The National Planning Policy Framework was published in March 2012. The NPPF replaced all former Planning Policy Statements, Planning Policy Guidance Notes and some Circulars in a single consolidated document.
- 2 The main theme of the NPPF is that there should be 'a presumption in favour of sustainable development'. In terms of plan-making, it is stated that local planning authorities should positively seek opportunities to meet the development needs of their area, with an emphasis on Local Plans having sufficient flexibility to adapt to rapid change.
- 3 In terms of economic development, it is set out within the NPPF's core principles that planning should proactively drive and support economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Every effort should be made to objectively identify and then meet the business and other development needs of an area, with positive responses made to wider opportunities for growth.
- 4 The NPPF stresses the Government's commitment to securing economic growth in order to create jobs and prosperity, with paragraph 17 stating that the planning system should do everything it can to support sustainable economic growth.
- 5 Paragraph 19 indicates that planning should operate to encourage and not to act as an impediment to sustainable growth, and that significant weight should be placed on the need to support economic growth through the planning system. The NPPF seeks to ensure that local planning authorities plan proactively to meet the development needs of business and support an economy fit for the 21st century.
- 6 The NPPF still recognises the need to promote the vitality and viability of towns and cities through the promotion of competition and growth management during the plan period. Paragraph 23 of the NPPF provides guidance for local planning authorities in drawing up Local Plans, it indicates that they should:
 - recognise town centres as the heart of their communities and pursue policies to support their vitality and viability;
 - define a network and hierarchy of centres that is resilient to anticipated future economic changes;

- define the extent of town centres and primary shopping areas, based on a clear definition of primary and secondary frontages in designated centres, and set policies that make clear which uses will be permitted in such locations;
- promote competitive town centres that provide customer choice and a diverse retail offer and which reflect the individuality of town centres;
- retain and enhance existing markets and, where appropriate, re-introduce or create new ones, ensuring that markets remain attractive and competitive;
- allocate a range of suitable sites to meet the scale and type of retail, leisure, commercial, office, tourism, cultural, community and residential development needed in town centre. It is important that needs for retail, leisure, office and other main town centre uses are met in full and are not compromised by limited site availability. Local planning authorities should therefore undertake an assessment of the need to expand town centres to ensure a sufficient supply of suitable sites;
- allocate appropriate edge of centre sites for main town centre uses that are well connected to the town centre where suitable and viable town centre sites are not available. If sufficient edge of centre sites cannot be identified, set policies for meeting the identified needs in other accessible locations that are well connected to the town centre;
- set policies for the consideration of proposals for main town centre uses which cannot be accommodated in or adjacent to town centres;
- recognise that residential development can play an important role in ensuring the vitality of centres and set out policies to encourage residential development on appropriate sites; and
- where town centres are in decline, local planning authorities should plan positively for their future to encourage economic activity.

7 Paragraph 23 also indicates that needs for retail, leisure, office and other main town centre uses should be met in full and should not be compromised by limited site availability.

8 Paragraph 24 requires local planning authorities to adopt a sequential approach to the consideration of planning applications for main town centre uses that are not in an existing centre or in accordance with an up-to-date Local Plan. The following paragraph 25 indicates that that the sequential approach should not apply to applications for small scale rural offices or other small scale development.

9 Paragraph 26 indicates that local planning authorities should require an impact assessment for retail, leisure and office development outside of town centres which are not in

accordance with an up-to-date Local Plan and if the development is over a proportionate, locally set threshold. Where there is no locally defined threshold, the default threshold will be 2,500 sq.m.

- 10 Paragraph 27 indicates that where an application fails to satisfy the sequential test or is likely to have a significant adverse impact on the vitality and viability of a town centre or on existing, planned, committed investment in a centre it should be refused.
- 11 The NPPF also recognises that retail activity should still, where possible, be focused in existing town centres. Retail and leisure proposals which cannot be accommodated in or adjacent to the town centre will have to satisfy a dual impact test and the sequential test.

Ensuring the Vitality of Town Centres Planning Practice Guidance

- 12 The 'Ensuring the Vitality of Town Centres' National Planning Practice Guidance was published in March 2014. It provides a concise summation of how retail and main town centre planning policy is to be applied in practice. The objectives of the Practice Guidance remain comparable with those of its predecessor, with there being a stated requirement for local planning authorities to plan positively and support town centres in order to generate local employment, promote competition within and between town centres, and create attractive and diverse places for users.
- 13 The Practice Guidance requires local planning authorities to fully assess and plan to meet needs for main town centre uses through the adoption of a 'town centre first' approach. Paragraphs 002 and 003 confirm that this should be delivered through a positive vision or strategy which is communicated through the development plan. The strategy should be facilitated through active engagement with the private sector and other interested organisations (including Portas Pilot organisations, Town Teams and so on). Any strategy should be based on evidence which clarifies the current state of town centres and opportunities to meet development needs and support centres' vitality and viability.
- 14 Such strategies should seek to address the following matters:
- the appropriate and realistic role, function and hierarchy of town centres in the area of over the plan period, including an audit of the vitality and viability of existing town centres and their ability to accommodate new development;
 - consideration of the vision for the future of each town centre and the most appropriate mix of uses;
 - the assessment of the scale of development that a town centre can accommodate;
 - the timeframe for new retail floorspace to be delivered;

- what other complementary strategies are necessary or appropriate to enhance the town centre to deliver the vision in the future; and
- the consideration of the enhancement of car parking provision including charging and enforcement mechanisms.

15 Paragraph 005 of the Practice Guidance identifies a series of key indicators which are of relevance in assessing the health of a centre over time. Paragraph 005 goes on to state that not all successful town centre regeneration initiatives have been retail-led or focused on substantial new development, but have instead involved improvements such as renewed public realm, parking, and accessibility and other partnership mechanisms.

16 Paragraph 009 reaffirms the town centre first policy in the form of the sequential test, which requires local planning authorities to undertake an assessment of candidate sites' availability, suitability and viability when preparing their local plan. Such an assessment should also consider the scale of future needs and the type of land required to accommodate main town centre uses.

Housing and Economic Development Needs Assessment Planning Practice Guidance

17 The Government has issued practice guidance to provide specific instruction in respect of the undertaking of needs assessments (including those for main town centre uses), which was last updated in March 2015. Paragraph 032 of the Housing and Economic Development Needs Assessments Planning Practice Guidance states that plan makers should consider forecasts of quantitative and qualitative need based on a range of data which is current and robust. Local planning authorities will need to take account of business cycles and make use of forecasts and surveys to assess requirements.

Relaxation of Permitted Development Rights

18 At a national level, recent changes to the Town and Country Planning (General Permitted Development) Order 1995 have sought to support the diversification and vitality of town centres. The changes follow the Portas Report's recommendation to make it easier to change surplus space in order to provide for the effective re-use of buildings.

19 The Town and Country Planning (General Permitted Development) (England) Order 2015 came into force on 15 April 2015. The Order acts, inter alia, to consolidate and replace the Town and Country Planning (General Permitted Development Order 1995) and to provide additional permitted development rights. It should be noted that conditions and restrictions

apply, and that prior approval is generally required in order to implement development. The new rights include:

- a permitted change of use from retail/financial services (Class A1/A2), betting offices and pay day loans shops to residential (Class C3);
- a permitted change of use from amusement arcade/casino (sui generis use) to residential use (Class C3);
- a permitted change from retail (Class A1) to financial services (Class A2);
- a permitted change from retail/financial services (Class A1/A2) to food and drink (Class A3);
- a permitted change from retail/financial services (Class A1/A2), betting offices, pay day loan shops and casinos to assembly and leisure uses (Class D2);
- an extension of the temporary permitted development rights introduced in May 2013 for extensions to shops, offices, industrial and warehouse buildings to support business expansion and the economy so they apply permanently;
- the erection of click and collect facilities within the curtilage of a retail shop; and
- modifications to the size of an existing retail shop loading bay.

20 The Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2016 subsequently came into force on 6 April 2016. The Amendment provides for the change of use of launderettes to residential uses as permitted development, and acts to make permanent previous temporary provisions which permit the change of use from office to residential use. A condition allowing the local planning authority to consider noise impacts on the intended occupants of the development from premises in commercial use is included in the extended right.

21 The intended consequence of the above measures is to secure the redevelopment and reuse of premises. It is considered that the relaxation in respect of changes of use to residential are more likely to encourage re-use of offices in larger metropolitan areas which may benefit from a greater supply of office buildings.

Borough of Darlington Local Plan

22 Of the Borough of Darlington Local Plan (adopted 1997, with alterations in 2001) policies which have been saved, we consider the following to be of greatest pertinence to Darlington's retail strategy.

- 23 Policy S4 and Policy S5 seek to respectively restrict the change of use of retail primary shopping frontages to financial and professional services and to food and drink uses. Each policy also seeks to limit such non-retail uses in secondary shopping frontages where the overall concentration of such uses could undermine the character of the shopping frontage. Policy S6 states that uses outside of Classes A1, A2, A3 or amusement centres will not be permitted on ground floors in the primary or secondary shopping frontages of the town centre.
- 24 Policy S9 relates to the fringe shopping areas of Northgate, Parkgate, Victoria Road, Duke Street and Bondgate and states that small new shops, limited extensions to existing shops and Class A2 service uses will be permitted in the defined fringe shopping areas.
- 25 In respect of district and local centres, Policy S10 states that:
- 'The Council will safeguard and enhance the vitality and viability of the district centres at North Road and Cockerton, and the local centres at Yarm Road, Neasham Road, Whinfield and Mowden, and in particular will safeguard their role for food shopping. Development which when taken with other recent and proposed developments would undermine that vitality and viability will not be permitted.'*
- 26 Policy S11 relates to future development and indicates that shopping development, including new food supermarkets up to 2,500 sq.m gross floorspace, and Class A2 service uses will be permitted within and immediately adjacent to the defined district and local centres provided that they are physically integrated with and have good pedestrian links with the rest of the centre.

Darlington Core Strategy Development Plan Document

- 27 The Darlington Core Strategy Development Plan Document (adopted 2011) sets out the spatial vision for Darlington, which reads as follows:
- 'By 2026 Darlington will be a more sustainable community, where a real step change has been achieved in enhancing the quality of life and local environment, and expanding local opportunities for work and for sustainable travel. Those who live in, work in or visit the Borough will enjoy the opportunities and vibrant life of an ambitious city, but with the fabric of a friendly, historic market town with a distinctive atmosphere, surrounded by attractive countryside and villages.'*
- 28 Policy CS1 acts to encourage growth and development where, *inter alia*, it helps Darlington to fulfil its historic role as a market town and host to a thriving town centre. Priority will be given to the development in the following order:

- the Town Centre, for retailing and other town centre uses;
- Central Park, for mixed use development, principally housing and employment; and
- The Town Centre Fringe, for mixed use development, principally housing and employment.

29 Policy CS6 seeks to promote a sustainable, vibrant tourism and cultural sector in the town by, *inter alia*, promoting new tourist attractions, particularly in the town centre and the Town Centre Fringe which raise awareness of, and interest in, the Borough's railway, industrial and cultural heritage, and encourage provision of a diverse range of cultural facilities and creative arts industries to create the Darlington Cultural Quarter.

30 Policy CS7 relates specifically to the town centre and states that:

'The vitality and viability of Darlington town centre will be safeguarded and enhanced by protecting and promoting its role as the sub-regional centre for the western part of the Tees Valley City Region and the neighbouring parts of North Yorkshire and south and west Durham, including its role as a market town.

It will be the locational focus for the development of retail, office, leisure, entertainment, intensive sport and recreation, arts, culture, tourism and other main town centre uses needed within the Borough, and such uses will be encouraged and directed there as a first preference. A diversity of such uses, including for the evening and night-time economy, will be encouraged within the centre, in locations appropriate to their particular characteristics.

The first priority for retail development in the Borough is the completion of a major, multi-unit, retail-led scheme in the Commercial Street area, physically and functionally integrated with the primary shopping area, for occupation mainly by retailers of comparison goods. Incorporation of this within a mixed-use development would be encouraged.

Other than as part of a mixed-use scheme at Commercial Street, the first priority location for the development of major non-retail town centre uses in Borough will be other parts of the present town centre, including the Feethams/Beaumont Street area.

When the present town centre can physically accommodate no further major non-retail development, it will be extended into the Town Centre Fringe and such development will be encouraged there. Extension will be in phases, with the initial

priority direction being eastwards from the present centre towards the East Coast Main Line railway. Extension will be conditional on improvements in connections across the ring road, particularly for pedestrians and other non-car users, being in place.'

- 31 In respect of additional retail provision, Policy CS8 indicates that the need for additional comparison goods floorspace should be met mainly or wholly by a retail-led scheme at Commercial Street. A further 4,000 sq.m gross could be needed, provided its development would not undermine the implementation of Commercial Street. In addition to this, the policy makes it clear that an additional 12,000 sq.m gross comparison goods floorspace is expected to be needed in the five-year period to 2021 and a further 10,000 sq.m of comparison goods floorspace could be required in the five years to 2026. The policy indicates that the town centre primary shopping area should be the focus for additional floorspace.
- 32 Policy CS8 identifies that there is no quantitative need for additional convenience retail floorspace in the Borough before 2021. There is expected to be a quantitative need for an additional 2,000 sq.m gross floorspace in the five year period between 2021 and 2026.