

5. A VIBRANT TOWN CENTRE AND ACCESSIBLE SHOPS AND SERVICES

5. A VIBRANT TOWN CENTRE AND ACCESSIBLE SHOPS AND SERVICES

Context

5.1 National planning policy^{5.1} indicates that the Council should pro-actively promote competitive town centre environments that provide consumer choice and a diverse retail offer. The Darlington Core Strategy^{5.2} Policy CS7 (The Town Centre) sets out the overall approach to town centres and retailing, to ensure the vitality and viability of the town centre is maintained and enhanced, and so that it continues to provide a range of retail, leisure and business uses.

^{5.1} National Planning Policy Framework (CLG, March 2012), Para. 23

^{5.2} Darlington Core Strategy (May 2011) Policy CS7

5.2 The Core Strategy also sets out^{5.3} the hierarchy of centres in the borough, defining the role and appropriate developments for each, to ensure that their role in providing food shopping and a range of local shops, leisure uses and services, is safeguarded and enhanced.

^{5.3} Darlington Core Strategy (May 2011) Policy CS9

Issues

5.3 The main issues considered were:

- defining the boundaries of the town centre, primary shopping area, local and district centres;
- the function of frontages within the town centre and the local and district centres;
- the thresholds for requiring impact assessments for town centre development outside of existing centres;
- The appearance of shop fronts.

5.4 Consideration of these issues was informed by information in background studies, such as the Darlington Retail Study 2008 and 2010, as well as information in the Darlington Borough Council Retail Database, and further analysis undertaken in autumn 2012.

Town centres

5.5 The Core Strategy seeks to focus retail activity within the defined town, district and local centres in the borough, and to avoid developments outside of these centres that would compromise their vitality and viability, by drawing trade away from them. These policies do not prevent the development of small shops or convenience stores that serve local needs, but do help ensure that development within centres is consistent with a centre's scale, function and physical capacity to integrate extensions. Adverse impacts on vitality and viability could result in local services and amenities not being available to local communities, and people having to travel further for everyday goods and services, thereby reducing accessibility to some members of the community.

^{5.4} Darlington Core Strategy (May 2011) Policy CS9

5.6 The hierarchy of centres is set out in the Core Strategy^{5.4}; the town centre is at the top, followed by Cockerton and North Road District Centres, and then the local centres of Mowden, Neasham Road, Whinfield, Yarm Road, West Park and Middleton St George.

^{5.5} A statement demonstrating that a search for other, more sustainable sites within existing centres, have been considered and are not suitable, available or deliverable. More information on this can be found in the practice guidance 'of need, impact and the sequential approach' (CLG, 2009)

Options Considered

Town centre boundary and Primary Shopping Area

5.7 This document defines the extent of Darlington town centre and the Primary Shopping Area (these are defined below). This is important as it identifies where town centre uses will be acceptable, and where, for the purposes of town centre uses, a sequential assessment^{5.5} will be required.

Town Centre Boundary

5.6 National Planning Policy Framework, CLG 2012

5.8 The town centre is the defined area where main town centre uses will be located. Main town centre uses are defined in national policy^{5.6} as retail development (including warehouse clubs and factory outlet centres); leisure, entertainment facilities, the more intensive sport and recreation uses (including cinemas, restaurants, drive-through restaurants, bars and pubs, night clubs, casinos, health and fitness centres, indoor bowling centres, and bingo halls), and arts, culture and tourism development (including theatres, museums, galleries and concert halls, hotels and conference facilities); Strengthening the town centre by channelling new main town centre uses, including retail, leisure, and community uses, is vital if Darlington is going to fulfil its role as a sub-regional centre (see Core Strategy^{5.7}).

5.7 Darlington Core Strategy (DBC, May 2011) CS7

5.8 Retail Technical Note No. 3: Darlington Town Centre Boundary (January 2013)

5.9 Work undertaken in early 2013^{5.8} to review the town centre boundary, considered the following options:

- a) Retain the existing town centre boundary;
- b) Extend the existing town centre boundary at the eastern end of Duke Street and Bondgate to include areas that contain town centre uses and which are well connected to, and easily accessible from, the town centre.

5.9 Planning for town centres: Practice guidance on need, impact and the sequential approach (CLG, 2009)

5.8 National guidance^{5.9} indicates that a town centre boundary should contain the primary shopping area, and areas predominantly occupied by main town centre uses within or adjacent to the primary shopping area.

5.10 those that are identified as containing a high proportion of retail uses.

5.9 Both options accord with the Core Strategy, but Option b) includes areas that are adjacent to the town centre, that also contain main town centre uses, and perform a shopping function in conjunction with trips to the town centre. Their town centre role was also recognised in separate work to define the Business Improvement District boundary.

5.11 those that provide greater opportunities for a diversity of uses.

5.10 Option b) is therefore the Preferred Option, as it better reflects the use and function of the centre. The additional areas of Duke Street and Bondgate contain uses that complement the shopping function of the town centre. Their inclusion is unlikely to dilute the concentration of retailing, as the focus of the latter will remain the primary shopping area (paragraph 5.13 below).

5.12 Retail Technical Note No. 2: Darlington Primary Shopping Area Boundary (November 2012)

Primary Shopping Area

5.11 The primary shopping area is defined as the area where retail development is concentrated, and is delineated in this document. It covers all primary frontages^{5.10} and those secondary frontages^{5.11} that are contiguous and closely related to the primary frontage.

5.13 Primary shopping area is defined within the NFFP (2012) as 'defined area where retail development is concentrated (generally comprising the primary and those secondary frontages which are adjoining and closely related to the primary shopping frontage)'.

5.12 The only option^{5.12} considered was one based on the national definition of a primary shopping area^{5.13}, with a development management policy to maintain and enhance the uses within this area. The primary shopping area will be reviewed and extended as development occurs, along with the Town centre boundary, where appropriate.

Development outside the town centre

5.13 The Council's policy (Policies CS7 to 9 of the adopted Core Strategy) is that main town centre uses should be within existing centres (see paragraphs 5.5-5.6 above). However, where development does take place elsewhere, it is important that it does not undermine existing centres.

5.14 National Planning Policy Framework (CLG, March 2012), Para 26

5.14 So that the impact of proposals outside existing centres can be understood, national policy^{5.14} sets an overall national threshold of 2,500sqm above which all proposals for main town centre uses outside of existing centres must be accompanied by an assessment of impact on existing centres. There is scope for the Council to set its

own local thresholds, if necessary.

- 5.15 There is no minimum threshold for sequential assessments (see paragraph 5.7 above).
- 5.18 Two options were considered in developing this policy:
1. maintain current general policy reflecting national policy on sequential and impact tests; or
 2. set local thresholds for sequential and impact tests for new floorspace.
- 5.19 The consequence of not setting a threshold would be that only proposals over 2,500sqm would require an impact assessment.

5.15 Retail
Technical Note No. 4; Impact Assessment Threshold for Town Centre Proposals (November 2012)

- 5.20 An examination of unit size data (including vacancies) in the primary shopping area^{5.15}, elsewhere within the town centre and within district and local centres, and new floorspace developed in the last ten years indicates that an appropriate local floorspace threshold for development outside the town centre for Darlington could be 500sqm (gross). Requiring an impact assessment for proposals above 500sqm would ensure that full consideration is given to the scale of development and any significant impacts that could result from retail proposals, when taken both individually and cumulatively with other proposals and developments. This is the level above which a significant adverse impact on the smallest centres is a strong possibility.

5.16 National
Planning Policy Framework (March 2012), Para 26

- 5.21 An impact assessment will be required with every relevant application. Matters to be considered in an assessment are set out in national planning policy^{5.16}.

In the town centre

- 5.22 This document defines the extent of Darlington town centre and identifies primary shopping frontages where loss of retail shopping floor space for other purposes would be resisted for its negative impact on town centre vitality and viability.

5.17 Darlington
Retail Study and Update (Martin Tonks, 2008, 2010)

- 5.23 Darlington town centre continues to perform well and has good vitality and viability (The Darlington Retail Study^{5.17}). However, like many other centres, it is losing market share in most goods categories to out-of-centre shops and the internet, and the centre needs to diversify further and improve its non-alcohol leisure offer.

Primary Shopping Frontages

5.18 Retail
Technical Note No. 1; Darlington Town Centre Primary and Secondary Shopping Frontages; (November 2012)

- 5.24 The existing primary shopping frontages (primary frontages) accurately reflect the current concentration of retail activity in Darlington Town Centre^{5.18}, so no changes are proposed to these.
- 5.25 Non A1 uses are playing a much greater role in modern town centres, and shopping is becoming more of a leisure pursuit, with the growth of coffee shops, cafes and restaurants in high streets, alongside the traditional shopping destinations^{5.18}. Managing the proportion of non-A1 uses in a primary frontage can help ensure that these other uses support and do not dominate the primary retail function of the area, and maintain its vitality and viability.

- 5.26 Three options to control uses within primary frontages have been considered:
1. continue existing policy approach of allowing only A1 retail uses at ground floor level in all primary frontages;
 2. set a percentage of non-A1 uses that would be allowed along any one primary frontage;
 3. allow non A1 uses in exceptional circumstances and only where the proposed use complies with a set of criteria to ensure that it contributes to vitality and viability.

- 5.27 Option 1 would retain the existing position, which has resulted in a small number of properties remaining vacant for long periods of time in primary shopping frontages. It would give a clear policy position that only A1 uses will be allowed. However, from the research undertaken, it does not reflect the changing nature of town centres in general and Darlington town centre in particular, and may have unintended consequences of stifling the use of properties for uses that could genuinely contribute to vitality and viability, for example, providing services direct to members of the public and generating a similar footfall to a retail use.
- 5.28 Option 2 builds in a small amount of flexibility to allow a more diverse set of uses, and would be subject to the proportion being high enough to maintain a dominant retail offer. However its success depends on setting a suitable threshold for uses in frontages that differ from their current offer. Option 3 allows the flexibility for a more diverse set of uses, but only where it remains complementary to the retail offer in primary shopping frontages. This option goes more to the heart of the intentions of the policy, requiring that the primary retail function of the frontages is maintained whilst recognising that other uses that are not A1 may have certain characteristics that would contribute to the vitality and viability of the frontage. Option 3 is therefore the preferred option.

Secondary Shopping Frontages

- 5.29 Beyond the primary frontages, are the Secondary Shopping Frontages (secondary frontages), including streets such as Skinnergate, Bondgate, Tubwell Row and Post House Wynd. These are well connected to the primary frontages, and whilst also having a predominantly retail character, they contain some ancillary uses, such as cafes, restaurants and some community uses.
- 5.30 The existing secondary frontages still largely function as such^{5.18}. In some limited areas, though, there are so few A1 uses that these parts have now lost their shopping character. Examples of these are the north side of Bondgate, to the east of Commercial Street, a section of Tubwell Row south side, and parts of the market square, such as Horsemarket and West Row.
- 5.31 Currently, the relevant policies of the Local Plan^{5.19} are clarified in Supplementary Planning Guidance, which provides the basis for decision-making for proposals for non-A1 uses in secondary frontages and uses thresholds and a number of supplementary criteria for this. If this approach was to be continued, there would be a need to reduce the SSF in these places as the guidance would be no longer effective.
- 5.32 In terms of retaining and enhancing the vitality and viability of the town centre through the control of secondary frontages, two main options have been considered:
- a. retain existing secondary shopping frontages, and introduce more flexibility within them for non-A1 uses that contribute to the vitality of the frontage; or
 - b. amend existing secondary shopping frontages, by shrinking them to take out the areas that are no longer operating as such, and maintain the existing thresholds relating to the proportion of non-A1 shop uses that are allowed in a particular frontage;
- 5.33 Option a) would recognise that even where there is no strong shopping character, there is still a connection to and relationship with the town centre, as the uses are complementary and reflecting the different elements of a leisure shopping destination. There is also a link between some of the shopping routes into the town centre and these areas of more diverse character. Option b) could adversely affect the ability for other development sites (set out in draft Policy MGP2) within the town centre to functionally and physically connect to the primary shopping area. Both options would require further guidance on application of the policy through a

^{5.19} Borough of Darlington Local Plan 1997 (with adopted alterations September 2001)

Supplementary Planning Document, e.g. in terms of how vitality and viability can be measured, and setting any thresholds.

- 5.34 The preferred option is to retain the existing frontages, but to reconsider the thresholds for allowing appropriate non A1 uses, so as to allow some flexibility in considering proposals, particularly on frontages which are not currently operating as shopping frontages.

Fringe Shopping Areas

- 5.35 Fringe Shopping Areas are the streets that are situated outside of the town centre, but radiate out from it, providing local shops and services as well as containing some businesses that serve the town as a whole, benefitting from a relatively central location without the higher rents of the town centre. Taking into account the proposed town centre boundary, these fringe shopping areas consist of Northgate, Parkgate and Victoria Road.
- 5.36 Although generally any new retail development should be situated in existing centres, given the current diverse use of the buildings within the fringe shopping areas, it is considered that small-scale development that does not conflict with other policies in the plan, should be permitted, to maintain the efficient use of these buildings, and also to allow their improvement. The Core Strategy defines a small shop as one that is 100m² and it is considered that this is an acceptable threshold by which to guide the development of small shops, or small extensions to existing shops, within these areas. Other uses that are considered acceptable are A2, A3, A4, A5, B1, D1 and D2. Given the current diverse set of uses within these areas, it is not considered that there are any other options in terms of the control of uses within these shopping areas and the opportunities that they provide to existing local businesses. Due to the nature of the uses in the area, it is considered important to cross reference the amenity policy (draft Policy MGP 32).

District and Local Centres

- 5.37 The District and Local Centres are important in serving local needs, providing food shopping and a range of other local shops, services and leisure uses, and having the benefit of being both accessible to local residents and reducing the need to travel.

^{5.20} National Planning Policy Framework (CLG, March 2012); Para. 70

- 5.38 National planning policy^{5.20} indicates that policies should guard against the unnecessary loss of valued facilities and services where this would reduce the community's ability to meet its day-to-day needs, and ensure that established shops and services are able to develop and modernise in a way that is sustainable, and retained for the benefit of the community.

^{5.21} Darlington Core Strategy; Policy CS9, DBC May 2011.

- 5.39 District and local centres are safeguarded and enhanced in the Core Strategy^{5.21} but this document needs to identify/review the boundaries of the centres and consider if any controls over uses are needed within them.

^{5.22} Retail Technical Note No. 6: Study to identify boundaries of new and existing district and local centres (December 2012)

- 5.40 The options considered in terms of the protection of district and local centres are set out within a technical paper^{5.22} which sets out the boundaries of these centres, together with an analysis of the uses within them, and the function that these centres serve. It also considers the boundary of a new local centre to serve needs at the North West urban fringe (draft Policy MGP5) and a boundary for an existing group of shops and services at Middleton St George.

- 5.41 The policy options considered were:

- a) a policy which sets a minimum level of A1 uses in frontages in district and local centres to ensure that they maintain a minimum level of vitality and viability; or

- b) a policy which allows proposals for all uses within district and local centres to be considered on their merits, taking into account vitality and viability of the centre at the time of any planning application.

5.42 Option b is the preferred option. It would allow consideration to be given to the community benefits of other uses, but would still recognise the importance of the contribution that A1 uses make to district and local centres in maintaining their vitality and viability. As the district and local centres each have a different current mix of uses, a threshold for all centres, as suggested in option a), could result in other beneficial uses being resisted in areas where they would provide benefits, and could prejudice the efficient use of some buildings within these centres.

Shop Fronts

5.43 In assessing development that will impact on the shop fronts in Darlington Town Centre, district and local centres, and the fringe shopping areas, the Council will have regard to the Council's Design SPD as regards shop fronts, signs and shop security, and any subsequent updated guidance on this issue.

Preparing a Draft Policy

5.44 For the town centre boundary, Sustainability Appraisal found options A and B to have similar impacts, although indicates that option B in particular, should be guided by the amenity policy, given the distinct character of these areas.

5.45 For thresholds for requiring impact assessments for town centre development outside of existing centres, Sustainability Appraisal found option two to be the most sustainable, having more positive social and economic impacts.

5.46 For the Primary Shopping Frontages, Sustainability Appraisal found option three to have positive social and economic impacts, and no significant impact on the environment. Given the changes in economic context in recent years, the other two options presented were expected to have negative social and economic impacts.

5.47 For the Secondary Shopping Frontages, Sustainability Appraisal found option a to have positive social and economic impacts and no significant environmental impact. Given the changes in economic context in recent years, the other options presented were expected to have negative social and economic impacts.

5.48 For the District and local centres, Sustainability Appraisal found option b to have a positive social and economic impact through contributing to the vitality and viability of the centre involved. Environmental impacts are expected overall to be positive, in terms of promoting and enabling local access to a wider range of local shops and services. The alternative option was found to have negative social and economic impacts.

5.49 Taking into account the matters outlined above, the Council's preferred option comprises:

- Town Centre Boundary Option b;
- Impact Assessment thresholds Option 2;
- Primary Shopping Frontages Option 3;
- Secondary Shopping Frontages Option a;
- District and Local centres Option b

5.50 Sustainability appraisal...

Draft Policy MGP 12: Town Centres*

The Council will safeguard and enhance the vitality and viability of the town, district and local centres, in accordance with Policies CS7 to CS9 of the adopted Darlington Core Strategy. Development which, on its own or when taken with other recent and proposed developments, would undermine that vitality and viability will not be permitted.

Proposals must comply with draft Policies MGP2, 13, 14 and 15.

Out of centre development

Proposals that include more than 500m² (gross) of new or additional floorspace for main town centre uses in an out of centre location should demonstrate that:

- a. there are no sequentially preferable sites that are suitable, viable and available; and*
- b. there will be no significant adverse impact on the vitality and / or viability of existing centres when considered cumulatively with other developments; and*
- c. the site is sustainably located and accessible by modes of transport other than the private car.*

Conditions restricting the range of goods sold, the sub-division of units, or internal alterations that would increase floorspace may be applied to protect the vitality and viability of centres.

**includes district and local centres, in accordance with the definition in National Planning Policy Framework*

Draft Policy MGP 13: The Primary Shopping Area

Darlington town centre, primary shopping area

Within the Primary Shopping Area designated on the Policies Map, are the Primary and Secondary Shopping Frontages, where the majority of retail uses are focussed.

Primary Shopping Frontages

The Council will seek to safeguard and enhance the concentration of A1 uses in Primary Shopping Frontages as shown on the Policies Map, and proposals that would involve the loss, by change of use or redevelopment, of ground floor class A1 shops, will generally be resisted. Exceptionally, proposals for other uses may be permitted if it can be demonstrated that:

- a) the proposal has an active frontage and contributes to the vitality and viability of the frontage; and*
- b) the proposed use will provide a service direct to members of the public and can demonstrate a similar footfall to an A1 use; and*
- c) the proposal will have an attractive shop front which contributes positively to the appearance of the street; and*
- d) the proposal would not result in non-retail uses being grouped together in such a way that it undermines the retail role of the street; and*
- e) the proposal does not prevent upper floors from being effectively used, including the possibility of independent use.*

Secondary Shopping Frontages

Within the secondary shopping frontages defined on the Policies Map changes to non-retail use at ground floor level will be considered on their merits and proposals will be supported where it can be demonstrated that:

- 1. the proposal would not result in an over-concentration of non-retail uses where the cumulative impact would lead to a negative impact on the shopping character of the frontage;*
- 2. the proposal would not result in an over-concentration of similar uses that would lead to amenity problems;*
- 3. the proposal will have an attractive shop front which contributes positively to the appearance of the street; and*
- 4. the proposal would not result in the creation of 'dead' frontage not in use during the day; and,*
- 5. the proposal is compatible with adjoining uses; and,*
- 6. the proposal does not prevent upper floors from being effectively used, including the possibility of independent use.*

Elsewhere within the Town Centre, planning permission will be granted for retail, food and drink outlets, financial and professional services and other leisure and tourist related uses (use classes A1-A5, B1, D1 and D2) and appropriate residential development where an acceptable level of amenity can be achieved in accordance with Policy MGP 32.

Draft Policy MGP 14: Fringe Shopping Areas

The Fringe shopping areas, as defined on the Policies Map, are the small shopping areas that radiate out from the town centre, serving the town as a whole.

Within these areas, the Council will permit small new shops of 100m² gross floorspace or less, limited extensions to existing shops, and other services in Use Classes A2, A3, A4, A5, B1, D1 and D2, together with appropriate residential development, provided that the proposal satisfies the requirements of other policies in the Local Plan, particularly amenity, highways and access.

Planning permission will be subject to a condition restricting the hours of operation where residential amenity requires safeguarding in accordance with Policy MGP 32.

Draft Policy MGP 15 : District and Local Centres

The following District and Local Centres, as defined on the Policies Map, will provide for the day to day needs of local residents:

District Centres

*Cockerton District Centre
North Road District Centre*

Local Centres

*Mowden Local Centre
Neasham Road Local Centre
Whinfield Local Centre
Yarm Road Local Centre
West Park Local Centre
Middleton St George Local Centre*

New shopping development (including development within use classes, A1, A2, A3, A4 and A5) and leisure and community uses will be permitted within these centres where it does not, on its own or cumulatively with other developments, significantly harm the vitality or viability of the centre itself or any other centre within the hierarchy set out in Policy CS9 of the Core Strategy, particularly their role for food shopping.

Development within these locations will be expected to:

- i) be of an appropriate scale taking into account the role of the centre, in accordance with the thresholds set out in Policy CS9 of the Core Strategy;*
- ii) be physically integrated with the rest of the centre,*
- iii) have good pedestrian links with the rest of the centre;*
- iv) achieve an acceptable level of amenity in accordance with draft Policy MGP32;*
- v) achieve an acceptable level of highway safety in accordance with Policy CS2 of the Core Strategy.*

West Park Local Centre

Provision is made for the extension of the West Park Local Centre, as identified on the Policies Map, in accordance with the criteria set out above, to provide additional small shops, community facilities, and other local services for local residents in an area of strategic housing growth.

Making it Happen

- 5.51 Through the development management process, and by preparing a supplementary planning document 'Change of Use of A1 shops within Primary and Secondary Shopping Frontages'.