

Matter 8 - Town Centre, Retail and Leisure Development (Policies EG3, EG4, EG5 and EG6)

Issue 1 – Retail and Leisure Requirements - Policy EG3

- Q1. Is the retail hierarchy justified and appropriate? Does it adequately reflect the size, role and function of the settlements and the level of existing provision?**

Council's response

Yes, the hierarchy is set out in the policy with the district centre, Northallerton, at the top and the size and role of the town centres decreasing in importance down the hierarchy, clearly separated by lines with the explanation of the hierarchy in paragraph 4.26 onwards. The Local Plan cannot set out or list the exact current provision as businesses change and alter, it would not be appropriate to be so prescriptive.

- Q2. How have the primary shopping area and primary shopping frontages been determined? Are they justified?**

Council's response

The primary shopping area and frontages have been based on the recommendation of the SD13 Hambleton Retail and Leisure Study, in which they remain unchanged from the areas defined in the Hambleton District Core Strategy (2007). Local Plan Paragraphs 4.38 – 4.45 set out why there is a need for these defined areas.

- Q3. What is the justification for Easingwold Town Centre being treated differently to other District Centres in terms of residential development? Is suggested modification M19 necessary in the interests of soundness?**

Council's response

Easingwold should not be treated differently to other town centres in the district and M19 ensures this equality across the market towns. It is required for soundness.

- Q4. Policy EG3 supports retail and other main town centre uses within the town centres. Does this also apply to the district and local centres? Is this sufficiently clear to users of the Local Plan?**

Council's response

The policy sets out in criteria (a) to (c) what is supported outside town centres, therefore what is supported in district and local centres and the Council considers this clear.

Q5. Is it clear to decision-makers, developers and local communities how applications for small-scale local services and facilities (other than retail uses) outside defined centres will be considered?

Council's response

Paragraph 4.29 – 4.31 sets out the application of the sequential approach and impact test for town-centre uses outside town centre boundaries. EG7 sets out the Council's approach for businesses outside the main built form of defined settlements, and it is considered clear how applications will be considered. Policy C14 Community Facilities sets out the Council's support to maintain and improve the provision of local community services and facilities.

Q6. What is the justification for the threshold for impact assessments as set out in Policy EG3? Is the threshold justified for proposals across the District?

Council's response

The threshold has been established through the SD13 Hambleton Retail and Leisure Study. Paragraph 5.29 (onwards) explains that the Local Plan policies should promote competitive town centre environments, as set out in Paragraph 23 of the Framework. In order to provide the town centres additional protection from edge and out of centre proposals, it is recommended that the impact threshold is set at 400 sqm, which is based on a blend of the existing and proposed unit sizes.

Q7. Is Policy EG3, and the associated supporting text, justified given the changes to the Use Class Order that came into effect on 1 September 2020?

Council's response

There is no specific reference to any use classes within policy EG3 or within the justification text, until paragraph 4.35 on permitted development. Paragraph 4.35 needs to be amended to comply with the changes to the Use Class Order. No other changes to policy EG3 or justification text are considered necessary.

Issue 2 – Management of Town Centres - Policy EG4

Q1. Is Policy EG4, and the associated supporting text, justified given the changes to the Use Class Order that came into effect on 1 September 2020?

Council's response

It is proposed to replace all references to "A1" with "retail" throughout policy EG4 and justification text. This will not alter the direction of the policy, but bring it in line with the changes to the Use Class Order with came into effect on 1 September 2020.

- Q2. What is the justification for requiring proposals for non-retail use to have been marketed for a minimum of 12 months in the Northallerton Primary Frontages? Does the policy provide sufficient flexibility to react to changing economic circumstances?**

Council's response

The policy seeks to provide a degree of control to ensure retail/shopping use is the main focus in the Northallerton Primary Frontage, a minimum of 12 months marketing is considered appropriate before non-retail use is approved. The plan is subject to a five year review, at which this approach will have been monitored and can be reviewed.

- Q3. What is the justification for seeking to prevent two consecutive units in non- retail use within the Northallerton Primary Frontages?**

Council's response

This is to encourage that the Northallerton Primary Frontages are the main focus for retail/shopping uses.

- Q4. How does this differ from the Primary Shopping Area, where Policy EG4 seeks to prevent three or more consecutive units in non-retail use. Are the requirements positively prepared and justified?**

Council's response

The Northallerton Primary Shopping Frontages applies to the Main Town Centre which is at the top of the Town Centre hierarchy, whereas primary shopping areas applies to the other market towns within the hierarchy. The emphasis is on ensuring Northallerton is the focus for retail in the district where people travel on a weekly basis, whilst the other market towns offer more services and facilities required on a day to day basis for its residents. The Council considers that the requirements of EG4 are positively prepared and justified.

- Q5. Is it clear to decision makers, developers and local communities under what circumstances the requirements in paragraph 4.40 apply? Is the policy effective?**

Council's response

It is considered by the Council that it is clear under what circumstances paragraph 4.40 applies, and that the policy is effective in safeguarding retail use within the primary shopping area unless it can be demonstrated, in accordance with paragraph 4.40 that there is no demand for retail use. This is subject to the modification 128 which adds the term Northallerton Primary shopping frontages to paragraph 4.40.

- Q6. Is it clear to decision makers, developers and local communities what is meant by ‘unacceptable planning impacts’ for adjacent users in relation to development on upper floors?**

Council’s response

The policy does not define ‘unacceptable planning impacts’ as the Local Plan does not seek to be so prescriptive. What constitutes ‘unacceptable planning impacts’ is a judgement based on the merits of the scheme by the decision maker, and possible mitigation strategy.

Issue 3 – Vibrant Market Towns, Bedale Car and Coach Park and Commercial

Buildings, Signs and Advertisements

Vibrant Market Towns – Policy EG5

- Q1. Is criterion (a) consistent with the controls proposed for non-A1 uses set out in Policy EG4? When read as a whole is the Local Plan going to be effective in developing the evening and night-time economy?**

Council’s response

Criterion a. of Policy EG5 promotes the night-time economy across Hambleton’s market towns. This is a positive policy seeking to support and define a key growth area for Hambleton’s town centres as their role and function evolves with the changing nature of shopping. Simultaneously, policy EG4 is in place to ensure that where change is proposed within Hambleton’s primary shopping areas and primary shopping frontage, the potential impacts for the core role of those centres to provide a viable shopping centre to meet retail needs of the area are considered. Meanwhile, criterion a. of Policy EG5 is clear that proposals for the evening and night-time economy must not have an adverse impact upon the role of the District’s town centres. As such, the policies are consistent when read as a whole and set out a positive framework for managing change.

- Q2. Is it the intention for development within Northallerton and Bedale to contribute towards the delivery of the projects referred to in Policy EG5?**

Council’s response

Policy EG5 identifies three projects within Northallerton and one project within Bedale that are expected to be delivered over the Plan period to bring about regeneration and public realm improvements. Two such projects in Northallerton are identified within the policy as to be delivered – at least in part – through delivery or contributions from development in the area. This relates to “Zetland Street Public Realm Enhancements” for development in the area, and “The Ginnels Project” where it is clearly identified that proposals for shop fronts within the primary shopping area should contribute to enhancements of the footpaths and ginnels.

Bedale Car and Coach Park – Policy AIB3

- Q3. The response to the *Inspectors' Initial Questions* indicates that the Bedale Car and Coach Park is a long-standing proposal which has not been delivered, despite previously been identified. Is the site developable over the plan period?**

Council's response

Whilst the site is not immediately deliverable, the council considers that the proposed allocation AIB 3 of land for the Bedale Car and Coach Park is developable over the plan period and therefore effective.

As mentioned in the previous response, the council is actively engaged in exploring its options regarding delivery of the Car and Coach Park but continues to recognise the site as an important opportunity. Most recently work considering options for Bedale town centre is also building in consideration of the implications of the current Covid-19 pandemic upon use of the public realm. Whilst at an early stage the option of locating parking facilities away from the core of the town and freeing up further space within the town centre itself could play an important role in its future resilience and growth.

The council recognises that these plans remain at an early stage and does not expect the site to be delivered until later in the Plan period. However, it is the council's view that the allocation can play an important role in Bedale's future economic prosperity and establish the principle that the site is suitable for development. The certainty this can provide would be a key step in developing the framework around which the delivery of the car and coach park can be secured.

- Q4. How have the effects of development on the Bedale Conservation Area and setting of the Grade II listed St. Gregory's House and Grade I listed Church of St. Gregory been considered as part of the site allocation process? Is the allocation justified?**

Council's response

The heritage significance of the site and its vicinity has been considered as part of the site allocation process.

The Heritage Background Paper (Surface, August 2018) has been updated in January 2020 in response to Historic England's comments at Publication stage.

The update includes a full heritage impact assessment for this site that:

1. Identifies the heritage assets that have the potential to be affected by development at the site;
2. Considers the contribution the site makes to their significance;
3. Assesses the impact development at the site could have upon that significance; and
4. Makes recommendations to avoid identified harm.

It is considered that implementation of the recommendations as part of the development would avoid harm and thus the allocation can be justified.

Q5. What is the justification for suggested modification M22? Is this necessary for soundness?

Council's response

The modification was made following consultation with Historic England to ensure that all nearby heritage assets were highlighted and considered when making any proposals for the car park.

Commercial Buildings, Signs and Advertisements - Policy EG6

Q6. Is Policy EG6 consistent with paragraph 132 of the Framework, which states that the quality and character of places can suffer when advertisements are poorly sited and designed?

Council's response

Yes, Policy EG 6 policy does not encourage signage that is poorly designed or sited but to respect the character of the surrounding site. The replacement of building frontages with traditional shopfront elements will encourage both the cultural richness of the area and provide clearer views of the site. 4.70 further emphasises the importance of traditional forms of advertisements on older buildings as modern buildings can advertise in a different style detracting from character. It is therefore important that point c in EG 6 is implemented to help maintain the balance for traditional elements and the allowance for advertisements.

Q7. Policy EG6 states that proposals for new commercial buildings or main town centres uses will be supported where they accord with criteria (a) to (f). Is this consistent with other relevant policies for business and main town centre uses, including policies EG1, EG2 and EG3?

Council's response

The criterion a) to f) of Policy EG6 seeks to promote good design within commercial and other main town centre developments. This is consistent with Policy EG2 and EG3 that acknowledge the importance of good design to new development. Policy EG1 is not inconsistent with Policy EG6 but highlights the importance of good design as many of the allocated sites are within existing settlements or sites that would benefit from the application of EG6 to contribute to the overall improvement of the design of the existing employment sites or premises.

Q8. What is the justification for suggested modification M24? Is this necessary for soundness?

Council's response

The suggested modification M24 was in response to the comments received from Historic England that provided additional clarity in support of the enhancement and preservation of traditional and historic shop fronts within conservation areas. The Council consider that the modification provides clarification and benefits interpretation of the plan to the benefit of protecting and enhancing designated and non-designated heritage assets. The modification therefore supports soundness but the Council would consider the simultaneous policy for protection and enhancement set out within policy E5 Development Affecting Heritage Assets.