
Inspector's Matters Issues and Questions

Examination of the Darlington Local Plan

Part 1 Hearings (Matter 8 – Town Centres and
Retail Development)



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Introduction

We have been instructed on behalf of our clients, Hellens Land Limited and Homes England, to submit a response to the Examination of the Darlington Local Plan: Inspector's Matters, Issues and Questions. Hellens Group have over 40 years' experience of delivering a range of housing, leisure and infrastructure developments across the North of England. Homes England is a non-departmental public body which works to accelerate housing delivery, working with developers across the country to improve neighbourhoods and grow communities.

Our client's joint interest is in respect of the Burtree Village which is located north west of Darlington and is located within the jurisdiction of Darlington Borough Council. These representations have been submitted to support the proposed strategic allocation for 2,000 residential dwellings, 200,000 sqm of employment space, community facilities, link road and associated infrastructure at Greater Faverdale (Burtree Garden Village).

This Statement should be read in conjunction with all previous representations made on behalf of our clients in relation to Burtree Garden Village.

Our clients are committed to ensuring the strategic allocation (and the Publication Draft Local Plan) is sound and robust. Our comments will therefore focus on the following Matters:

- Matter 1: - Legal and Procedural Requirements and other General Matters
- Matter 2: Amount of development needed in the Borough
- Matter 3: Vision, aims, objectives and spatial strategy
- Matter 4: Housing development
- Matter 5: Meeting particular housing needs
- Matter 7: Economic Development
- Matter 8 – Town Centres and Retail Development
- Matter 9- – Transport and other infrastructure
- Matter 10 - Other strategic and development management policies
- Matter 11 - Other Issues

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This statement addresses a number of questions raised by the Inspector under Matter 8: Town Centres and Retail Development.

Matter 8 – Town Centres and Retail Development

Hierarchy of town centres

Q8.1. Is the hierarchy of centres defined in table 8.1 of the Plan justified, and will it be effective in helping to ensure that main town centre use developments are suitably located consistent with national policy?

To assist in the effective delivery of development in larger allocations, including Greater Faverdale, it would be essential to recognise the place of new Neighbourhood Centres in the hierarchy below District Centres and alongside Local Centres. At present there is no clear reference point to future (or existing) Neighbourhood Centres and their place in the hierarchy resulting in an unsound approach which results in policy conflicts. As noted in paragraph 85 of the NPPF, which recognises the importance of a mix of housing and town centre uses, policies should:

“Define a network and hierarchy of town centres and promote their long-term vitality and viability – by allowing them to grow and diversify in a way that can respond to rapid changes in the retail and leisure industries, allows a suitable mix of uses (including housing) and reflects their distinctive characters” and

“Define the extent of town centres and primary shopping areas, and make clear the range of uses permitted in such locations, as part of a positive strategy for the future of each centre”.

It is not possible at this stage to identify the exact boundary of the new Neighbourhood Centre at Greater Faverdale on the Policies Map, with the detail to be provided in the subsequent masterplan. However, its presence within the allocation could be marked indicatively with a symbol. The approach to delivering a Neighbourhood Centre at Greater Faverdale is established in Policy H11 criterion c) below:

Space for a well located and connected neighbourhood centre providing community facilities, including the potential for a health hub, primary school and local retail facilities of a scale and type proportionate to the nature and scale of the development;

These strategic allocations will require the development of some proportionate retail and leisure uses amongst the urban extension in accordance with policy, however, the plan would currently identify this as Development Outside of Existing Centres, and supporting text at 8.2.4 would therefore require a Sequential Test to be undertaken for allocated uses. To avoid policy conflicts between Housing and Town Centre and Retail policies and to ensure the plan is sound in this regard, reference to the Neighbourhood Centres should be made to recognise their place in the hierarchy as a policy compliant location. The table 8.1, Policy TC4 and associated text should differentiate between Neighbourhood Centres and Development Outside of Existing Centres to at the very least avoid the need for a Sequential Test. Policy modifications are suggested below in answer to Q8.3.

Retail impact assessments (policy TC5)

Q8.3. Is the threshold of 500 sqm for retail impact assessments in policy TC5 justified and consistent with national policy?

As noted in answer to Q8.1 and with reference to Greater Faverdale, there is scope for Policies, TC4 and TC5 and supporting text paragraphs 8.2.4 and 8.2.5 to conflict with Policy H11. Criterion c) of H11 refers to the requirement to deliver a Neighbourhood Centre including retail facilities which are of a "scale and type proportionate to the nature and scale of the development". This implies some flexibility could be applied to the type and scale of uses which may assist in delivering a sustainable mixed community at Greater Faverdale. However, as drafted, any retail or town centre uses in this allocated location would be considered "out of centre" subject to the Sequential Test and an Impact Assessment could be required for anything greater than 500 sqm as per policy TC5.

Indeed, as per paragraph 8.2.5. the plan is unclear whether the 500 sqm impacts test threshold referenced in TC5 is applicable to all retail and leisure development over 500sqm or just development on the edge-of centre or out of centre locations. The use of "and" in the sentence "*Any proposals that are above these thresholds and on the edge of or outside of these centres must be accompanied by an impact assessment*" implies the latter. Indeed, a requirement for impact tests for retail development above 500 sqm as a blanket approach could be counterproductive for the town centre itself.

Paragraph 89 of the NPPF does permit locally set thresholds for impact assessment in plan making, albeit with a recommendation of a much higher threshold of 2,500 sqm nationally. As referenced above, paragraph 85 also recognises the need for diversity and to allow centres to grow, responding to rapid changes. As such a locally established threshold should not conflict with wider policy objectives. Hellens Land Limited and Homes England therefore object to the use of a locally set threshold of 500 sqm and consider it unsound on the basis that this could apply to development in a Neighbourhood Centre. It is envisaged that the masterplan for Greater Faverdale may comprise retail units and/or leisure uses that exceed this threshold either individually or cumulatively which as drafted would necessitate both the Sequential Test and Impacts Assessment and result in a conflict in planning policy objectives. It is our client's view that a Neighbourhood Centre should be able to deliver up to 2,500 sqm without the need for impacts assessment, as reflected in national guidance. By way of context, 500 sqm is roughly the size of a single convenience store, whereas an effective Local or Neighbourhood Centre designed to serve a growing community of up to 2,000 dwellings would clearly require additional retail and leisure floorspace. Some proportionate flexibility and clarification centred around the following proposed amendments would ensure a sound and effective relationship between policies and prevent the need for unnecessary Sequential Tests and Impact Assessments for allocated sites, mindful of the flexibility of H11 on the scale of development.

With regard to the Sequential Test:

- Table 8.1 should include reference to Neighbourhood Centres, ensuring development in these centres does not require a Sequential Test.
- Paragraph 8.2.4. should be amended to state: "*Those proposing development of main Town Centre uses that are not in an existing centre (**including New Neighbourhood Centres**) should undertake a sequential assessment, to ensure that consideration is given to sequentially preferable locations*".

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- Policy TC4 should also include reference to Neighbourhood Centres alongside Local Centres as a suitable location for the range of town centre uses listed, in line with Policy H11 and other allocations of a similar nature.

With regard to Impact Assessment, if DBC's intention is for the Impact Assessment to apply to development on edge of centre/out of centre locations only, the amendments are relatively minor:

- 8.2.5 and Policy TC5 should be amended to clarify explicitly that in-centre development is not subject to Impact Assessment.
- As above, Table 8.1 should be amended to include reference to Neighbourhood Centres in the hierarchy, thus recognising development in these centres as not requiring a Sequential Test or Impact Assessment.

If DBC's intention is for an Impact Assessment to be applied to all town centre development over an established threshold:

- Table 8.1 should be amended to include reference to Neighbourhood Centres with acceptable development thresholds i.e. 2,500 sqm which in practice would be very similar to a Local Centre. Other centres in the hierarchy may have a higher threshold for testing and Town Centre development would not require an Impacts Assessment. The second column in the table should be labelled as a floorspace threshold if that is what is intended. An example is set out below:

Centre Hierarchy	Floorspace Threshold (Impact Assessment)
Sub- regional centre/Darlington Town Centre	No impact test required
District Centre	10,000>
Local Centre/Neighbourhood Centre	2,500 >

- Policy TC5 itself could be more explicit in its wording to clarify that this 500 sqm threshold applies to edge of/out of centre sites and that an Impacts Assessment would only be applied to any town centre uses in District, Local or Neighbourhood Centres which exceed thresholds established in table 8.1.
- Supporting text (8.2.5) should be amended to state: *Any proposals **that are above the thresholds established in table 8.1 or exceed 500 sqm** on the edge of or outside of these centres (including New Neighbourhood Centres) must be accompanied by an impact assessment, to 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.*

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These suggested amendments are tailored to suit two scenarios for the implementation of the Impact Assessment given that the application is not clear as drafted. However, either would ensure a positively prepared and sound policy which provides clarity to developers and operators as to what can be situated in each location whilst also avoiding unnecessary Sequential and Impact Assessments in locations which are already have policy allocations. Indeed, should it be necessary to deliver larger scale town centre uses at Greater Faverdale or any other location, which exceeds the threshold, they would be assessed against the Sequential and Impact Assessment tests required by national and local policy and guidance, taking into account locational requirements and the business needs of operators.