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# Craven Local Plan Examination

## Matter 22

### Statement by Craven District Council

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**Matter 22** – Town, District and Local Centres (Policies EC5 and EC5A)

**Hearing Day 11** – Friday 26<sup>th</sup> October 2018 (Week 3)

September 2018

## Issue 1 – Retail Hierarchy – Policy EC5

**Q1. What criteria have been used to determine the hierarchy of centres? Does this relate to their size and existing provision, or have other factors been taken into account?**

### **Council's Response**

1. The hierarchy of centres is determined taking account of the outcomes of the Retail and Leisure Study (RLS) (Ec006) and further analysis undertaken in the retail health checks. The household survey of shopping patterns undertaken to inform the RLS identifies that all of the defined centres in the local retail hierarchy perform an important convenience shopping role. Paragraph 5.30 of the RLS refers.
2. Skipton is the only defined centre that attracts a significant proportion of comparison shopping expenditure generated in Craven. See Table 5.4 of the RLS. It should also be noted that the hierarchy differs to that in the saved Craven Local Plan (Ot001), adopted in 1999 (paras 4.1 to 4.4) and the change in approach is informed by a comprehensive RLS which includes empirical research and detailed health checks.
3. The outcome of that assessment is that a hierarchy of centres is defined, at paragraphs 7.43-7.50 of the plan. Account is taken of the centre size and scale of existing provision in setting the hierarchy.
4. It is acknowledged that the RLS suggests a different hierarchy to that set out at policy EC5 of the plan and paragraphs 7.43-7.50. In particular, the RLS places Crosshills as a secondary centre and Bentham a tertiary and local centre. However, the plan settlement strategy set out at Policy SP4 of the Submission Draft Plan places Bentham as a tier 2 settlement, and Glusburn/Crosshills at tier 3. This is to account for the expected role and function of these settlements in the plan strategy. The RLS as underpinning evidence provides guidance to inform strategy, and provides for flexibility. Paragraph 23 of the 2012 NPPF provides guidance that planning policies should define a network and hierarchy of centres. This is the approach adopted in the plan.
5. The hierarchy of centres set out in the local plan is informed by assessment of the role and function of the centre in question, and the anticipated role of centres in the plan upon delivery. The RLS informs this, and provides an assessment of shopping patterns informed by a household survey, and data collected through business and shopper surveys and pedestrian counts.

**Q2. Does the Plan provide a clear definition of Primary and Secondary frontages in defined centres and set policies that make clear which uses will be permitted as required by paragraph 23 of the Framework?**

**Council's Response**

1. The plan and proposals map (plan inset map 3) identifies a primary frontage area for Skipton town centre, and a town centre extent. For the avoidance of doubt, the extent of town centres for Skipton and Settle are defined in the plan at inset maps 3 and 4. Appendix 8 of the RLS identifies Town Centre extents and provides boundaries for Skipton and Settle. A PSA for Skipton is also identified in that appendix.
2. Skipton is the only centre for which primary frontages are defined, whilst town centre extents are defined for Skipton and Settle, as a reflection of the role and purpose of the respective centre. The primary shopping frontage areas and extent of the town centres for Skipton and Settle is informed by evidence in the RLS.
3. Policy EC5, is clear in identifying the range of town centre uses permissible under the provisions of the policy. The policy is a permissive that does not exclude specified uses within town and village centres- it states that the primarily retail function in the primary retail area of Skipton will be safeguarded and enhanced.
4. Policy EC5 provides a context for considering residential development and does not conflict with bullet point 9 of the NPPF paragraph 23 subject to proposals being consistent with policy EC5A.
5. Policy EC5 is clear in identifying the range of permitted uses. Policy EC5a provides further detail on the approach to residential uses in town centres at ground and first floor levels, in particular where proposals for mixed use regeneration in town centres are considered.

**Q3. How has the Primary Shopping Area ('PSA') for Skipton been defined?**

**Council's Response**

1. The PSA for Skipton is defined in the RLS and is presented at Appendix 8 of that document. Paragraph 6.20 of the RLS also refers. The Primary Shopping Area (PSA) is more tightly drawn around the area where retail development, (including the primary frontages), is concentrated. The PSA is a defined smaller area within the defined Town Centre Boundary (TCB), and excludes the town centre uses around Coach Street and Albert Terrace of Skipton for example, which include

some dwellings and secondary frontages which aren't closely related to the primary frontages of Skipton. Paragraphs 6.18 and 6.19 of the RLS (page 48) gives further detail on how the PSA has been defined.

2. For the avoidance of doubt, PSAs are not defined in any other centre that forms part of the study. These are Settle, Bentham Crosshills and Ingleton.

**Q4. Are the District Centres of Bentham and Crosshills, and the Local Centre of Ingleton defined on the Policies Map? If not, are Policies EC5 and EC5A effective?**

**Council's Response**

1. The physical extents of the settlement centres of Bentham, Crosshills and Ingleton are not shown on the policies map. The RLS only proposes town centre boundaries for Skipton and Settle and does not identify the extent of District and Local Centre boundaries.
2. It is accepted that implementation of Policy EC5 and EC5A would be more effective if settlement centre boundaries were defined for the District and Local identified in the retail hierarchy on the policies map. It is proposed therefore District and Local Centre boundaries be identified on the policies map for Bentham, Glusburn and Crosshills and Ingleton.

**Issue 2 – Identifying and Meeting Town Centre Needs – Policy EC5**

**Q1. What are the capacity figures for convenience and comparison retailing in Policy EC5 based on? Are they net or gross figures? Are they justified and robust?**

**Council's Response**

1. The methodology for the assessment of retail capacity is presented at paragraph 5 onwards (page 20) of the RLS and sets out the following areas that were utilised in assessing needs:
  - Household telephone surveys
  - Assessment of Household shopping patterns
  - District Shopping Patterns;
  - Convenience and comparison shopping patterns

2. The capacity figures for convenience and comparison retailing in the RLS have been used to support the policy approach undertaken. Tables 8.1 and 8.2 of the RLS (page 67) identify retail capacity for the periods starting at 2015, then projecting future capacity to 2020, 2025, 2030 and then to 2032.
3. The retail capacity assessment is informed by a household survey across a justified study area and with a robust sample size commissioned specifically to inform the RLS. Also note that the capacity assessment takes account of tourist spend having regard to STEAM data, which is a credible source. The methodology adopted in preparation of the RLS is consistent with that adopted and tested elsewhere at a number of local plan EiPs by the organisation preparing the RLS. This has been found to be robust and sound.
4. The figures presented in the policy represent the projected capacity position as at 2032 and is the basis for the policy approach taken.
5. For the avoidance of doubt, figures in the retail and leisure study are presented as net, and are set out in the tables below:

Centre	Convenience Retail Capacity (sq. m net)				
	At 2015	By 2020	By 2025	By 2030	By 2032
Skipton	1,489	1,696	2,008	2,336	2,441
Settle	-739	-706	-656	-604	-588
Cross Hills	230	257	297	340	353
Ingleton	322	337	359	381	389
Bentham	367	390	425	462	474
Grassington	0	13	33	53	60

Centre	Comparison Retail Capacity (sq. m net)				
	At 2015	By 2020	By 2025	By 2030	By 2032
Skipton	-	228	1,448	2,791	3,291
Settle	-	45	286	551	650
Cross Hills	-	6	37	71	83
Ingleton	-	20	126	242	285
Bentham	-	15	95	184	217
Grassington	-	4	26	49	58

6. It is acknowledged that Grassington as an identified centre is located in the Yorkshire Dales National Park, which is a separate planning authority and not covered by the Craven local plan. For the avoidance of doubt, the local plan covers the centres of Skipton Settle Bentham, Crosshills and Ingleton. The study relates to these settlements accordingly

7. The capacity figures presented in the RLS are considered justified and robust..

**Q2. Paragraph 23 of the Framework states that in drawing up Local Plans local planning authorities should “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 centres. 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.” How does the Local Plan seek to ensure that the right amount of land is available in the right places to meet the needs for retail, leisure, office and other main town centre uses?**

### **Council’s Response**

1. The local plan and underpinning evidence as set out in the RLS, identifies retail needs and issues across the plan area. To meet the identified needs in the plan area as a whole, sites are identified and allocated in Skipton and Settle (as tier 1 and tier 2 settlements) to meet identified needs.. The approach taken is to meet plan area wide needs within the settlements of Skipton and Settle in their roles as serving a wider rural hinterland.
2. The RLS identifies a capacity in Skipton of an additional floorspace 2,441 sq. of convenience retail and 3,291 sq.m comparison floorspace over the period to 2030. In addition, the RLS at para 5.53 and 5.54 also considers existing commitments at Keelham Farm Shop (670 sq.m) and Guyson (4,240 sq.m) in Skipton. At the time of preparing the RLS, the commitments were not implemented. Since that time, Keelham Farm Shop has been delivered and is meeting some of the identified capacity. It is these commitments, and the identification of sites for mixed use regeneration (SK139) that will meet the identified capacity requirements in Skipton.
3. The position in Crosshills, by virtue of its’ location almost equidistant between Skipton and Keighley (in Bradford district) is influenced by the draw and attraction of Keighley (and settlements) in Bradford district, including Steeton and Silsden (in Bradford district). This is in addition to and contrasts with the draw and attraction of Skipton as principal town in Craven. This influences the destination choices arising outside of Crosshills when considering higher order services. Elsewhere, the draw and influence of centres outside of Craven is less pronounced.
4. In Ingleton, the presence of potentially competing retail provision out of centre

adjacent to the A65 (plan paragraph 7.50 and table 5, plan page 201 refers), means that making allocations in this area would run counter to the stated plan aim of supporting and enhancing settlement centres. There is a lack of land availability in the centre of Ingleton. The making of allocations in the centres of Settle and Skipton support the concept of supporting a wider hinterland, which the settlements serve.

5. There are no site allocations within the TCB for Skipton and Settle, mainly due to their 'historic and dense layout limitations' Table 5, page 201 of the Local Plan refers but the mixed use regeneration areas of SG060, SK139 and SK140 are there to address identified need across Craven. Although supporting the town centres, it is noted that their position outside of the TCB and any resulting impact will be addressed through impact tests, if required.
- 6.. With regard to other town centre uses and activity, it is possible that the repurposing of existing provision is likely to enhance food and drink provision along with the identified mixed use opportunity site SK139 at Skipton and site SG060 in Settle. It should be noted that the Keelham farm shop development incorporates food and drink provision and is a notable addition to provision in Skipton. With regard to leisure provision, evidence in the RLS (para 7.67 of that document) concludes that there is no immediate shortfall in provision except for potential in the cinema sector in Skipton. It is submitted that any potential shortfall in provision could be addressed through potential regeneration proposals for site SK139, and the following proposed modification is submitted for consideration:

<b>Proposed Modification</b>
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Page 72 of the Submission Draft Local Plan; Policy SP5 Site Ref SK139 : Amend first bullet point under development principles as follows:-:
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“A retail/commercial led mixed use regeneration opportunity area on land east and west of Cavendish Street, Skipton offering potential to enhance this part of the town. The site provides opportunities to address identified retail capacity <u>and leisure requirements</u> in Skipton, provide improvements to environmental quality and enhance connections in the town. Proposals will take account of the following development principles:”
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**Q3. Is it clear to decision-makers, developers and local communities what amount of retail (and other town centre uses) is permitted on allocated sites SK139, SK140 and SG060?**

**Council's Response**

1. The site development principles for sites SK139, SK140 and SG060 set out the expected mix of uses for each opportunity site identified in the plan.
2. Site SG060, the site development principles are clear in setting out the expected mix and balance of uses, including retail. It will be for the master planning process to determine the mix and balance of uses accordingly.
3. Site SK139, is clear in setting out the expected mix and balance of uses for the site which is commercially and retail led to meet identified needs. It is also clear in the development principles that a comprehensive approach to regeneration is expected, and a piecemeal approach is unlikely to be acceptable.
4. Site SK140 is also clear in identifying the expected mix and balance of uses, these being commercial and employment led, with an element of community use. It will be for the master planning process to determine the exact mix and balance of uses accordingly. For site SK140, some local needs retailing directly related to the proposed development and role of the railway station as transport hub is anticipated.
5. For sites SG060 some retail is anticipated and this is included in the site development principles at local plan page 87.
6. With regard to site SK140, and to clarify matters relating to the mix and balance of uses, the following modification to the plan is suggested in addition to those proposed at matter 14:

<b>Proposed Modification</b>
<p>Page 74 of the Submission Local Plan Policy SP5 Site Ref SK140: Amend the third bullet point at site SK140 development principles:</p> <p style="padding-left: 40px;">“The site will be developed for commercial and employment-led mix of uses <u>with an element of retail</u>, that complement and underpin the commercial, employment, transport, and community functions of this part of Skipton; “</p>

**Q4. What is the justification for requiring sequential and impact tests for new retail development on allocated sites SK139 and SK140? Is the Local Plan consistent with paragraph 24 of the Framework which states that local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in accordance with an up-to-date Local Plan? Does the Local Plan require sequential and impact assessments on all sites allocated for uses including retail?**



## **Council's Response**

1. The mix of uses within allocations SG060, SK139 and SK140 constitute some or all main town centre uses. A sequential approach and impact assessments would not be required if a proposal is consistent with the nature of the allocation. If an allocation allows up to 1,000 sq. m of floorspace for main town centre use and a proposal comes forward with main town centre uses not exceeding that threshold then a sequential approach/impact assessment would not be required. Such an assessment would be required if the main town centre uses element exceeds that set out in the allocation but an impact assessment would only be required for floorspace that exceeds the impact assessment thresholds at EC5.
2. The local plan is consistent with paragraph 24 of the NPPF in that in out of centre locations, impact and sequential tests will apply to proposals. Sites SG060, SK139 and SK140 are in out of centre locations as shown on the proposals maps, . Therefore impact tests are required should thresholds be reached. When delivered, sites SG060, SK139 and SK140 will deliver wider benefits for Skipton nonetheless subject to meeting NPPF tests.
3. Site SK140 is identified for commercially-led mixed uses. Retail as a primary use of the site are not anticipated other than for an element to meet day to day needs and this is set out in the site development principles which specifies a mix for primarily of commercial and employment uses. Should alternative proposals come forward, with a more substantial retail role, then sequential and impact tests will apply to mixed use allocations only.

## **Issue 3 – Managing Centres – Policy EC5**

### **Q1. How does the Local Plan safeguard the retail function of the Skipton PSA, as set out in Policy EC5?**

## **Council's Response**

1. The plan safeguards the retail function of the Skipton PSA in the following ways and this is stated in policy EC5. The plan identifies at policy EC5 as follows:
  - Within Skipton and Settle town centres, the primarily commercial, retail, leisure, cultural and community functions will be safeguarded and enhanced.
  - Within the primary retail area of Skipton as identified on the proposals map, the primarily retail function of this area will be safeguarded.
2. This seeks to ensure that the town centre of Skipton and associated PSA is

safeguarded and protected. In terms of complementary uses in Skipton town centre, policy EC5a provides further guidance on the matter. EC5A seeks to safeguard the primarily retail function of town centres. However it is also recognised that residential uses may also be appropriate in centres and the policy sets out how that is to be approached whilst not undermining the primarily retail function of the PSA.

**Q2. Is it clear to decision-makers, developers and local communities what uses are permitted in the Skipton PSA, the Skipton Town Centre and other centres in the hierarchy? For example, what criteria would be used to assess proposed changes of use from Class A1 retail?**

**Council's Response**

1. Yes. Policies EC5 and EC5A are drafted with the objective of protecting the commercial, retail, leisure and cultural roles that the defined centres perform and these uses will be permitted.
2. There is nothing in EC5/EC5A that determines the appropriate mix of main town centre uses, but it is considered appropriate to adopt a flexible rather prescriptive approach given the changing character of town, district and local centres. It is submitted that there is appropriate protection in place to safeguard against a proliferation of residential uses. The plan does not seek to protect a minimum floorspace threshold for safeguarding retail functions in town centres. The policy is however seeking to establish a degree of flexibility to promote competitive town centres that provide customer choice and a diverse retail offer and which reflect the individuality of town centres as reflected in the NPPF.

**Q3. Does the Local Plan require applications for main town centre uses that are not in an existing centre to apply a sequential test consistent with paragraph 24 of the Framework?**

**Council's Response**

1. Yes, proposals for town centre uses in out of centre locations will be required to be supported by a sequential test in line with paragraph 24 on the NPPF and in line with policy EC5.

**Q4. What are the thresholds for impact assessment under Policy EC5 based on? Are they justified and will they be effective?**

### **Council's Response**

1. The thresholds for requiring impact assessments are presented at paragraph 8.24 of the RLS as evidence for assessing potential retail impact arising from proposals.
2. The impact thresholds have regard to: the relative size of the centres; performance of the centres (informed by the household survey and the retail capacity exercise; and the health checks. Paras. 6.23/6.24 of the RLS refer, supported by the professional judgement of the preparing organisation.
3. It is submitted that the thresholds are considered justified and effective.

**Q5. Is it clear to decision-makers, developers and local communities what uses will be required to carry out impact assessments under Policy EC5? Is the policy consistent with paragraph 26 of the Framework which refers to applications for retail, leisure and office developments, and the evidence contained in the Retail and Leisure Study with Health Checks<sup>1</sup>?**

### **Council's Response**

1. Policy EC5 refers to town centre uses, and this is clear in the plan. It would however be clearer if policy EC5 referred to main town centre uses in the context of the sequential approach (NPPF Para 24) and retail, leisure and office development in the context of retail impact. The following modification to the plan is proposed.

<b>Proposed Modification</b>
Page 206 of the Submission Draft Local Plan Policy EC5 : amend third paragraph following table under Out of Centre Proposals:  "Out of centre proposals will be expected to meet both the sequential and impact tests as they apply to proposals <u>for the following uses retail, office, and leisure proposals</u> "

**Q6. Is it clear to decision-makers, developers and local communities what uses are permitted in the town and village centres of Bentham, Crosshills and Ingleton? Is Policy EC5 effective in this regard?**

### **Council's Response**

1. Please see the response to question 4 above, and the proposed modification to

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<sup>1</sup> Document Ec006

identify boundaries for the centres of Bentham, Glusburn and Crosshills and Ingleton.

**Q7. How would a proposal for a main town centre use be considered in other settlements not falling within Level 1-4 under Policy EC5?**

**Council's Response**

1. Town centre uses in locations that are outside of existing centres will be treated as out of centre proposals, and subject to the same policy and impact tests. Policy EC5 sets out the tests that would apply to proposals

**Issue 4 – Residential Uses in Town and Village Centres – Policy EC5A**

**Q1. Are residential uses permitted at ground floor level within the Skipton PSA provided that development proposals do not result in the loss of retail units? How does Policy EC5A support the vitality and viability of the Skipton PSA?**

**Council's Response**

1. Yes, it is possible that residential uses may be permitted at ground floor level in the Skipton PSA, where the proposal does not result in the loss of retail uses.
2. It is however considered that EC5A is consistent with bullet point 9 of Para 23 of the NPPF. There are also checks and balances in place to ensure that retail units in the Skipton PSA are not lost to residential use.
3. Paragraph 6.18 of the RLS is relevant (page 48) where it notes that the PSA is to maintain the concentrated nature of retail uses. The policy seeks to maintain vitality and viability by allowing residential uses where the development may improve the layout and efficiency of existing plots and retail uses.

**Q2. What is the justification for restricting residential development elsewhere within the Town Centres of Skipton and Settle where it would result in the loss of retail, commercial, leisure or community buildings?**

**Council's Response**

1. The policy seeks to safeguard the primarily retail, commercial, leisure uses and community activity in the town centres of Skipton and Settle. As such, the policy

seeks to restrict future residential use at ground floor level as this would undermine the policy. At first floor level residential uses are permitted to allow living over the shop and the safeguarding of commercial uses at ground floor level.

2. This element of EC5A is consistent with bullet point 1 of NPPF Para 23 recognise town centres as the heart of their communities and pursue policies to support their viability and vitality and explicit reference can be made to this. The vitality and viability of town centres is dependent upon a mix of main town centre uses commensurate with the role and function of a centre and accordingly uses are protected.

**Q3. It is clear to decision-makers, developers and local communities what location(s) policy EC5A applies to in respect of Bentham, Crosshills and Bentham?**

**Council's Response**

1. Please see the proposed modification in response to issues raised at issue 1 question 4, to identify boundaries for the centres of Bentham , Glusburn and Crosshills., and Ingleton.

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