

Appendix M – Copeland Policy Recommendations

Issues and Options Question Reference	Nexus Planning’s Considerations
<p>Question R1 – Whitehaven Town Centre Boundary</p>	<p>In our experience, local planning authorities have typically favoured generous town centre boundaries in order that they incorporate the large majority of ‘main town centre uses’ in proximity to the core of their towns. However, such an approach can mean that additional town centre uses are not focused as tightly as possible around principal high streets, and that the sequential test is easier to pass as a consequence.</p> <p>Accordingly, we believe that Copeland may benefit from giving further consideration to the purpose of town centre designations and the need to review their defined town centre boundaries in this context.</p> <p>Where a town has areas within an existing centre boundary that are the subject of high vacancy rates and accommodate a declining number of main town centre uses, it may be appropriate to consolidate the town centre boundary in order that it is more focused and helps direct investment where it is most needed. It is important to note the NPPF’s definition of the town centre, as provided at Annex 2. In this regard, the definition states that the town centre is the: ‘area defined on the local authority’s policies map, including the primary shopping area...’</p> <p>The currently adopted town centre boundary for Whitehaven town centre includes the designated primary shopping area, along with the area along the frontage of the Harbour and a relatively large area to the south of the centre which includes the Morrisons foodstore and part of the Bridges Retail Park, Civic Hall, Library and the Council’s former offices. However, there are areas of principally residential uses and other non-town centre uses which currently fall within the defined town centre boundary which we particularly consider do not fall within the remit of the town centre as defined by the NPPF.</p> <p>In this regard, we have proposed some amendments to the currently adopted town centre boundary for Whitehaven town centre to remove these non-main town centre uses and to consolidate the boundary. It is important to note that this would not preclude future retail and/or leisure development within Whitehaven town centre but instead, will ensure that the Council has sufficient control over potential future competing developments which may have an adverse impact on the vitality and viability of the defined centre. We have also amended the boundary to the south to include the entire Bridges Retail Park, given that we consider this to form an important part of the overall offer of the town centre.</p> <p>Our recommended revisions to the town centre boundary for Whitehaven are provided on the plan at Appendix J.</p>

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<p>Question R2 – Boundaries for Key Service Centres</p>	<p>Paragraph 85 of the revised NPPF requires local planning authorities to 'define the extent of town centres and primary shopping areas', with there now being no specific requirement to identify primary and secondary frontages.</p> <p>It is apparent from the Government's Response to the Draft Revised National Planning Policy Framework Consultation document (July 2018) that this change seeks to encourage a more positive and flexible approach to planning for the future of town centres.</p> <p>Annex 2 of the revised NPPF indicates that a primary shopping area is the 'Defined area where retail development is concentrated.'</p> <p>Annex 2 also identifies that a town centre is the 'Area defined on the local authority's policies map, including the primary shopping area and areas predominantly occupied by main town centre uses within or adjacent to the primary shopping area.'</p> <p>Notwithstanding the above, we believe that the offer in Copeland's smaller centres (Cleator Moor, Egremont and Millom) is generally varied and that the retail uses are not typically located in a manner which lends itself to the identification of a primary shopping area ('PSA'). As such we recommend that each of the three centres are defined by town centre boundaries only.</p> <p>As is the case with Whitehaven, we have suggested some alterations to the defined town centre boundaries for the three centres of Cleator Moor, Egremont and Millom at Appendix 2.</p> <p>The justification for the recommended amendments to the town centre boundaries is principally to remove the non-main town centre uses which fall within the current defined boundaries. Within each of the three centres these principally comprise residential uses. Further clarification on this will be provided at Draft Report Stage, particularly following discussions with the Council in respect of our suggested amendments.</p>
<p>Question R3 –</p>	<p>The NPPF makes it clear at paragraph 85 that policies and strategies should specify the range of uses permitted in such locations as part of a positive strategy for the future of each centre. In doing so, it may be that some centres need to diversify to promote their long term vitality and viability and respond to changes in the market.</p> <p>As such, we do not recommend that the Council imposes a threshold over the proportion of non-retail uses permitted within the primary shopping area to provide some flexibility, whilst ensuring that the primary shopping area continues to reflect the area which comprises predominantly retail uses.</p>

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Primary Shopping Areas	<p>In our experience, local planning authorities can be unaware of the difference in practice between primary shopping areas and town centres (in respect of the application of policy).</p> <p>In this regard, NPPF Annex 2 (in defining what is meant by an 'edge of centre' location) identifies that:</p> <p>'For retail purposes, a location that is well connected to, and up to 300 metres from, the primary shopping area. For all other main town centre uses, a location within 300 metres of a town centre boundary. For all other main town centre uses, a location within 300 metres of a town centre boundary. For office development, this includes locations outside the town centre but within 500 metres of a public transport interchange. In determining whether a site falls within the definition of edge of centre, account should be taken of local circumstances.'</p> <p>This means that, for the purposes of retail development, only primary shopping area sites constitute 'in centre' development.</p> <p>As a consequence, when the local planning authority is required to consider the acceptability of impacts arising from out of centre retail development, it is the impact on the primary shopping area that is principally of consequence.</p> <p>This was confirmed by the Secretary of State in determining a 'called in' planning application for a food superstore at Meols Cop Southport (PINS reference APP/M4320/V/15/3002637). Paragraph 318 of the associated Inspector's report states:</p> <p>'...it is reasonable to surmise that the consideration of town centre vitality and viability in Paragraph 26 is referring to the PSA, which is the area where retail development is concentrated.'</p> <p>This approach is validated by paragraph 13 of the Secretary of State's decision letter.</p> <p>As stated above, we do not consider that the three centres of Cleator Moor, Egremont and Millom are of the scale or provide the appropriate offer to justify the designation of primary shopping areas. However, we do consider there to be a requirement to retain the primary shopping area within Whitehaven and we again provide our recommended approach on the plan at Appendix J. This accords within the NPPF definition to include the area within which retail principally dominates (and indeed, removing those areas which principally comprise leisure, office and other uses).</p>
	The first iteration the of NPPF (published in March 2012) recommended that

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<p>Question R4 – Permitted Uses in Primary Shopping Areas</p>	<p>local authorities additionally define primary and secondary frontages and set policies that make clear which uses will be permitted in such locations. However, this policy requirement is deleted from the revised version of the NPPF.</p> <p>The Ministry for Housing, Communities and Local Government has confirmed that the deletion of this requirement is to encourage a more positive and flexible approach to planning for the future of town centres due to the rapid changes taking place in the retail and leisure industries.</p> <p>In this regard, we are of the view that a proportionate approach to town centre uses within the primary shopping area should be applied by policy, albeit within the remit of the policy definition of a primary shopping area contained in the NPPF.</p> <p>We do not consider that the inclusion of frontage thresholds is the preferred approach (i.e. restriction on consecutive ground floor units under Option 1 or Class A1 Use being the predominant use (i.e. over 50%) under Option 3), given that this could be overly prescriptive and result in periods of time where vacancies remain relatively long-term which would be detrimental to the overarching vitality and viability of the centre.</p> <p>As such, we consider that the policy approach should be to encourage principally Class A1 Uses in the primary shopping area, but if there are proposals for non-A1 other main town centre uses, these should be considered on a case-by-case basis against a range of key criteria. As such, we support the general premise of the Council's Option 2 under Question R4, subject to the range of criteria cited, plus the following:</p> <ul style="list-style-type: none"> • The number, proximity, distribution of other non-A1 uses; • Level of vacancies and duration of vacancy; • The location and prominence of the unit; • The nature of the proposed use, including hours of operation, level of activity, nature of shop frontage and adjacent uses; and <p>Overarching shopfront design principles.</p>
<p>Question R5 – Sequential Test</p>	<p>Paragraph 86 of the NPPF states that local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Paragraph 87 then goes on to state that when considering edge and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre.</p> <p>It is clear that the local plan needs to include a policy which specifically states that applications for main town centre uses should be supported by a sequential test, the details of which should follow the guidance set out in the NPPF and NPPG. This specific policy requirement is an important aspect of the new local plan in supporting the Council's overarching aspirations to</p>

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	support the future health of the town centres and guiding new retail and leisure development into town centres in the first instance.
Question R6 – Impact Thresholds	<p>Paragraph 89 of the NPPF states that it is appropriate to identify thresholds for the scale of edge of centre and out of centre retail and leisure development that should be the subject of an impact assessment. Any such threshold policy applies only to the impact test (all planning applications for main town centre uses that are not in an existing centre and not in accordance with an up-to-date development plan will generally be the subject of the sequential test¹).</p> <p>The purpose of applying an impact threshold within the development plan which deviates from the national threshold of 2,500 sq.m, is to allow the Council to retain appropriate control in respect of the potential for development to impact on the future health of defined centres within the Borough. By applying a lower threshold, applications for developments which could potentially have a harmful effect on the overall vitality and viability of a defined centre, will need to be supported by a proportionate impact assessment which sets out the potential trade diversion impact assumptions.</p> <p>Paragraph 16 of the Town Centres PPG provides specific guidance in relation to floorspace thresholds and states:</p> <p>‘The impact test only applies to proposals exceeding 2,500 square metres gross of floorspace unless a different locally appropriate threshold is set by the local planning authority. In setting a locally appropriate threshold it will be important to consider the:</p> <ul style="list-style-type: none"> • scale of proposals relative to town centres • the existing viability and vitality of town centres • cumulative effects of recent developments • whether local town centres are vulnerable • likely effects of development on any town centre strategy • impact on any other planned investment.’ <p>Using the above guidance, we set out the justification to support our view that a lower threshold should be applied across the hierarchy of centres within Copeland.</p> <p>It is our view that applying a single threshold that applies to all types of centre in Copeland is not generally appropriate, given the different scale and nature of each of the centres. Instead, we recommend a tiered approach whereby the threshold applied to planning applications at edge- of-centre and out-of-centre locations varies in relation to the role and function of a particular centre.</p>

¹ With the exception (in accordance with paragraph 88 of the NPPF) of small scale rural office proposals and other small scale rural development

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	<p>In considering the setting of a local impact threshold, it is important to give consideration to the type of development (relating to convenience and comparison goods retail uses, and leisure uses) which would, in practice, provide space for key operators who could act to 'anchor' a centre. Should one of these anchor units or operators leave a centre, there will likely be the potential for a significant adverse impact to arise. As such, where there is genuine potential for an application proposal to divert a material level of expenditure away from a defined centre, or potentially remove a key tenant from that centre, there will likely be a requirement to consider the impacts arising from the proposal in detail.</p> <p>In respect of lower order centres (the key service centres in this instance), the introduction of even a small convenience store nearby (of the type operated by Sainsbury's Local or Tesco Express) may have the potential to impact on the ongoing viability of key operators. Small convenience stores operated by national multiple grocers can generate a relatively substantial turnover. If this is diverted from existing retailers in defined centres, the impact on the overall vitality and viability through the loss of spend and footfall, could be of a significant adverse magnitude.</p> <p>Therefore, in implementing a local threshold policy, it is considered more appropriate to apply a range of thresholds in accordance with the type of centre the proposed development is proximate to. The thresholds should not only apply to new floorspace, but also to changes of use and variations of condition to remove or amend restrictions on how units operate or trade in practice. We provide our analysis below in respect of the town and key service centres.</p> <p><u>Town Centre Thresholds</u></p> <p>We believe that town centre anchor units will typically provide at least 500 sq.m of gross floorspace. Such a unit could potentially accommodate an operator of importance, which is capable of attracting shoppers to a centre, thus increasing the potential for linked trips.</p> <p>We note that there are a relatively limited number of units greater than 500 sq.m in the four town centres and that the vacancy rates vary throughout the defined centres. In summary:</p> <ul style="list-style-type: none"> • In Whitehaven town centre, less than 5% of the total stock of commercial units in the town centre have a greater floorspace than 500 sq.m, which includes the large format leisure units which accommodate the Rackshack Snooker Club and four pubs, as well as retail units which accommodate national retailers such as Wilko, Argos Dixons, Debenhams and a Tesco Superstore. The vacancy rate equates to 9.4% of total commercial floorspace and 12.9% of all units. • In Egremont town centre approximately 5% of all units have a greater

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	<p>floorspace than 500 sq.m, which includes the original Factory Store, the Market, the Lounge Bar and the Co-operative food store. The vacancy rate equates to 19% of total commercial floorspace and 25% of all units.</p> <ul style="list-style-type: none"> • In Cleator Moor town centre there are no units with a greater floorspace than 500 sq.m, excluding the Cleator Moor Civic Centre. The vacancy rate equates to 31% of total commercial floorspace and 30% of all units. • In Millom town centre less than 5% of the total stock measures 500 sq.m or more, which includes the Tesco Supermarket, The Clock Tower Restaurant, the Conservative Social Club and Travis Perkins. The vacancy rate equates to 19% of total commercial floorspace and 24% of all units. <p>In this context, we recommend that the impact threshold of relevance to Whitehaven town centre is set at 500 sq.m for both retail and leisure proposals. This threshold would effectively be the default to be applied authority-wide, should a proposal not fall within the criteria set out below which we recommend is applied to development in proximity to the Key Service Centres.</p> <p>The above recommendation is also reflective of the town centre vacancy rates and the potential for out of centre retail developments to become even stronger in the future at the expense of centres' vitality and viability. The existing out of centre commercial destinations all offer a range of comparison goods, which traditionally would have been sold from town centres. As such, the recommendation is reflective of the need to safeguard against the out of centre retail destinations becoming even stronger at the expense of the health of defined centres.</p> <p>The key service centres are generally anchored by a national multiple convenience store (typically operated by Co-op). These operators underpin the function of these centres, drawing in custom and encouraging linked trips to the other parts of the centre. Should the viability of such stores be impacted, there is a real risk of the role of the wider centre being undermined. There are relatively few units substantially larger than 300 sq.m in any of the key service centres; as such, to lose an occupier of this magnitude could have a significant adverse impact on the centre as a whole. Accordingly, in the local context, 300 sq.m constitutes a significant unit for key service centres.</p> <p>For the purpose of drafting future planning policy, it is important to qualify the area to which each local impact threshold will apply. We recommend that the threshold of relevance to the key service centres (i.e. 300 sq.m) would be applicable within 800 metres of the boundary of the relevant centre. The distance of 800 metres is broadly commensurate with the potential walk-in catchments of smaller centres and is identified by Guidelines for Providing for Journeys on Foot (The Institution of Highways & Transportation, 2000) as being the 'preferred maximum' acceptable walking distance to a centre. We consider it to be appropriate for the higher threshold of 500 sq.m to apply</p>

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	<p>authority-wide (i.e. beyond 800 metres of these centres), due to the lesser likelihood of significant adverse impacts arising from retail and leisure development.</p> <p><u>Recommended Policy Approach</u></p> <p>Based on the above, we are of the view that an impact assessment will be necessary to accompany proposals for retail and leisure uses (including those relating to mezzanine floorspace and the variation of restrictive conditions) which are not located within a defined centre where:</p> <ul style="list-style-type: none"> • the proposal provides a gross floorspace in excess of 500 sq.m gross; or • the proposal is located within 800 metres of the key service centres and is in excess of 300 sq.m gross. <p>In our experience, it will only generally be development of a scale greater than these thresholds which could lead to a 'significant adverse' impact, which could merit the refusal of an application for town centre uses in accordance with the provisions of paragraph 90 of the NPPF. The setting of a 'tiered' threshold is consistently accepted by Inspector's at Local Plan Examination and, in our view, acts to appropriately ensure that only those proposals which could genuinely result in an unacceptable impact are the subject of an impact assessment.</p> <p>It is important to emphasise that, whilst the locally set threshold would require the submission of an impact assessment for all edge-of-centre and out-of-centre developments exceeding the thresholds, national guidance states that the impact test should be undertaken in a proportionate and locally appropriate way, commensurate to the scale of development proposed. The level of detail would typically be agreed with planning officers during the pre-application process in order to avoid overly onerous requirements that may otherwise restrict and delay development opportunities from coming forward.</p>
<p>Question R7 – Allocating Edge of Centre Sites</p>	<p>Further recommendations in respect of future allocations will form part of the Draft Report stage of the commission once we have completed our initial baseline and discussions with both local and national agents.</p> <p>However, given the initial findings in respect of potential capacity for Whitehaven to accommodate additional leisure uses to diversify its offer and encourage additional footfall throughout both the daytime and evening, there may be scope to allocate an edge of (or in) centre site to direct future growth within Whitehaven town centre. The benefit of doing so, would also be to provide further control to the Council in respect of the sequential and impact tests should alternative schemes come forward outside of the town centre boundary.</p>
	<p>Further recommendations in respect of the direction of growth will be provided following a detailed analysis of feedback from the baseline review</p>

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Question R8 – Direction of Growth	and consultation, and discussions with local and national agents. Providing detailed growth areas will also be determined as part of the site proforma stage, which will include an analysis of land ownership constraints and other environmental/built form constraints.
Question R9 – Shopping Frontage Alterations	Providing appropriate policy guidance and/or other suitable controls over the future alterations of shop frontages is welcomed by Nexus. We find that the production of a shop front strategy or guidance document which provides a range of appropriate parameters is often an appropriate method to control the future alterations to shops and help preserve the heritage of town centres. Any parameters must be proportionate and ensure that the guidance does not render schemes unviable, and appropriate guidance could be provided by an appointed planning and heritage consultant.
Question R10 – Aesthetic and Environmental Quality of Town Centres	<p>Further detailed advice will be provided at the Draft Report stage in respect of the aesthetic and environmental quality of the town centres following the completion of the healthchecks and analysis of the consultation responses.</p> <p>However, we do consider it generally appropriate to include appropriate policies in respect of the design quality of new buildings (again ensuring that they are not overly prescriptive to impact on the feasibility and viability of developments). Improvements to the public realm as a result of a new development would need to be on a case-by-case basis, dependent on the nature and scale of the development and could be secured through appropriate contributions directly related to a development.</p>

