

INSPECTORS REPORT – STATEMENT OF DECISIONS
UDP – Chapter 7 Town Centres, Retail & Leisure

SD Ref UDP – Case Ref IR – Page No.	Inspector’s Recommendation	CBMDC Decision and Reasons	Mod Ref
<p>SD/PF/TC/1</p> <p>UDP - Policy Framework para 7.16: The Centre Hierarchy</p> <p>IR - Policy Framework Page 91 paragraphs 7.3 and 7.4</p>	<p>I am therefore satisfied that the proposed hierarchy is appropriate, and the differentiation between town centres and district centres should be retained.</p> <p>I consider the objection relating to Greengates in the Bradford North Constituency Volume, and conclude that it should be designated as a district centre.</p> <p>I recommend that no modification be made to the RDDP in relation to paragraphs 7.16 & 7.70</p>	<p>Decision : Accept</p> <p>Reasons : For the reasons set out in the Inspector’s report.</p>	Mod/PF/ TC/2
<p>SD/PF/TC/2</p> <p>UDP - Policy Framework para 7.61:</p> <p>Site –</p> <p>IR - Policy Framework Page 91 and 93 paragraphs 7.5 and 7.14</p>	<p>I recommend that no modification be made to the RDDP in relation to paragraphs 7.16 & 7.70 but that the RDDP be modified as follows:</p> <p>[a] Paragraph 7.61 - delete the second and third sentences;</p>	<p>Decision : Accept</p> <p>Reasons : For the reasons set out in the Inspector’s report.</p>	Mod/PF/ TC/8
<p>SD/PF/TC/3</p> <p>UDP - Policy Framework para 7.65 to 7.67</p> <p>IR - Policy Framework Pages 90 - 93, paragraphs 7.6-7.8 and 7.14</p>	<p>I recommend that no modification be made to the RDDP in relation to paragraphs 7.16 & 7.70 but that the RDDP be modified as follows:</p> <p>[b] Include further information on the findings of the CEL Study, and the other studies, that the Council has relied upon in formulating the retail policies and proposals of the plan;</p>	<p>Decision : Accept</p> <p>Reasons : For the reasons set out in the Inspector’s report.</p>	Mod/PF/ TC/10

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<p>SD/PF/TC/4</p> <p>UDP - Policy Framework para 7.70</p> <p>IR – Policy Framework Page 92 and 93 paragraphs 7.9 - 7.10 and 7.14</p>	<p>I recommend that no modification be made to the RDDP in relation to paragraphs 7.16 & 7.70</p>	<p>Decision : Accept. In making his recommendation the Inspector acknowledged the Council’s intention to modify paragraph 7.93 as set out in the pre-inquiry changes (see later modification that deals with the latter).</p> <p>Reasons : For the reasons set out in the Inspector’s report.</p>	N/A
<p>SD/PF/TC/5</p> <p>UDP - Policy Framework, Page 94, Para 7.74</p> <p>IR – Policy Framework, Page 93, Para 7.14</p>	<p>I recommend that no modification be made to the RDDP in relation to paragraphs 7.16 & 7.70 but that the RDDP be modified as follows:</p> <p>[c] Paragraph 7.74 - delete the word “safeguard” and replace with “sustain”</p>	<p>Decision : Accepted</p> <p>Reasons : For the reasons set out in the Inspector’s Report</p>	Mod/PF/ TC/12
<p>SD/PF/TC/6</p> <p>UDP - Policy Framework, Page 95, Para 7.75</p> <p>IR – Policy Framework, Page 93, Para 7.14</p>	<p>I recommend that no modification be made to the RDDP in relation to paragraphs 7.16 & 7.70 but that the RDDP be modified as follows:</p> <p>[d] Paragraph 7.75 - delete the final sentence</p>	<p>Decision : Accepted</p> <p>Reasons : For the reasons set out in the Inspector’s Report</p>	Mod/PF/ TC/13
<p>SD/PF/TC/7</p> <p>UDP - Policy Framework, Page 95, Para 7.77</p>	<p>I recommend that no modification be made to the RDDP in relation to paragraphs 7.16 & 7.70 but that the RDDP be modified as follows:</p> <p>[e] Paragraph 7.77 - delete the word “community” and</p>	<p>Decision : Accepted in part</p> <p>Reasons : The Council agrees with the reasons set out in the Inspector’s Report, but considers that it is important to make it clear that references to “the size of the catchment” relate to the catchment of the centre, not the catchment of the</p>	Mod/PF/ TC/14

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IR – Policy Framework, Page 93, Para 7.14	replace with “catchment”	development proposal	
<p>SD/PF/TC/8</p> <p>UDP - Policy Framework, Pages 97-100, Paras 7.86-7.97, Policies CR1, CR2, CR3, CR4 and Pages 104-105, Paras 7.114-7.117, Policies CR 8, CR9</p> <p>IR – Policy Framework, Pages 96-97, Para 7.26</p>	<p>I recommend that the RDDP be modified as follows:</p> <p>POLICIES CR1, CR2, CR3, CR4, CR8 and CR9 – delete and replace with a single policy, together with amendments to the explanatory text</p> <p>City Centre and Town Centres</p> <p>The Plan’s strategy aims to concentrate the largest development proposals in, or failing that, on the edge of the City Centre in order to serve the greatest number of people, whatever their mode of travel. There is no limit in principle to the acceptable scale of development as long as the proposal accords with the Government’s Regional Planning Guidance.</p> <p>After the City Centre, the town centres of Keighley, Ilkley, Bingley and Shipley serve the greatest catchment populations and are well located for access by public or private transport. The Plan’s retail strategy aims to concentrate development proposals in, or failing that, on the edge of these town centres as long as the scale and format of development does not adversely affect the vitality and viability of the City Centre or of any other town centres and lead to changes in the hierarchy of centres.</p> <p>District and Local Centres</p> <p>The Plan designates six district centres and 41 local centres. Their location and role is described in paragraphs 7.53 to 7.59.</p> <p>The Council recognises that people should be able to buy convenience goods, particularly food, without having to travel far from home. The Plan’s retail strategy therefore aims to concentrate development proposals for convenience goods in the district and local centres so long as the scale and format of</p>	<p>Decision : Accepted in part</p> <p>Reasons : The Council agrees with the Inspector’s recommendation that Policies CR1, CR2, CR3, CR4, CR8 and CR9 should be deleted and replaced with a single policy. (This will be known as Policy CR1A.) It also agrees that the new policy should apply to both convenience and comparison goods. It accepts the Inspector’s recommended words except in the following cases:</p> <ol style="list-style-type: none"> 1. Paragraph 7.86: The Inspector recommended the following words: “There is no limit in principle to the acceptable scale of development as long as the proposal accords with the Government’s Regional Planning Guidance”. The Council proposes to add the words “in the City Centre” after the word “development” in order to make it clear that this statement only relates to the City Centre and not the town centres. 2. Paragraph 7.88: Renumber as paragraph 7.92a as a consequence of changes made following acceptance of the Inspector’s recommendations. 3. Paragraph 7.89: The Inspector recommended that this paragraph be amended. This is accepted, except where he erroneously referred to “town centres” rather than “town centre” in the final sentence. 4. Paragraph 7.91: Alter the number of District Centres referred to from six to seven and the number of Local Centres referred to from 41 to 40 as a consequence of accepting the Inspector’s recommendation that Greengates Local Centre should be redesignated as a District Centre. 5. Retain the word “Accordingly” before the new Policy CR1A to be consistent with other policies in the Centres Chapter. 6. Do not include the words “Retail Development in Centres” at the start of Policy CR1A. It would be inconsistent to include a title at the start of the policy. 7. The Inspector recommends a caveat following Criterion 2 of Policy CR1A, 	Mod/PF/ TC/18

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	<p>development does not adversely affect the vitality and viability of any equivalent or higher order centre. The scale of development should also be appropriate to the role of the centre and size of population that it is intended to serve (as stated in PPG6 and re-iterated by Planning Minister, Beverley Hughes in her address to delegates at the Third Annual Food Retailing Conference, July 2000, and by Tony McNulty MP in a Ministerial Statement on 10 April 2003). Development proposals for comparison goods will only be acceptable where they are to serve the day to day needs of the catchment population of the centre. It is not desirable or acceptable that a district or local centre should become so large as to attract custom from outside its catchment area. This would lead to unnecessary travel and undermine the vitality and viability of other centres.</p> <p>POLICY CRx: RETAIL DEVELOPMENT IN CENTRES</p> <p>RETAIL DEVELOPMENT WILL BE PERMITTED IN THE FOLLOWING LOCATIONS:</p> <p>(1) WITHIN THE CENTRAL SHOPPING AREAS OF THE CITY CENTRE AND TOWN CENTRES OR, WHERE SITES CANNOT BE FOUND WITHIN THE CENTRAL SHOPPING AREAS, A FLEXIBLE APPROACH HAVING BEEN TAKEN, WITHIN THE DEFINED BOUNDARY OF THE CITY OR TOWN CENTRES OR IN THE EXPANSION AREAS WHERE IT ACCORDS WITH THE PROPOSALS REPORTS;</p> <p>(2) WITHIN THE RETAIL AREAS OF DISTRICT CENTRES, AND WITHIN LOCAL CENTRES, AS DEFINED ON THE PROPOSALS MAP;</p> <p>PROVIDED IT IS OF A SCALE WHICH IS COMPATIBLE WITH THE ROLE OF THE CENTRE OR THE CATCHMENT IT SERVES, AND, TOGETHER WITH RECENT AND POTENTIAL DEVELOPMENT ARISING FROM UNIMPLEMENTED CURRENT PLANNING PERMISSIONS, WOULD BE UNLIKELY TO HAVE AN ADVERSE EFFECT ON THE VITALITY AND VIABILITY OF ANY EQUIVALENT OR HIGHER ORDER CENTRE.</p>	<p>which starts as follows: “provided it is of a scale which is compatible with the role of the centre or the catchment it serves...”. The Council proposes to accept the caveat but with the word “or” replaced by “and”. The Council believes that developers should have to satisfy both criteria, not just one. The Council’s proposed amendment is consistent with RDDP paragraph 7.108 and the April 2003 McNulty Statement (section on Sequential Approach, final paragraph).</p>	

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	In order to allow for expansion of the City Centre and town centres to meet future needs for retail floorspace the Plan has identified various “Expansion Areas” as defined on the Proposals Map. Their designation allows for retail developments to take place when they cannot be accommodated within the Central Shopping Areas. This ensures a sequential approach to development is adopted in accordance with PPG6. Expansion Areas have not been identified at district centres since only Tong Street and Great Horton lack a large modern foodstore, and no sites could be identified at these centres that were appropriate to designate as Expansion Areas.		
<p>SD/PF/TC/9</p> <p>UDP - Policy Framework, Pages 100-101, Paras 7.98-7.102, Policy CR5</p> <p>IR – Policy Framework, Page 98, Para 7.32</p>	I recommend that no modification be made in respect of Policy CR5	<p>Decision : Accepted in part</p> <p>Reasons : The Council agrees with the Inspector’s recommendation that policy CR5 should not be modified, subject to consequential changes to the policy and supporting paragraphs due to necessary changes made to the renumbering of policies. The Council however considers that paragraph 7.99 should be modified as a result of other recommendations made by the Inspector and accepted by the Council, for the following reasons:</p> <p>1. The Council accepts the Inspector’s recommendation that all centres should accommodate both convenience and comparison goods. The Council therefore considers that the final sentence of paragraph 7.99 could be misleading and should be deleted.</p> <p>The Council considers it necessary to make it clear that only those proposals which do not meet the requirements of policy CR2A (former policy CR5) need to be considered against policy CR4A (former policy CR7), not all out-of-centre proposals. The Inspector agreed with this (IR, paragraph 7.36), but recommended the removal of the original caveat set out in the introduction to policy CR7. But to do so would exclude any reference to the relationship between policies CR2A and CR4A and would mean that all out-of-centre proposals would have to be tested against policy CR4A. Proposals would therefore have to adopt a sequential approach. This would contradict the purpose of policy CR2A, which specifically does not require developers to adopt a sequential approach in Areas of Deficiency. The Council therefore proposes to add a phrase to paragraph 7.99 to clarify this issue.</p>	Mod/PF/ TC/19

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<p>SD/PF/TC/10</p> <p>UDP - Policy Framework, Pages 101-102, Paras 7.103-7.106, Policy CR6 and Page 106, Paras 7.118-7.121, Policy CR 10</p> <p>IR – Policy Framework, Pages 98- 99, Para 7.32</p>	<p>I recommend that ... the RDDP be modified as follows:</p> <p>POLICIES CR6 and CR10 – delete and replace with a single policy using the wording of Policy CR6, omitting the words “CONVENIENCE GOODS”, and make any necessary amendments to the explanatory text.</p>	<p>Decision : Accepted</p> <p>Reasons : For the reasons set out in the Inspector’s Report</p>	<p>Mod/PF/ TC/20</p>
<p>SD/PF/TC/11</p> <p>UDP - Policy Framework, Pages 102-104, Paras 7.107-7.113, Policy CR7 and Pages 106-109, Paras 7.122-7.130, Policy CR 11</p> <p>IR – Policy Framework, Pages 103-105, Para 7.54</p>	<p>I recommend that the RDDP be modified as follows:</p> <p>POLICIES CR7 and CR11 - delete and replace with a single policy, together with amendments to the explanatory text</p> <p>Other Development</p> <p>The Plan’s retail strategy is to sustain and enhance centres. Policy CRx allows for development consistent with the strategy and the Small Shops policy CR6 allows development elsewhere. But larger scale development may also be permitted where it accords with the criteria in Policy CRxxx below and to other policies in the Plan.</p> <p>POLICY CRxxx</p> <p>RETAIL DEVELOPMENT WILL ONLY BE PERMITTED OUTSIDE ANY OF THE SHOPPING AREAS DEFINED IN POLICY CRx IF ALL OF THE FOLLOWING CRITERIA ARE SATISFIED:</p> <p>THE DEVELOPER IS ABLE TO DEMONSTRATE A NEED FOR THE ADDITIONAL RETAIL FLOORSPACE;</p> <p>THERE ARE NO ALTERNATIVE SITES WHICH ARE SUITABLE, VIABLE FOR THE PROPOSED USE, AND LIKELY</p>	<p>Decision : Accepted in part</p> <p>Reasons : The Council agrees with the Inspector’s conclusions and recommendation apart from the following aspects:</p> <p>1. The Council agrees with the conclusions drawn by the Inspector with regard to criterion 3 of policy CR7 and criterion 4 of policy CR11 (IR Report paragraph 7.46), but does not accept his inference that the McNulty statement only refers to development within centres.</p> <p>2. The Inspector’s recommended modification to paragraph 7.108 of the RDDP includes the following words: “<i>Where the relevant centre is the City Centre, developers will be expected to consider the availability of sites within the Valley Road Retail Area before the local planning authority is likely to consider other edge-of-centre or out-of-centre locations. This is because the area abuts the centre and is predominantly in retail use, providing opportunities for linked trips.</i>” The Inspector justifies his recommendation in paragraphs 7.43 and 7.44 of his report. Although the Council accepts that the area abuts the centre and is therefore “edge-of-centre”, it does not accept that the whole of this large area may be so defined. The Council accepts that proposals for development in that part of the Valley Road Retail Area that abuts the City Centre are preferable to proposals in other edge-of-centre locations as it is already in retail use, but it does not accept that proposals for development in all parts of the Area are preferable to proposals in all other edge-of-centre locations. The Inspector says that the Valley Road Retail Area “<i>is only some 250 meters from the Primary Shopping Area at its nearest point</i>”. This falls within the definition of edge-of-centre contained in PPG6, Annex A, namely, “200-300</p>	<p>Mod/PF/ TC/21</p>

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	<p>TO BECOME AVAILABLE WITHIN A REASONABLE PERIOD OF TIME, IN THE DEFINED SHOPPING AREAS OF RELEVANT CENTRES, A FLEXIBLE APPROACH HAVING BEEN TAKEN;</p> <p>WHERE THE RELEVANT SHOPPING AREA IS THE CITY CENTRE, OR A TOWN CENTRE, THERE ARE NO ALTERNATIVE SITES ON THE EDGE OF THAT CENTRE;</p> <p>THE DEVELOPMENT, TOGETHER WITH RECENT AND POTENTIAL DEVELOPMENT ARISING FROM OTHER UNIMPLEMENTED CURRENT PLANNING PERMISSIONS, WOULD BE UNLIKELY TO HAVE AN ADVERSE EFFECT ON THE VITALITY AND VIABILITY OF THE CITY CENTRE OR ANY NAMED TOWN, DISTRICT OR LOCAL CENTRE;</p> <p>(5), (6) & (7) as criteria (5), (6) & (7) of Policy CR7.</p> <p>In applying the sequential approach, sites on the edge of the City and town centres will be preferred to out-of-centre locations, and the relevant centres in which to search for alternative sites and buildings will depend on the nature and scale of the proposed development and the catchment that the development seeks to serve. So, for example, the relevant centre for a very large development with a District wide catchment area would be the City Centre, even though there may be other local, district or town centres between the proposed site and the City Centre. However, developers would also have to consider the availability of sites in town, district and local centres, if there were no suitable sites within or adjacent to the City Centre. Where the relevant centre is the City Centre, developers will be expected to consider the availability of sites within the Valley Road Retail Area before the local planning authority is likely to consider other edge-of-centre or out-of-centre locations. This is because the area abuts the centre and is predominantly in retail use, providing opportunities for linked trips.</p> <p>In assessing whether a site is “edge of centre”, measurements will be taken from the defined Primary Shopping Area of the City or Town Centre.</p>	<p><i>meters</i>”. However, the Valley Road Retail Area is an elongated area some 650 meters long, therefore its furthest point is approximately 900 meters from the nearest point of the Primary Shopping Area. Consequently, the majority of the Valley Road Retail Area is considerably further from the Primary Shopping Area than that area which PPG6 defines as edge-of-centre. If the Council were to accept that development in the most remote parts of the Valley Road Retail Area was sequentially preferable to all other edge-of-centre locations, then the Government’s retail strategy would be undermined. The Council therefore proposes to accept the Inspector’s recommendation above but without the phrase “<i>other edge-of-centre or</i>”.</p> <p>3. The Inspector’s recommended modification to paragraph 7.108 of the RDDP also includes the deletion of the final three sentences. These are cross-references to guidance set out towards the end of the chapter which explains how the sequential approach should be applied. The Inspector made no comment on this guidance and so it is proposed that it should remain in the Plan. As the guidance remains relevant to the application of former policies CR7 and CR11 (new policy CR4A), the Council proposes that the cross-reference should also remain. However, it considers that the grammar in the RDDP was untidy and should be modified and that the final sentence be relocated and expanded upon in a new paragraph 7.130a in order to make the Plan clearer in presentation.</p> <p>4. The Inspector recommends that paragraph 7.130 be modified to begin as follows: “<i>Suitable</i>” is not to be interpreted as meaning suitable for the size and format which retailers wish to develop. To do so would mean that developers would seek to develop sizes and forms of store that could be accommodated only on out-of-centre sites.” This wording is almost the same as that in the RDDP and is accepted by the Council except for the first use of the word “would” in the second sentence. This word is too definite in its meaning. It infers that developers would always adopt an inflexible approach. They may not. The Council therefore considers that the word “could”, as used in the RDDP, should not be modified.</p>	

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	<p>In criterion (2), “defined shopping areas” refers to all areas where retail development is permitted in accordance with Policy CRx, including Expansion Areas. Where development is unable to be accommodated within a centre or edge-of-centre location, then those sites which are nearest to the relevant centre and which have the highest accessibility by public transport will be favoured over those which are more remote, in accordance with Government guidance.</p> <p>“Suitable” is not to be interpreted as meaning suitable for the size and format which retailers wish to develop. To do so would mean that developers would seek to develop sizes and forms of store that could be accommodated only on out-of-centre sites. In its response to the Second Report of the Environment, Transport and Regional Affairs Committee, May 2000, the Government makes clear that developers should be flexible about format and scale of development and that decisions should not be made on the basis of whether a developer has a preferred format that might not fit into a centre, but on whether there is any reason why such goods cannot be sold from alternative sites in the centre. Planning Minister, Beverley Hughes, in July 2000, emphasised this point by stating that the “one-size-fits-all” approach advocated by some retailers is inappropriate and that greater flexibility by developers is required, and Tony McNulty MP, in April 2003, re-stated that a retailing format that can only be provided at an out of town location is not regarded as meeting the requirements of the Government’s policy.</p>		
<p>SD/PF/TC/12</p> <p>UDP - Policy Framework, Pages 109-110, Paras 7.131-7.133, Policy CR12</p> <p>IR – Policy Framework, Page 106, Para 7.58</p>	<p>I recommend that the RDDP be modified as follows:</p> <p>Paragraph 7.132 – delete, but that no modifications be made in respect of the other objections.</p>	<p>Decision : Accepted</p> <p>Reasons : For the reasons set out in the Inspector's Report</p>	<p>Mod/PF/ TC/22</p>

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<p>SD/PF/TC/13</p> <p>UDP - Policy Framework, Policy Omission 50- Farmers' Markets</p> <p>IR – – Policy Framework, Page 106, Para 7.58</p>	<p>I recommend that the RDDP be modified as follows:</p> <p>Paragraph 7.132 – delete, but that no modifications be made in respect of the other objections.</p>	<p>Decision : Accepted</p> <p>Reasons : For the reasons set out in the Inspector's Report</p>	N/A
<p>SD/PF/TC/14</p> <p>UDP – Policy Framework POM/DW/CR/46/1 - Out of Centre Retail, Leisure & Office Parks</p> <p>IR - Policy Framework Pages 106 and 107 / paragraphs 7.59 - 7.61</p>	<p>I recommend that no modifications be made to the RDDP.</p>	<p>Decision : Accept.</p> <p>Reasons : For the reasons set out in the Inspector's report.</p>	N/A
<p>SD/PF/TC/15</p> <p>UDP - Policy Framework POM/DW/CR/67/1 – Protection for Rural Shops</p> <p>IR – Policy Framework Page 107 / paragraphs 7.62 – 7.64</p>	<p>I recommend that the RDDP be modified as follows:</p> <p>Include a policy for the protection of rural shops and services.</p>	<p>Decision : Accept. (The relevant modification to the Plan is contained in the Community Facilities Chapter – policy CF5)</p> <p>Reasons : For the reasons set out in the Inspector's report.</p>	Mod/PF/ CF/3