

## Matter 4: City Centre, Other Centres and Town Centre Uses

***Main Issue - Whether the Local Plan sets out an appropriate strategy and policies for the City Centre, other centres and town centre uses which are positively prepared, justified, effective and consistent with national policy.***

**a) Do Policies AC1 and AC2 provide an appropriate strategy for the City Centre that is justified and consistent with national policy?**

Paragraph 23 of the NPPF states that in drawing up Local Plans authorities should, amongst other things, recognise town centres as the heart of their communities and pursue policies to support their vitality and viability, promote competitive centres which provide customer choice and a diverse retail offer, retain and enhance markets, recognise that residential development can play an important role in ensuring the vitality and viability of centres and allocate a range of suitable sites to meet the scale and type of development needed in town centres.

It is considered that Policies AC1 and AC2 are consistent with the requirements of paragraph 23, while also helping to meet other important requirements of the NPPF, including meeting housing and employment needs. The policies set out the priorities and key opportunities for regeneration and investment, set out the objective of establishing the centre as a sustainable residential neighbourhood and establish the area as the sequentially preferable location for major retail, office and leisure development. They also set the context and principles against which all proposals in the City Centre should be considered.

The scale of growth envisaged is entirely justified by the evidence base. However, specific allocations for any 'main town centre use' have not been considered necessary at this time. It is not considered beneficial to restrict or limit the types of use that may come forward on the opportunity sites identified in AC2. They are all suitable for a range of uses capable of meeting the aims of the strategy and any proposals can be considered against these overarching aims and relevant development management policies. This is part of a flexible approach to delivering improved vitality and viability and diversification of uses within the City Centre. Policies AC1 and AC2 also provide a sound basis for the specific allocation of sites in the Part 2 plan if necessary to do so.

**b) Is the definition of different parts of the City Centre based on their role and function an appropriate basis for policies for City Centre regeneration and environmental improvement? Have the boundaries of these areas been designated correctly?**

The City Centre is not an homogenous entity. Different parts of the centre can clearly be seen to have different roles and characters. The existing policies on the City Centre take a more broad brush approach with the only distinction being between 'primary' frontages and the remainder of the area. This has often created complications where certain types of development have been considered 'appropriate' in some parts of the centre and not in others, but the policies have been the same. This has led to some uses being permitted in areas which are considered by some to have had a negative impact on the character of an area.

Discussions with Members, the Business Improvement District (BID) companies, agents and other services within the Council led to a view that it would be more appropriate to adopt an approach

that better reflects the reality 'on the ground'. The suggested approach allows a more finely grained assessment of the acceptability of proposals and their impact on the role and character of any particular area. The policy seeks to provide a brief 'vision' of what the Council wants to achieve in each of the areas and identifies key projects / schemes that will contribute to the achievement of the 'vision'. This seems to be a wholly sensible approach to guiding regeneration proposals and environmental improvement in each area.

The boundaries of the areas have been based on a combination of:

- an assessment of where the clear concentration of business, retail and leisure activity takes place in the city centre area,
- an assessment of existing city centre shopping area boundaries and frontages and whether they are still 'fit for purpose',
- the boundaries of the BID company areas and the 'City Centre Masterplan' (EB077),
- the influence of development proposals such as OCOR and Castleward/DRI
- an understanding of development opportunities across the centre and how they can contribute to City Centre vitality, and
- from a general understanding of the centre and its character.

The rationale and 'character' of each area is covered in more detail in Policy AC2 and paragraphs 6.2.1 - 6.2.20 of the Core Strategy. We are confident that the the boundaries are a reasonably accurate reflection of the different 'parts' of the centre.

It is understood that there has been some suggestion of increasing the size of the 'Core Area' - which reflects the 'primary shopping area' for retail purposes - to include the Friar Gate Goods Yard site. This is not considered to be part of the 'core' shopping area of the City Centre. It is debatable whether the site could even be classed as 'edge-of-centre' as is over 300 metres from the current edge of the main shopping area, separated by a busy road and by areas where there is little retail activity. The chance for linked trips is extremely limited and psychologically, there is no connection between the 'Core Area' and the site. Also, to identify an area so far out as part of what amounts to the 'primary shopping area' could have the effect of drawing trade away from the true 'core areas' of the Cathedral Quarter and St Peters Quarter which, in turn, may undermine other measures designed to enhance City Centre vitality and viability. We are happy that the 'Core Area' reflects the true concentration of retail activity in the City Centre and should remain as submitted.

**c) Is the treatment of the Core Area as the preferred location for new retail development (rather than the City Centre as a whole) justified and consistent with national policy?**

Paragraph 23 of the NPPF states that local authorities should define the extent of town centres and primary shopping areas, based on a clear definition of primary and secondary frontages. Paragraph 24 states that in applying the sequential test to applications, the first preference should be for main town centres uses to be in 'town centres'. The framework defines a 'town centre' as an "area defined on the local authority's proposal map, including the primary shopping area and areas predominantly occupied by main town centre uses within or adjacent to the primary shopping area." (page 57). This area is analogous to the 'CBD'.

The 'primary shopping area' is defined in national policy as the area where retail development is concentrated (generally comprising the primary and those secondary frontages which are adjoining and closely related to the primary shopping frontage). The 'Core Area' reflects this definition.

Importantly, the definition of 'edge-of-centre' (page 52 of the NPPF) states that "*for retail purposes, a location that is well connected and up to 300 metres of the primary shopping area. For all other main town centre uses, a location within 300 metres of a town centre boundary.*" There is a clear implication here that the sequentially preferable location for retail is the 'primary shopping area' (otherwise, the definition for 'edge-of-centre' would not refer to it and differentiate between uses). For other uses, locations within the 'town centre' should be the first choice. This is actually a fairly long standing and well recognised principle of retail development and the sequential test, carried over from previous guidance. The approach of the Core Strategy is, therefore, consistent with national policy.

In any event, it is logical to concentrate new retail uses into the areas of the City Centre that already have an overriding retail character. This approach has benefits in terms of potential for linked trips, creating a critical mass of activity in order to generate vitality and viability and occupation of vacant units. A more dispersed approach could undermine the achievement of these important objectives.

**d) Is the transport strategy for the City Centre deliverable and is it consistent with the aims of reinforcing the Centre's economic, cultural and social role?**

Policy AC4 does not require anything which would question its deliverability. The policy is designed to support and encourage development which can maintain, enhance and make use of the highly sustainable nature of the City Centre and its high levels of accessibility. It tries to ensure that when considering proposals for City Centre development, developers seek to take account of, and incorporate, public transport, cycling and walking into their schemes. This should just be seen as promoting existing good practice and complementing policies on placemaking and design. The policy is not restrictive and thus should not have any negative connotations in terms of the City Centre's economic, cultural and social role.

**e) Are the restrictions on the use of redevelopment sites in the Central Business District for public parking in Policy AC4 justified and consistent with national policy?**

There is nothing in national policy which suggests that our approach on this issue is unacceptable. Paragraph 40 of the NPPF only seeks to improve the quality of car parks and ensure they are priced appropriately. There is nothing in national policy about the levels of parking that should be provided or that local authorities cannot restrict public parking in the interests of facilitating regeneration and making the best use of development sites. Indeed, it is our view that the policy is compliant with the NPPF in that it is helping to bring forward regeneration of brownfield land, stimulate sustainable economic growth, promote city centre vitality and viability and promote sustainable travel.

Policy AC1 states that the Council is committed to delivering a renaissance for the City Centre and reinforcing its central economic, cultural and social role by supporting sustainable economic growth and regeneration, improving the quality of the built environment, creating new residential neighbourhoods and enhancing its standing as a regionally important business, shopping, leisure,

tourism and cultural destination. Part of the way that this objective can be achieved is through the development and regeneration of key sites.

In some cases, utilising vacant sites for temporary car parks can obviously provide a short term beneficial use, which may bring in an income for the landowner and improve the aesthetics and safety of a site if landscaped and operated properly. However, there is also a danger that parking will serve to dis-incentivise the landowner from progressing regeneration schemes. The City Centre is already well served by public car parking and it is generally not going to be the case that the best and most efficient use of land identified for redevelopment will be for parking cars. It is important, therefore, to minimise this risk by placing conditions on the use so that the situation can be reviewed periodically.

From a traffic management and sustainability perspective, it is also not necessarily beneficial to allow unchecked growth in public parking if there is no need. Although the Council's general approach to parking standards in the City Centre has been relaxed from the current Local Plan, being able to control levels of public parking is still an important tool in managing traffic and promoting travel choices. Oversupplies of parking may only serve to attract higher levels of car use which, in turn, may cause or exacerbate traffic problems and diminish attempts to promote public transport, walking and cycling. This policy simply allows the Council to assess whether additional spaces may be needed and whether the proposal will be likely to cause or exacerbate traffic problems. This seems to be a justifiable assessment under national policy.

**f) Does Policy CP12 define a hierarchy of centres that is resilient to anticipated future economic changes?**

In line with the NPPF, Policy CP12 identifies a hierarchy of centres and the policy approach for each type of centre. The policy recognises that different types of centre have different functions in their localities. While the policy for dealing with applications in District and Neighbourhood Centres is broadly the same, the way that it will be interpreted will be dependent on the nature of the proposal, the scale, nature and vitality of the centre in question and the underlying economic context.

The policy is not prescriptive about the make-up of centres or frontages within them. Rather, it recognises the primary role of a centre and seeks to ensure this is maintained or enhanced. This approach will enable a certain level of 'resilience' to economic change as the Council will be able to take account of prevailing economic conditions in determining whether a use will be able to meet wider objectives. This may be particularly relevant in terms of addressing long term vacancy and the recognised shift away from a pure retail focus that many centres may face in coming years. The policy allows for a flexible approach, recognising that other uses, such as service and leisure based development, may also have a role in securing the vitality and viability of centres.

The Part 2 plan will also provide an opportunity for the Council to consider the existing boundaries of all centres in the hierarchy to see whether they continue to be fit for purpose. Through reference to the identification of a 'district centre strategy', the plan also establishes the opportunity for the Part 2 plan to identify specific policies for individual centres where a particular need or issue has arisen that has to be addressed. The Core Strategy also already identifies a number of areas where

growth will lead to the delivery of new 'centres'. The Part 2 plan will be in a better position to define the boundaries of these centres.

Furthermore, adoption of the sequential approach as set out in CP13 will ensure that needs are met in the most sustainable locations. If economic conditions rapidly improve during the Plan period and there is an associated significant uplift in retail capacity, the provisions set out in CP13 provide a suitable framework to ensure that needs can still be met within the city, giving preference to the most sustainable locations. Ultimately, the Council believes that it has a robust approach to the definition of centres and that the policy framework in place provides for their 'resilience'.

**g) Is the strategy for retail uses based on an appropriate objective assessment of needs? Is the strategy consistent with its conclusions and with national policy?**

The Council's assessment of needs for new retail floorspace has been informed by the Derby Retail and Leisure Study (DRLS) – 2009 (EB050) and subsequent capacity update published in 2015 (EB052). The DRLS provides a range of forecasts for comparison and convenience floorspace, based on a number of variables, assumptions and objectives (i.e. factoring in overtrading). The forecasts can generally be grouped into lower, medium and higher growth scenarios. At the time of writing, the DRLS recommended that the optimal approach would be to make provision for the medium growth scenarios. However, this recommendation was made some time before the full extent of the global economic crisis was fully known or the ever increasing impact of online trading was understood. Therefore, on-going development of the Core Strategy has been generally aligned with the more pessimistic (but ultimately, more realistic), lower growth scenario.

In order to reflect some of the changes in context, including the impacts of the economic downturn and revised Plan period, a partially updated forecast was carried out in 2015. The new forecast provides a 'sense check' of the magnitude of need suggested by the DRLS scenarios and provides an indication as to whether or not the Council's approach to retail development is justified. The partial update suggests that capacity for both convenience and comparison floorspace has reduced even compared to the lower growth scenarios put forward by the DRLS. There is forecast to be an oversupply of convenience floorspace by 2028, whereas the capacity for comparison floorspace is forecast to reduce to 18,647sqm over the plan period.

The level of forecast comparison need is of a scale that can be adequately accommodated within the identified Core Area. The Core Area contains a number of identified regeneration sites and vacant units. However, it has not been considered necessary to identify specific sites where the 'need' shall be met. Firstly, while the quantitative evidence may suggest some level of capacity for comparisons goods in the longer term, qualitative evidence suggests that the City Centre is still recovering from the economic recession and the rebalancing of the centre as a result of the opening of Westfield/intu centre.

There has been a clear shift away from retail uses and an increase in food and drink, leisure and services. There are also still a number of key vacancies and a move in some areas to more 'value' or deep discount retailers which do not significantly add to the vitality and viability of parts of the centre. The market signals are not sufficiently strong to be promoting large scale additional retail at this time. However, as already noted, there are still a number of opportunity sites that could bring

forward retail development in suitable locations should the market improve. We do not wish to prejudice the use of these sites for other suitable 'town centre uses' to protect them for retail when there is nothing which suggests they are needed in the short term - certainly within the next five years.

The forecasted level of need indicated by the DRLS lower growth scenario and more recently by the Partial Update report further supports the Council's approach of not specifically allocating any sites for major retail development, over and above the identification of the 'Core Area' of the City Centre as a broad location to direct new investment. We see nothing at odds with national policy in this regard. Policy CP12, CP13, AC1, AC2 and AC3 and others all provide an appropriate means of addressing applications for retail both within and outside centres

Assessment of more qualitative factors identifies a need for small scale convenience facilities to be provided alongside a number of the proposed urban extension sites, in order to provide a more sustainable form of development. The Plan takes account of this and identifies new local centres to be provided at Rykneld Road (AC20), Hackwood Farm (AC21), Boulton Moor (AC23) and Manor Kingsway (AC19). This is clearly in line with the requirements of the NPPF in terms of 'meeting needs'. The evidence does not suggest any 'need' for additional convenience floorspace that would justify an allocation in the plan.

#### **h) Is the Local Plan likely to be effective in supporting the viability and vitality of Centres?**

This issue is addressed to an extent in our response to matters on the hierarchy and city centre strategy.

As already discussed, policies AC1-AC3 and CP12-CP15 all have the ultimate objective of supporting the vitality and viability of centres, whether it be through managing the uses within them or seeking to resist development outside centres which could have a significant adverse impact. The plan recognises that retailing is in a state of flux. There have been significant and permanent changes to the way people shop which have impacted, and will continue to impact, on the role of centres and their vitality and viability. This means that in order to maintain their vitality and viability, centres will have to evolve. The Government's relaxation of permitted use rights over many changes of use is indicative of this. The Council has also sought to adopt a flexible approach. While in certain centres/parts of centres we will continue to seek a predominantly retail function, even within these areas the policies allow more diversity and discretion. This seems a more appropriate response in the current climate than rigid policies based on proportions of frontage being in certain uses. However, this should also not be seen as a free-for-all. The impact on vitality and viability will always be at the forefront of any decision making but the new policies will be much more able to take economic context and a wider range of factors into account than current policy can.

Policy CP13 in particular reflects the NPPF by requiring out-of-centre proposals to demonstrate compliance with the sequential and impact tests. These tests endeavour to ensure that in-centre locations are developed before out-of-centre locations and that out-of-centre proposals would not undermine the vitality and viability of centres. While we would contend that changes to national policy and the decisions of the courts have undermined the 'town centre first' approach to a

considerable extent, the Core Strategy still remains consistent with national policy and is effective as it can be in the current context in terms of supporting the vitality and viability of centres.

**i) Is the approach to retail and leisure development outside defined Centres in Policy CP13 consistent with national policy?**

Policy AC13 requires proposals for retail and leisure located outside of defined centres to firstly demonstrate compliance with the sequential test, giving initial preference to in-centre locations, followed by edge-of-centre locations and then existing out-of-centre retail parks or premises before 'new' out-of-centre locations are considered.

Paragraph 24 of the NPPF relates to the sequential test and gives preference to town centre locations, then edge-of-centre locations and then only if suitable sites are not available in these locations should out-of-centre sites be considered. It can be seen that the Council have an additional category (existing out-of-centre locations) to be considered before new out-of-centre floorspace is considered. This approach adds value to the broad approach identified in the NPPF by recognising that urban locations such as Derby generally have existing out-of-centre locations that can suitably accommodate needs for out-of-centre floorspace. It is logical from a sustainability point of view to ensure that existing out-of-centre floorspace is utilised first, before new destinations are created. Derby has a considerable amount of out-of-centre floorspace already and in the context of this, and the constrained nature of the City, the creation of additional space does need careful consideration.

Existing retail parks for example provide opportunities for linked trips and generally have better access to public transport, which standalone out-of-centre retail destinations may not. Even outside of the retail parks there is logic to utilising existing out-of-centre floorspace in order to limit the potential for sporadic dispersal of retail floorspace and the associated unsustainable travel behaviours. It is not considered to be a particularly sensible or sustainable approach to permit additional out-of-centre retail in potentially 'less sustainable' locations if there are suitable, available and viable units that could be utilised.

It is acknowledged that while the Council's approach is not specifically set out by Paragraph 24 of the NPPF, it is a logical progression of the national policy, adding value to the policy in a local context. Importantly, there are no parts of the NPPF that suggest that this is an unacceptable approach. Ultimately, the Council's approach will help to deliver sustainable development and help to make more efficient use of existing buildings. Paragraph 151 is clear that Local Plans must be prepared with the objective of contributing to the achievement of sustainable development. The Council's approach is consistent with this objective. It should be noted that the Council has successfully operated this approach through Policy S2 of the CDLPR, which has been relatively successful in consolidating out-of-centre requirements into designated locations. This policy was adopted within the context of PPS6 which contained a similar national policy. The Inspector noted in his report on this matter that given the local context, 'consolidation' of existing floorspace was an understandable policy response which he saw no reason to change.

The NPPF states that assessments should only be provided for schemes of more than 2,500 sqm unless a threshold has been set in a Local Plan. Policy CP13 establishes a threshold of 1,000 sqm.



This approach is, therefore, consistent with national policy. Paragraph 5.13.4 of the Core Strategy provides the broad justification for this approach. In the last six years, the Council has considered six applications for stores of around this scale, in in-centre, edge-of-centre and out-of-centre locations. Another two or three are also in the 'pipeline'. Individually and cumulatively they have the potential to impact on defined centres, particularly smaller ones which are anchored by either 'deep discount' superstores themselves or by smaller convenience stores that may be at risk. The cumulative impact of such proposals also needs to be carefully considered and monitored. If the threshold is not set at this level, then such stores would not need to provide information on cumulative impact and this creates a significant risk. The policy, therefore, is only seeking to reflect local circumstances.

The imposition of conditions to minimise and mitigate impact is also consistent with national policy. Unfettered retail can obviously have a far greater impact on defined centres than those selling 'complementary' goods (i.e. bulky goods retailers who find it difficult to find suitable accommodation in centres). While the line between these types of operator has blurred significantly in recent years, the Council still wishes to try to maintain a distinction. This can also help to mitigate impact and help make unacceptable development, acceptable. This is a valid use of conditions.

**j) Is the approach to Primary and Secondary Shopping Frontages in Policy AC3 justified by the evidence base?**

The evidence for this policy is derived from a range of sources including the DRLS (EB050) but also from extensive discussions with agents, landowners, the BID companies and with public private partnership groupings such as the 'Vibrant City' group (this is a group led by the Council but includes representatives of the BIDs, local retailers, Derby LIVE and Marketing Derby). Other documents produced by the Council – such as the City Centre Regeneration Framework (EB079) and subsequent City Centre Masterplan (EB077) - and the BIDs have also been helpful in determining the extent of the frontages and the approaches taken. An element of professional judgement derived from experience and local knowledge has also been utilised to good effect.

While it is acknowledged that changes to permitted development (PD) rights have limited the extent to which the Council can effectively manage uses within primary frontages. It can be argued that so much is PD, it is now even more important for the Council to have effective controls on those proposals that do still require planning permission. Different parts of the frontages require subtly different approaches to ensure the frontage remains 'in character' within its parent area but also to help enhance vitality. For example, betting shops, money shops and hot food takeaways are not considered appropriate anywhere within the Cathedral Quarter. These are considered to be generally out of character with the niche high quality shopping and service offer of the area. A more restrictive approach to both primary and secondary frontage is needed than in the St Peters Quarter, which is more varied in character. The approach allows for a finer grain of control and management of City Centre uses, which is considered important in the current difficult climate.

**k) Are the changes to Primary Shopping Frontages justified by the evidence base?**

Also see response to Matter 4j.



The changes to the defined Primary Frontages reflect shifts in retail pitch that have occurred since the previous set of frontages were defined. The combined impacts of the global recession, changing retail habits and behaviours and lingering impacts of the opening of the Intu Centre have meant that the extent of areas that can be accurately defined as Primary Shopping Frontage have contracted, consolidating within a smaller, more focussed part of the Core Area. This has meant that areas of Victoria Street, Albert Street (including Osnabruck Square) and Exchange Street are proposed to be deleted as they no longer serve that function and are unlikely to again in the future. Removal from primary frontage means that a more diverse range of uses can be considered which may actually serve to assist in promoting a more vital and viable future for those areas.

The majority of frontages proposed to be deleted are within the Intu Centre. The newly redeveloped Centre is largely covered by a single condition that restricts the proportion of floorspace that can be used for different uses. This provides an appropriate control and overrides any frontage allocation. The other main area of primary frontage that is proposed to be deleted is the Audley Centre. This was a small covered shopping area linking East Street and St Peters Street. The Audley Centre no longer exists, having been converted into individual units with frontages onto East Street and St Peters Street. We feel that the changes are both justified by 'evidence on the ground' and logical.

**I) Is the strategy for tourism, culture and leisure in Policy CP14 based on an appropriate objective assessment of needs? Is the strategy consistent with its conclusions and national policy?**

Assessing the need for tourism and culture is not a straight forward task as it is not necessarily based on any obvious correlation between population size, household expenditure capacity, growth or other demographic factors. This is considered to be a generally qualitative issue based very much on local circumstances and the aspirations of the authority.

In relation to 'planning for tourism' paragraph 2b-007-20140306 of the PPG states that local planning authorities, where appropriate, should articulate a vision for tourism in the Local Plan, including identifying optimal locations for tourism. It goes on to list a number of potential issues to consider in drafting policies for tourism. The Council has followed this guidance in preparing CP14. The policy sets out a broad vision for tourism and the desire to improve Derby as a visitor attraction. It identifies priorities for both the types of development required (for example, the need for new water facilities, business tourism venues, hotels) and the priorities for the location of new tourism facilities.

The City's tourism strategy, entitled 'Destination Derby 2011-2016' (relevant extracts of which are attached as Appendix 4) sets out three overarching objectives. These are:

1. Enhancing Derby's identity for visitors - by communicating authentic, unique stories and themes.
2. Promoting new developments to improve Derby as a destination
3. Improving the quality of the visitor experience.

The plan has clearly sought to take the relevant elements it can out of the specific actions related to these objectives and incorporate them into CP14 where it can.

Documents EB050-EB052 do try to consider a more quantitative approach to general 'leisure' provision, looking at expenditure. The latest figures in EB052 demonstrate that there is considerable available 'expenditure' for leisure activities. Much of this relates to more general 'leisure' uses, such as restaurants or 'hair and personal grooming' and these are addressed appropriately by other policies on 'main town centre uses' than CP14. The data does suggest, however, some scope for additional hotel and cultural spend, both of which are supported by this, and other relevant policies.

**m) Is Policy CP15 on food, drink and the evening economy justified and consistent with national policy?**

Policy CP15 should be read as part of a suite of policies that are designed to create and maintain vibrant city and district centres through both the day and night. The policy recognises the importance of such uses in terms of fulfilling the aims of the plan; they can provide diversity within centres, can be key 'attractors' of visitors - particularly in the evening - and can assist in increasing 'dwell times' of shoppers and visitors. They can also be useful in terms of filling long term vacancies and adding some vitality in declining centres. The policy actively promotes uses that can have these positive impacts thus furthering the NPPF's objectives of promoting vital, viable and resilient centres.

However, the uses covered by CP15 can also have individual or cumulative impacts that would actively work against the aims of the plan and be contrary to national policy. While Derby is well served by 'vertical drinking establishments' and hot food takeaways, other food and drink/evening economy uses are not as prevalent. This has led to an imbalance in the 'offer' of the City Centre. As referenced in the policy, the aim is to try and promote more 'family friendly' venues and seeking to control concentrations certain uses which have recorded issues of anti-social behaviour and crime. Derby also now has 'Purple Flag' status. It is important for the City to maintain this accreditation and to do so it must demonstrate that the City:

- is welcoming to everyone
- can offer safe ways for visitors to travel home
- provides a good mix of venues
- is appealing after dark.

More generally, it is also a fact that concentrations of certain types of food and drink use can have a negative impact on the environment and perception of centres which, in turn, can impact on their vitality and viability. There is nothing inconsistent with national policy in considering the impact of a use on the character or amenity of an area. Equally, the ability to consider the implications of a proposal for crime and disorder and the fear of crime are all consistent with the NPPF's policies on design and creating healthy communities.

The characteristics and context of Derby's centres provides the justification for a policy which simply seeks the ability to balance and give proper consideration to the positive and negative impacts of food and drink uses; being able to support them where they clearly add to vitality, viability and sustainable economic growth and resist them where the evidence would suggest that they would cause or exacerbate economic, environmental, social problems.