

APPENDIX 2 – COMMENTS RECEIVED IN RESPONSE TO THE CONSULTATION, AND THE CITY COUNCIL'S RESPONSE

Respondent	Page/Para	Comment	Council response
Mr B C	General	<p>It appears that the proposed threshold for non retail uses is lower in nearly all zones than currently. Norwich already has sufficient banks, building societies and catering establishments – to provide for an increase would not attract or retain sufficient shopping visitors from around the region.</p> <p>Also queries the council's reasoning for approving ASDA at Hall Road if the city centre is perceived to be under threat.</p>	<p>Not accepted: It is apparent from market signals and objective evidence of retail trends nationally that high street shopping as an activity and the amount of floorspace in retail use will continue to contract at the expense of other uses and supporting services. The key to successful city centres lies in anticipating and planning for this transition, promoting them as “destinations” with attractive environments offering opportunities for a range of activities and services for the visitor. There will also be an increased role for housing as city centres continue to evolve as places to live. Local planning policy for Norwich must acknowledge this shift in emphasis as well as ensuring that the rapidly changing needs of businesses and other city centre stakeholders are met. To maintain an unrealistically high benchmark for the level of shopping desirable in the various frontage zones would merely result in more refusals of planning permission and more vacant premises unable to attract retail tenants.</p> <p>With reference to the grant of planning permission for Hall Road District Centre focused on a new ASDA, the retail impact assessment submitted in support of that scheme showed that its effect on the city centre would not be critical, and the level of comparison retail floorspace has been limited by condition to ensure that this remains the case. This is not an issue for this SPD.</p> <p><i>No change.</i></p>
Mr D K	Page 34 (PR04 Castle Meadow North) and general comments	The long-term decline of Castle Meadow as a shopping area must be attributed to past council policy decisions (allegedly complicit with	<p>Not accepted: Retaining Castle Meadow North as part of the primary retail area in the local plan acknowledges its continuing importance and the presence of major retailers such as Waterstones and Boots with frontages to and linkages with the</p>

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		<p>“the bus business”) to centralise retailing and reposition the street as a bus station, to the detriment of independent retailers in the area. The breakdown of retail and non retail uses for this zone in the SPD does not show any retail activity at all, demonstrating that Castle Meadow has been effectively forgotten in the document. The proposals simply recommend more restaurants and cafés which shows a lack of vision.</p>	<p>important pedestrian shopping areas of Castle Street and London Street. National research has shown that shopping areas are most successful where shoppers have easy and direct access to public transport, so we cannot support the argument that shops are failing <i>because</i> of the presence of nearby bus stops. The council accepts that Castle Meadow is less important as a shopping street than it once was, but in our view this is as much to do with changing retail trends nationally as with any past policy decisions of the city council. The council has an obligation to respond and adapt to a rapidly changing retail environment through its planning policies, seeking to encourage new investment and manage change positively and responsibly for the benefit of Norwich as a whole. This includes actively promoting sustainable transport choices. For Castle Meadow the favoured approach is to promote flexibility and adaptability in the use of premises rather than indiscriminately protecting shops at the expense of other beneficial uses. We would also dispute the view that the independent retail sector is in decline, which fails to explain the demonstrable success of the Norwich Lanes in recent years, for example. It should be noted that Castle Meadow has no defined retail frontage, which means that it is not subject to any minimum set proportion of shopping to be sought. It does not imply that there is no retail activity in the street, which is clearly not the case.</p> <p><i>No change.</i></p>
Mrs J M	Page 18-19 PR02 Castle Mall	Norwich is a vibrant cultural centre and lacks a purpose built symphony hall. Castle Mall has declined as a shopping centre at the expense of	<p>Accepted in part – a symphony hall does not form part of the upgrading proposals being taken forward by the Mall operators and is unlikely to be an economically viable proposition. There may be some scope to expand and diversify the evening</p>

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		Chapelfield and would benefit from promotion as a high quality mixed use destination incorporating such a facility alongside restaurants and quality retailers. Questions whether an 80% retail threshold for Norwich (sic) is sustainable.	economy and leisure offer within the upper and lower levels of the Mall (to complement the established cinema) where this would not compromise its core retail function. Policy DM23 of the DM Policies Plan does not normally accept leisure uses at ground floor level in defined retail frontages and this would preclude using levels 1 and 2 of Castle Mall for those purposes. It should be noted that the 80% retail threshold applies only to the main retail levels in the mall which are defined retail frontages and not to the upper and lower levels, where no minimum applies. <i>Reference added to “complementary leisure uses” in the third bullet point on page 19.</i>
Broadland District Council	General	The SPD does not appear to make reference to or provide guidance on retail uses outside the defined centres. Are [decisions on these proposals] to rely solely on the policy?	It is not intended to do so. The role of this SPD is clearly set out in the Local Development Scheme as providing detail to support policy DM20, which is concerned primarily with managing change <u>within</u> defined city centre shopping areas. Proposals for new development (including proposals in the centre but <u>outside</u> these areas) are assessed against a different policy – policy DM18. Appendix 4 of the DM Policies Plan gives more detail on the interpretation of “city centre” when determining proposals for main town centre uses: the Primary and Secondary retail areas together constitute the “city centre” for the purposes of assessing retail proposals under the sequential test whereas the most sequentially preferable location for leisure uses is the city centre leisure area. Assessment of city centre proposals would therefore take into account policy DM18 (in conjunction with appendix 4) in combination with policy DM20 and this SPD if the proposal was located in a defined retail area and policy DM19 in the case of proposals for, or resulting in the loss of, offices.

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Broadland District Council	General	The scale of the district centres has not been clearly defined in the SPD	Not accepted: As above. The SPD is not intended to define the scale of existing retail provision or development in district centres. However this is monitored through the shops database (and if required would be published in the city council's regular city centre and district and local centre retail monitors) rather than in SPD.
Broadland District Council	General	There is no guidance specifically covering the division of larger retail units (such as department stores) to smaller units.	Not accepted: Subdivision of larger retail units would generally be welcomed in most parts of the city centre if department and multiple stores became redundant. However generic guidance may be of little value as proposals would need to be approached case by case due to the complex site specific planning issues involved. The issue may however be revisited in future iterations of this SPD if more detailed consideration of the issue becomes necessary.
Norwich Business Improvement District (BID)	General	Generally speaking Norwich BID is comfortable with the documents proposals [subject to the comments made on specific paras] especially given the percentages Norwich City Council apply to A1 frontage can be adjusted each year outside of DM20 in the light of the evolving market and streetscape.	Noted. Norwich BID's general support for the SPD is welcome.
Norfolk County Council	General	Support broad policy approach as it aims to maintain and enhance the vitality and viability of the city centre both the primary and secondary areas. In particular the	Noted. Norfolk County Council's general support for the SPD is welcome.

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		<p>county council supports:</p> <ul style="list-style-type: none"> • Measures addressing the emerging evening economy; • Restrictions on betting shops and amusement arcades; • Measures to address high vacancy rates in Castle Meadow i.e. encouraging non-retail uses such as education, leisure, arts and entertainment uses; • Maintaining Elm Hill for speciality retailing and supporting the early evening economy; • The Lanes identified as a target area for independent shops. 	
Norfolk County Council	Para 3.7, 3.9	<p>The SPD would benefit from evidence justifying the need to retain “an indicative minimum of 80%” core frontage in the Primary Area. It is also unclear why other areas within the Primary Area have a reduced minimum core frontage percentage, such as:</p> <p>PR01 – Back of the Inns / Castle Street (65%);</p> <p>PR02 - The Lanes (70%); and</p> <p>PR06- Timberhill/Red Lion Street (60%). The above areas currently have higher ratios of retail frontage</p>	<p>The commentary for each of the frontage zones gives a general overview of how each area has been evolving and developing. Evidence to support this is recorded in the council’s shops database and reported through the annual city centre retail monitor, albeit that the baseline for this monitoring now relates to different zone boundaries than previously. The SPD allows for the diversification of retail frontages, the introduction of additional supporting services and the promotion of certain areas for speciality shopping as required in policy 11 of the JCS. It is evident that a “one size fits all” approach for the primary area in the previous local plan (85% minimum A1 retail for all zones) is not fit for purpose as the retail representation in most of the zones defined in that plan is already below that level: some such as Back of the Inns are significantly below. The indicative</p>

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		than proposed in the SPD without any real justification/reasons why a lower level/proportion is acceptable/desirable. For other areas the proportion of frontages which it is desirable for A1 retail will vary according to location. It is felt that there should be more explanation/evidence in the SPD as to how the proportions have been derived and why lower levels in these areas may be considered acceptable compared to other Primary Areas.	thresholds chosen reflect the city council's view of the potential to accommodate a more diverse range of services in different areas, with the main focus for retail remaining in the malls and core area focused on Gentleman's Walk, where the minimum has been set at 80% rather than 85% to allow for flexibility given the likely reduced representation of A1 retail use in the longer term.
Norfolk County Council	General	While reference has been made to the National Planning Policy Framework (NPPF) in the SPD, the city council will need to consider Government proposals set out in the CLG Technical Consultation on Planning (July 2014). In particular regard should be made to Section 2 on reducing planning regulations, inter alia, to support high streets. This includes proposals for allowing permitted development between A1 (retail) to restaurants and cafes (A3). If such proposals were to go ahead, then this could undermine	<p>Accepted: <i>Commentary added at para 2.14 on the CLG technical consultation, which was issued after publication of the draft version of this SPD, as well as the implications of taking its proposals forward.</i></p> <p>The city council acknowledges that implementation of the government's proposals for extended permitted development rights within class A has the potential to significantly undermine the SPD and has made this point in its formal response to the consultation. Should the proposals be implemented as suggested (most likely they would take effect from April 2015) the council would need to initiate a review of the SPD to ensure that it remained appropriate, or indeed was still capable of implementation.</p>

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		the objectives set out in the SPD of maintaining defined levels of retail frontages in the City Centre.	
Norwich BID	General	Disputes the council's claims on Page 4 (1.2) and throughout the document that its planning policy has led to positive management of change of use and delivering vitality.	Not accepted: Although a positive and proactive planning policy is certainly not the sole contributor to a thriving city centre, the inference that planning has no role to play is not accepted. A positive local planning strategy is part of a range of management measures to secure continued town centre vitality, thereby helping to foster a successful and attractive trading environment and putting the local conditions in place that help to support and sustain city centre business for the long term. That approach is fundamental to national planning policy which the local plan (and this SPD) must reflect. Historically, positive planning policies for the city centre ensured that permission could be refused (and refusals upheld on appeal) for forms of development which would fundamentally damage it, such as the major out of town retail centres being promoted in the Norwich area in the early 1990s. The council would argue that having such a strategy in place has ensured that beneficial development and investment to support the city centre has been allocated and delivered in the right places and at the right times – and without such a strategy, Norwich would now be a very different place. <i>Commentary revised to make clear that planning is one contributor to a successful town centre strategy.</i>
Norwich BID	Page 3 (Summary)	The summary should refer to ensuring the best mix of offer for city centre vitality - not just an aspiration to restrict loss of retail	Accepted: <i>Reference to seeking the most beneficial mix of uses is added in the Summary in the context of JCS Policy 11.</i> However the maintenance of retail function in key areas is an important element of that strategy and that will be sought principally through policy DM20.

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Norwich BID	Page 4 (para 1.2):	Policy 11 of the JCS is out of date - there is no prospect for 'a substantial expansion of comparison retail floor space ...'; such an unrealistic aspiration should not be referred to.	Noted: The reference in JCS Policy 11 to a substantial expansion of comparison retail in the city centre is based on 2007 study evidence and growth forecasts which were considered robust at the time the JCS was examined in 2010, but have clearly been overtaken by more recent retail trends. The evidence will need to be revisited in the near future as part of an overall review of the evidence base informing a wider review of strategic policy. However, as JCS Policy 11 is in an adopted local plan (which the DM Policies Plan and this SPD is required to implement) it is not legally possible at this stage to change what it says, nor to disregard it completely. However, it is accepted that the SPD is concerned principally with the management of uses in general and not with the promotion of new development, so a reduced emphasis on this part of the policy is appropriate. <i>Text revised to acknowledge that there is a limited prospect of further retail expansion in the centre and to place more emphasis on the need for diversity and flexibility.</i>
Norwich BID	Page 6 (para 2.4):	Would be useful to understand how the "map" [i.e. the local plan policies map showing the extent of the retail frontage zones] has changed and been redrawn, to ensure that old mistakes or new changes are appropriate	Accepted. <i>Additional commentary provided at paragraph 3.8 (and cross referenced in paragraph 2.4) to list the main changes in frontage zone definitions compared with those in the 2004 local plan. These are illustrated in new Figure 2.</i> Note that the zone boundaries themselves are not determined by this SPD, they have already been negotiated and established through the process of preparing, consulting on and independently examining the DM Policies Plan. They cannot be changed other than by a review of that plan.
Norwich BID	Page 7 (para 2.8):	Queries the source of the shops database and how it is tracked.	Accepted: <i>Commentary provided at paragraph 2.8 with more detail about</i>

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		Refers to incomplete coverage in BID's database derived from business rates data.	<i>the shops database and how it is used for monitoring.</i>
Norwich BID	Page 9 (para 2.13):	Is it possible or correct to object based on conservation grounds, when it is not a designated conservation area? This may need to be reviewed.	<p>Not accepted: This comment appears to be based on a misapprehension. The whole of Norwich city centre within the line of the medieval walls, covering an area of 230ha, is a Conservation Area (formally designated in October 1992). With the exception of Riverside (LD02) and Sainsbury's at Brazen Gate (SR06), all the individual zones subject to this SPD fall within the City Centre Conservation Area.</p> <p>The point here is that the reasons for refusal of planning permission for a change of use which required permission <i>only</i> because the premises concerned were in a Conservation Area would need to place significant weight on the conservation issues over and above other factors.</p> <p><i>Additional commentary provided to clarify these points.</i></p>
Norwich BID	Page 9 (Para 2.14):	Supports government proposal for betting shops to be "sui generis" [i.e. a separate use in law] and therefore allowing challenge as part of any change of use proposal.	<p>Noted, although the proposal in the CLG <i>Technical Consultation on Planning</i> (issued in July 2014 after the draft SPD was published) was to retain betting shops and payday loan stores in a much reduced A2 use class, rather than making them sui generis. In its formal response to that consultation, the council suggested that a sui generis option would be more effective.</p> <p><i>Commentary at paras 2.13 and 2.14 updated and to refer to the introduction of further deregulatory changes by revisions to the General Permitted Development Order in April 2014 and the CLG technical consultation proposals published for consultation in July 2014.</i></p>

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Norwich BID	Page 10 (Para 3.1):	[City shopping areas] were previously monitored every six months: can this be reviewed and reinstated, better reflecting changes in the city.	Noted: Following a review of staffing levels for budgetary reasons, the city council's planning service is no longer resourced sufficiently to undertake these surveys at six monthly intervals. The council would be happy to investigate means of resourcing more frequent surveys with the BID, but this would need to be at nil additional cost to the council. <i>Commentary added at para 3.3 re the scope for increasing the frequency of the survey.</i>
Norwich BID	Page 26 (PR01 Back of the Inns):	The BID will not fund street repairs and this inference should be removed, no public realm funding has been agreed in the 5 year business plan	Noted and accepted. <i>Reference to the BID business rate levy is deleted.</i>
Norwich BID	Page 27 (PR02 The Lanes West):	Would like to see support for change of use in London Street on the upper floors for holiday accommodation, such as holiday lets, hotels or apartments. Something in here to reflect the aspiration to be a high end shopping offer in London Street and dissuade charity shop use.	Accepted in part: There is much potential for additional visitor accommodation in the city centre and it would usually be appropriate to encourage the beneficial reuse of redundant upper floors for that purpose – although in many cases individual holiday lets would fall within the same planning use class as general needs housing. The aspiration for high end shopping in London Street is welcome but realistically this could not be delivered through planning powers (retail being a generic planning use with no distinction between types of shopping). Such an initiative would rely on partnership working with proactive management of retail lettings and positive marketing. However the council supports this idea in principle. <i>Text amended to refer to the potential for visitor accommodation and prestige retailing.</i>

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Bidwells for Aviva	Page 32 (PR03 St Stephens Street/Westlegate):	Reference to “focusing the majority of retailing in St Stephens Street” should be deleted: this would not allow for flexibility in promoting a diversity of uses in future across the zone as a whole.	<p>The historic development of St Stephens Street means that in practical terms there are more large shop units, and consequently significantly more retail floorspace, than in Westlegate. These larger units may not lend themselves so readily to reuse for other purposes. Retention of high profile shopping in St Stephens Street is also important because of its enhanced role as a public transport hub. However, it is acknowledged that John Lewis is also a major retail presence at the other end of the zone, Seeking to concentrate retail in St Stephens might imply that less importance would be afforded to retaining John Lewis, which is not the intention. On balance therefore the suggestion is accepted.</p> <p><i>Reference to “focusing the majority of retailing in St Stephens Street” deleted from bullet point 1.</i></p>
Norwich BID	Page 35 (PR04 Castle Meadow North)	There needs to be a presumption for increased residential on Castle Meadow North.	<p>Not accepted: Residential uses would be welcomed here in appropriate cases (for example conversion of redundant office space which is no longer suitable for commercial occupation). Where permission is required, the suitability of individual premises for housing would need to be assessed on a case by case basis against other relevant local plan policies to ensure adequate standards of amenity and outlook could be achieved and the impacts of any retained commercial uses mitigated.</p> <p><i>No change.</i></p>
Norwich BID	Page 48 (SR03 St Benedicts Street):	Rather than discouraging residential in St Benedicts it should be encouraged	<p>Not accepted: The SPD encourages residential use in St Benedicts but acknowledges that it may not always be suitable at ground floor level. There are instances where the occupation of former retail premises for housing directly onto the street frontage would not deliver an acceptable living environment for residents due to poor outlook, traffic impact, cramped internal</p>

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			layout and inadequate waste storage/servicing, etc. Residential use would also result in areas of dead frontage which would break up the coherence and continuity of the historic shopping frontage. Such proposals would therefore need to be approached case by case but residential conversion could be prioritised where there are high levels of vacancy and little prospect of commercial reoccupation. <i>Text amended to delete “(including residential use)” in bullet point 4.</i>
Norwich BID	Page 52 (SR04 Elm Hill/Wensum Street):	Policy should be neutral on the issue of residential in Elm Hill and Wensum Street.	Accepted. The council considers that the vitality and visitor appeal of Elm Hill as a speciality shopping area (identified as such in the JCS) rests on maintaining an active and diverse mixed use frontage with a good representation of commercial uses. This stance, supported by current and previous local plan policy, has been upheld on appeal. However the loss of active frontage may be due to a number of factors and it is unreasonable to single out residential use in this context. Residential use would continue to be supported where it did not have a significant impact on character and retail function and where housing could be accommodated consistent with other policies of the plan. <i>Text amended to delete “(including residential use)” in bullet point 4.</i>
Norwich BID	Page 55 (SR05 London Street East):	As above points made for page 27 London Street would have the aspiration for a joined up approach for accommodation and dissuade charity shop use	Accepted: Comments as above against zone PR02. <i>Additional commentary to make reference to aspiration for prestige high end retail and suitability for visitor accommodation.</i>
Norwich BID	Page 58:	Rather than discouraging residential in this area (Magdalen / St Anglia Sq) it should be encouraged	Not accepted: Comments above as for SR03 St. Benedicts Street. The intention is not to discourage residential here per se but acknowledge that it may not always be appropriate at ground

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			<p>floor level and each proposal must be assessed on a case by case basis taking account of other policies of the plan.</p> <p><i>No change.</i></p>