

**Report to** Cabinet  
10 December 2014  
**Report of** Head of planning service  
**Subject** Main Town Centre Uses and Retail Frontages  
Supplementary Planning Document – Adoption

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**Item**

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### **Purpose**

To consider adopting the *Main town centre uses and retail frontages supplementary planning document*.

### **Recommendation**

To adopt the *Main town centre uses and retail frontages supplementary planning document* in accordance with regulation 14 of the Town and Country Planning (Local Development) (England) Regulations 2012.

### **Corporate and service priorities**

The report helps to meet the corporate priority “A prosperous city” and the service plan priority to implement the local plan for the city.

### **Financial implications**

None

**Ward/s:** The SPD will implement planning policy specific to the city centre, taking in parts of Mancroft, Thorpe Hamlet and Town Close wards

**Cabinet member:** Councillor Stonard – Environment development and transport

### **Contact officers**

Mike Burrell, planning team leader (policy) 01603 212525

Jonathan Bunting, planner (policy) 01603 212162

### **Background documents**

None

# Report

## Introduction

1. This report seeks cabinet endorsement and authority to adopt the *Main town centre uses and retail frontages supplementary planning document* (SPD) considered by sustainable development panel on 26 November following consultation on the draft version in July.
2. The SPD provides detailed guidance to assist in the implementation of policy DM20 of the adopted *Development management policies local plan*. Policy DM20 sets out criteria for the assessment of planning applications for changes of use in the defined retail areas and retail frontages within the city centre – these being the primary area, secondary areas and the large district centres of Magdalen Street/Anglia Square and Riverside.
3. The policy background to and purpose of the SPD is described in more detail in the report to sustainable development panel dated 23 July 2014. Broadly, it provides additional guidance to inform planning decisions about changes of use within the various different shopping areas within the city centre, including the defined retail frontages and “frontage zones” identified on the local plan policies map for specific protection and retention of a specific proportion of shopping.
4. It should be noted that because SPD does not set new policy, cabinet can resolve to adopt it without the need for a full council resolution..
5. The document for adoption (incorporating amendments to address comments made in response to the consultation and the further changes requested by sustainable development panel) is attached as Appendix 1. The detailed comments received, with the council’s response, are attached as Appendix 2.

## The consultation

6. The *Main town centre uses and retail frontages SPD* was published in draft on the council’s website on 28 July 2014. Copies of the document were made available for inspection at City Hall and the Forum. The period of consultation ran for six weeks until 8 September. This is in accordance with the adopted Statement of Community Involvement, which states that the normal statutory consultation period for planning documents (four weeks minimum in the case of SPD) will be extended by two weeks where it occurs during holiday periods and over Christmas.
7. A range of city centre retail and business interests, residents and traders associations and local amenity groups were consulted directly by letter and email, with the major store operators consulted via the Norwich BID. The direct mailing was supported by a city council press release and a main feature in the local press on 13 August 2014 (“*Blueprint for a thriving high street: how your city centre is set to get a major makeover*”) which had generally positive reaction from the general public.

## Issues raised in the consultation response

8. Perhaps owing to the detailed technical nature of the guidance, the response to the consultation was fairly limited. However it did include a collective response from Norwich Business Improvement District (BID) members representatives, containing

a number of useful suggestions for change. Comments were also received from Broadland District and Norfolk County Councils as well as from various individuals and agents.

9. Points raised included:

- The SPD should cover issues about the appropriate scale of new development in district and local centres as well as addressing change in the city centre. *(The issue of managing the scale and impact of new development is in fact already covered in Appendix 4 of the development management policies local plan and addressed by a separate policy in that plan: DM18).*
- More guidance is needed in the SPD on the scope for subdivision of shops; also the retail offer in St Stephens Street and Westlegate should not necessarily be predicated on concentrating the majority of shopping in St Stephens.
- More evidence would be useful on how the thresholds for the indicative minimum proportion of shopping to be sought in each zone have been determined.
- The SPD needs to have regard to the government's latest proposals for further planning deregulation of high street uses (for example reducing the need for planning permission for many changes of use to restaurants and cafes) as set out in the recent *Technical Consultation on Planning*. These proposals could significantly undermine the ability of the SPD to protect the retail function of shopping areas. .
- More emphasis is needed on promoting housing in secondary shopping areas, particularly at ground floor level where vacancy levels are high.
- The SPD should be neutral about the issue of promoting new housing in Elm Hill at the expense of commercial uses *(the draft discouraged housing at ground floor level in favour of supporting retail, commercial and evening economy uses which are seen as important contributors to the appeal of Elm Hill for visitors).*
- More encouragement is needed in the SPD for the introduction of visitor accommodation as a means of reusing the redundant space above shops
- The SPD should emphasise Norwich BID's aspiration to secure prestige "high end" retailing in London Street and elsewhere.
- The SPD should acknowledge the scope for more arts and cultural facilities in Norwich, with a specific suggestion of a symphony hall in Castle Mall.

10. Two individual responses were general criticisms of how the council's retail planning policy decisions in the past had allegedly disregarded or harmed business or personal interests, but contained no constructive comment on the document itself.

11. Whilst very positive and encouraging, the press coverage (and some responses to it) may have given the impression that the SPD and the planning system would have much more power to influence change in the city centre shopping areas than would actually be the case. Because shops are grouped into the same planning use class (A1) in law, no planning permission is needed to change one type of shop to another. Consequently, as noted in the July report to panel, the SPD would not be

able to influence what *kinds* of shops would be accepted in specified areas of the centre, but would only be able to inform decisions about the relative balance between shops and non-retail uses such as banks, cafes and restaurants, as well as giving guidance on appropriate locations for housing and new uses in upper floors.

### **Proposed changes from the draft SPD following consultation**

12. The changes proposed in the document are generally minor. Further commentary is added on how the frontage zone boundaries have changed from the previous definitions in the 2004 local plan and clarifications and corrections have been made to the guidance for specific areas in response to the comments received. The aspiration of Norwich BID to promote London Street for high quality prestige retailing is supported, although it is recognised that this could not be delivered through planning powers. The use of redundant floorspace in upper floors for visitor and holiday accommodation is also an idea which has merit and a reference is added to this in the text. In those frontage zones where housing is actively promoted, the SPD now makes clear that acceptance would be conditional on residential conversion proposals complying with other relevant policies of the adopted local plan: this would mean that the conversion of shops at ground floor level could be supported in cases where satisfactory standards of amenity, design and layout could be achieved and the character and retail function of shopping streets was not compromised.

### **Further changes recommended by sustainable development panel**

13. At its meeting on 26 November, the sustainable development panel suggested that the guidance relating to that area should give more obvious protection to the retail and commercial function of Elm Hill to support its vitality and viability, highlighting the vulnerability of specialist retailers in an area which has suffered from some decline. The panel was in agreement that conversions of shops to residential use at ground floor level ought to be supported only where there would be overriding conservation benefits.
14. Officers concur with the suggestion of sustainable development panel and consider that the suggested change would improve the document. It is therefore proposed that an additional criterion is included in the guidance for Elm Hill and Wensum Street (page 52 of the document) as follows:

“Consider proposals for change of use of ground floor premises to residential use on a case by case basis and accept them where consistent with policies DM2, DM12 and DM13 and other relevant local plan policies. In assessing such proposals, account will be taken of the impact of individual changes on the vitality, viability and diversity of the street and the frontage zone as a whole. In Elm Hill, residential conversion at ground floor level will generally be accepted only where it results in a designated or locally identified heritage asset or other long-term vacant building being brought back into beneficial use, where it is demonstrated that those benefits could not be delivered by retaining a retail use.”

### **Implications for this SPD of current and proposed national planning deregulation**

15. Members will be aware from previous reports that the government has already introduced a number of reforms to permitted development rights in the General

Permitted Development Order which enable many changes of use of premises in shopping areas to be made without planning permission. The introduction in 2013 of a prior notification procedure allowing the temporary use of premises for a variety of “flexible uses” for up to two years was viewed as potentially problematic for the city centre, but has resulted in relatively few cases where shops have changed use through this mechanism. Further reforms in April 2014 allow shops of less than 150 sq. m to change to banks, building societies and credit unions (referred to collectively in the regulations as “deposit takers”) without planning permission, albeit that these rights do not apply in conservation areas, so the city centre is not affected. Similarly, smaller shops under this 150 sq.m size threshold can now be converted to individual dwellings or up to four flats without needing permission, but again these rights do not apply in the city centre as it is a conservation area.

16. The latest round of prospective reforms as set out in the government’s *Technical Consultation on Planning* would, if implemented, further reduce the need for planning permission for changes of use in the high street, for example allowing the conversion of shops and other premises to cafés and restaurants under a simplified prior approval process subject to no objections from immediate neighbours. More fundamentally, government proposals to combine the majority of financial and professional services such as banks and building societies into the same planning use class as shops would effectively change the definition in planning law of what a “retail use” is. Therefore the stipulations in the SPD requiring an indicative minimum proportion of “retail use” to be maintained would almost inevitably need to be reviewed. The result could be a significant erosion of available planning powers to resist harmful change, which would reduce the ability of this SPD and its parent local plan policy to protect the retail function of shopping areas in the city centre. Although some deregulatory changes could well be beneficial, much of the SPD could become superfluous as changes of shops to restaurants and cafes encouraged by the guidance might soon not need planning permission anyway. The harm that could result to the council’s strategy to protect and support the city centre has been highlighted as a significant issue in the council’s response to consultation.
17. At the present time however, neither the SPD nor the adopted local plan which it supports can anticipate what future changes to the General Permitted Development Order might look like, and must reflect the planning system and the powers available to the council to inform decision making as of now. It is likely that the next round of deregulation will be introduced through the publication of a consolidated revision to the General Permitted Development Order as early as April 2015, and at that time decisions would need to be made on appropriate policy responses. In the meantime the SPD would be applied, as intended, as a supplement to an adopted policy which has been demonstrated to be sound and appropriate.

## **Conclusions**

18. Officers are confident that this SPD will provide a sound basis for the future management of change in defined shopping frontages and other areas of the centre to maintain their vitality, viability and diversity in the long term. However it is evident that in a period of rapid legislative change there may be a need to review the document in the short term to ensure that it remains appropriate and enforceable.

## Integrated impact assessment



**NORWICH**  
City Council

The IIA should assess **the impact of the recommendation** being made by the report

Detailed guidance to help with completing the assessment can be found [here](#). Delete this row after completion

### Report author to complete

<b>Committee:</b>	Cabinet
<b>Committee date:</b>	10 December 2014
<b>Head of service:</b>	Graham Nelson
<b>Report subject:</b>	Main Town Centre Uses and Retail Frontages Supplementary Planning Document – Adoption
<b>Date assessed:</b>	24 November 2014
<b>Description:</b>	<p>This report is about the Main town centre uses and retail frontages supplementary planning document (SPD), which was initially published as a draft for consultation in July and has been revised in response to consultation feedback and agreed by Sustainable Development Panel on 26 November 2014. The report outlines the main issues raised in responses to consultation, summarises the responses received and describes the amendments to the document to address those responses. Members are asked to endorse the document for formal adoption.</p>

	Impact			
Economic (please add an 'x' as appropriate)	Neutral	Positive	Negative	Comments
Finance (value for money)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	There are some costs associated with adoption, chiefly the costs associated with formally publicising the document, but this is a statutory requirement.
Other departments and services e.g. office facilities, customer contact	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Limited impact on Design, Print and Production service which will organise the uploading of the SPD and accompanying documentation onto the council's website. There is expected to be limited demand for printed copies of the SPD and the costs of providing these on request can be absorbed within the planning service budget.
ICT services	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	None identified
Economic development	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The adoption of the SPD will support the local plan and provide greater certainty to developers and applicants. It should have a positive economic impact on development and the city centre economy.
Financial inclusion	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No impact identified

<b>Social</b> (please add an 'x' as appropriate)	<b>Neutral</b>	<b>Positive</b>	<b>Negative</b>	<b>Comments</b>
<b>Safeguarding children and adults</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No impact identified
<b><u>S17 crime and disorder act 1998</u></b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No impact identified
<b>Human Rights Act 1998</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No impact identified
<b>Health and well being</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No impact identified
<b>Equality and diversity</b> (please add an 'x' as appropriate)	<b>Neutral</b>	<b>Positive</b>	<b>Negative</b>	<b>Comments</b>
<b>Relations between groups (cohesion)</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No impact identified
<b>Eliminating discrimination &amp; harassment</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No impact identified.
<b>Advancing equality of opportunity</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No impact identified.
<b>Environmental</b> (please add an 'x' as appropriate)	<b>Neutral</b>	<b>Positive</b>	<b>Negative</b>	<b>Comments</b>
<b>Transportation</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No impact identified
<b>Natural and built environment</b>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The adoption of the SPD will have a positive impact on the built environment by supporting the beneficial reuse of premises in city centre shopping areas and reducing instances where shop premises remain empty for long periods.



<b>Waste minimisation &amp; resource use</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	There are no direct impacts on waste minimisation and resource use from the adoption of the SPD.
<b>Pollution</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No impact identified
<b>Sustainable procurement</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	There are no direct impacts on sustainable procurement from the adoption of these plans.
<b>Energy and climate change</b>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	No direct impacts from adoption, although the longer term effect of a positive strategy to support and maintain the health of the central shopping area will be to promote the continued sustainable use of buildings and reduce the risk of decline and dispersal of shopping facilities to more peripheral and less accessible locations
<b>(Please add an 'x' as appropriate)</b>	<b>Neutral</b>	<b>Positive</b>	<b>Negative</b>	<b>Comments</b>
<b>Risk management</b>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The risks of not adopting the SPD are that, without it, the effectiveness of the local plan policies which it is intended to implement would be reduced, giving less weight and certainty to planning decisions turning on issues related to the future use of shops and increasing the risk of successful appeals against refusal of planning permission

## Recommendations from impact assessment

### Positive

The SPD will have a positive impact following adoption as it provides the detail to implement the adopted Joint Core Strategy policy for the city centre and support the recently adopted development management and site specific policies relating to development and change in the centre.

### Negative

No negative impacts have been identified.

### Neutral

No impact has been identified in relation to the majority of issues.

### Issues

The key risk is the non adoption of the SPD, which would result in uncertainty for developers and failure to effectively implement the city centre policies in the Joint Core Strategy and the Norwich Local Plan, with potential impacts on the local economy and environment.