

Report to	Sustainable development panel	Item
	26 November 2014	
Report of	Head of planning service	5
Subject	Main Town Centre Uses and Retail Frontages Supplementary Planning Document – Feedback from consultation	

Purpose

This report is about the *Main town centre uses and retail frontages supplementary planning document* (SPD), which the panel considered and commented on before it was published as a draft for consultation in July. The report outlines the main issues raised in responses to consultation, summarises the responses received and proposes a number of generally minor amendments to the document to address those responses. Members are asked to recommend the amended SPD to Cabinet for approval in December prior to its formal adoption.

Recommendation

- (1) To note the *Main town centre uses and retail frontages supplementary planning document* with proposed amendments
- (2) To recommend that Cabinet approves the document as amended for formal adoption as a local development document in accordance with Section 23 of the Planning and Compulsory Purchase Act 2004 (as modified) and the relevant regulations.

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 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 presents the response to recent consultation on the *Main town centre uses and retail frontages supplementary planning document* (SPD) reported to the July meeting of the panel. The SPD provides essential detail to implement emerging policy DM20 of the *Development management policies local plan* which is expected to be adopted in early December. 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.
2. The policy background to and purpose of the SPD is described in more detail in the report to 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 identified on the local plan policies map for specific protection and retention of a specific proportion of shopping.
3. Members should note that the SPD interprets a policy in a local plan which has been subject to independent examination and found sound, but is not yet formally adopted (i.e. policy DM20 of the emerging *Development management policies local plan*). Therefore, the SPD cannot be adopted and used in planning decisions until the local plan itself officially comes into force.
4. It should be noted that procedurally, a full council resolution is not necessary in order to adopt an SPD. This is because SPD does not involve a substantive change in the council's policy approach; rather, it is intended to supplement and update a policy already agreed .
5. For Policy DM20 to be fully effective, the SPD that supports it needs to be adopted either concurrently with, or as soon as possible after the formal adoption of the "parent" local plan. Accordingly, subject to your agreement, the SPD would be reported to Cabinet for approval on 10 December. This timescale would be shortly after the anticipated adoption date of the local plan at the beginning of December, assuming that council resolves to adopt the plan at their meeting on 25 November.
6. The draft document (with amendments to address comments made in response to the consultation) is attached as Appendix 1. The detailed comments received, with the council's response, are attached as Appendix 2.

The consultation

7. 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.
8. 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

9. 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.

10. 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 discourages 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.

11. 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.
12. 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 previous report, 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

13. 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 retail function of shopping streets was not compromised.

Implications for this SPD of current and proposed national planning deregulation

14. 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.
15. The latest round of prospective reforms as set out in the government's *Technical Consultation on Planning* (reported to the panel in September) would 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.

16. At the present time however, neither the SPD nor the emerging 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

17. As amended (and subject to approval by cabinet), 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.