

The National Retail Planning Forum

Chairman: Mr Chris Shepley CBE

Planning Consultation Team
Department for Communities and Local Government
1/H3 Eland House
Bressenden Place
London SW1E 5DU
planning.consultation@communities.gsi.gov.uk

26 September 2014

Dear Sir,

DCLG Technical Consultation on Planning: Comments by the National Retail Planning Forum

Introduction

The National Retail Planning Forum (NRPF) is a not-for-profit company and registered charity. A cross-sector organisation, it involves major retail firms, investment institutions, property development companies and planning consultants along with local government, professional institutions and the academic and research sector. It aims to be a focus for improving understanding between private and public sectors of the planning system and its impact on retailing, which it does through a collaborative programme of research, workshops and events. It is in the nature of the Forum that its members represent a wide range of interests and viewpoints and will not always agree, thus the comments below will not necessarily be the views of all our individual members.

The National Retail Planning Forum, although primarily concerned with ensuring a positive planning framework for retail development, is also concerned with the context in which we plan for economically-successful town centres. This is covered by the Government's commitment to supporting local plans and to providing a Town Centres First approach to planning for town centres.

In our view the proposals in Section 2, although branded as supporting the high street, in practice could be highly damaging to the future of town centres and remove the ability of the local plan and local decision making to implement that vision. There appears to be a direct conflict between the Government's policy for planning in the NPPF and the proposals in this consultation on 'technical' changes to secondary planning legislation.

NRPF consider that in principle all of these proposals should be matters for local choice, not Government imposition. Ad hoc alterations like those produced for this consultation are

Page 1 of 7

National Retail Planning Forum, 81 Walton Road, Aylesbury, Buckinghamshire HP21 7SN
www.nrpf.org.uk

Charity Number: 1059869 Company Number: 3071181

unhelpful, complicate rather than simplify planning, are contrary to the NPPF and, above all, negate the need for a more strategic approach based on a local vision and strategy in the Local Plan.

NRPF support for the Government's planning framework

NRPF strongly supports the headline policy objectives of the NPPF, namely:

To promote sustainable development

To use the planning system to play an active role in guiding development to sustainable solutions by:

- being genuinely plan led, empowering local people to shape their surroundings with plans setting out a positive vision for the future of their area;
- being a creative exercise in finding ways to enhance and improve places in which people live their lives;
- proactively driving and supporting sustainable economic development to deliver the homes, business and other development that meets the needs of the area;
- taking account of the different roles and character of different areas, including promoting the vitality of our main urban areas
- actively managing patterns of growth to make the fullest use of public transport, walking and cycling; and
- focusing significant development in locations which are or can be made sustainable.

To promote plan making in which local planning authorities should positively seek opportunities to meet the objectively-assessed development needs of their area.

These all need a local vision and a positive and proactive approach to planning for growth and being able to manage growth in accord with that vision and the policies in the plan.

The current proposals need to be assessed against that prospectus.

NRPF concerns about the proposals in the Technical Consultation

The proposals in Section 2 of the Consultation represent a fundamental disconnect between the Government declared objectives expressed above and the proposals for the Government to grant a national planning consent for changes in use that could work against the NRPF's vision for economically-successful town centres and negate the DCLG initiatives to strengthen town centres.

These proposals amount to a decoupling of the very clear principles for the planning system through removing the ability of local planning authorities both to plan positively for the future of their town centres - whether city centre or neighbourhood centres – and to manage change within the centres in the interest of the vitality and viability of the centre.

We do not believe that a nationally-imposed, one-size-fits-all approach which pays no regard to local needs and local circumstances and, more importantly, likely local impact, fits with any of the Government's declared objectives for planning set out in the NPPF. In some areas the proposals, by de-constructing the critical mass and the synergies that make town centres economically-successful through stripping out acknowledged main town centre uses such as offices, could severely damage the vitality and viability of larger and medium-sized centres. At the other end of the spectrum, local/neighbourhood centres need nurturing by allowing change to be actively managed. Government-granted consents for change of use could radically change the mix in ways that mean that they might no longer perform the community hub function advocated by the NPPF.

NRPF therefore consider that a rethink is needed to resolve the very evident contradiction between the NPPF and these proposals.

Below we consider the proposals and their likely impact on town centres:

Proposal C: Offices to residential permitted development rights (Question 2.5)

NRPF consider – as does the NPPF in paragraphs 23-27 and the Glossary (Main town centre uses) – that office-based businesses are essential to securing economically-successful town centres. This proposal promotes the removal of offices from town centres, which is in direct conflict with the Government's Town Centres First commitment, as embodied in the NPPF.

The current experiment has shown that, far from securing the reuse of vacant and underused offices for housing, a significant proportion of these changes of use have been occupied offices and that the market has stripped out good offices purely because of the current price differential between housing and offices in those places. On the other hand the policy – it is a 'policy' not just a 'technical adjustment' – has failed to convert vacant or under-used offices. This is mainly because a blanket policy can neither limit the collateral damage nor secure change where it may be needed as it cannot deliver targeted change which local policies could. Paragraph 51 provides the policy prescription for releasing commercial space that is no longer needed. The offices to residential proposal encourages fairly indiscriminate asset stripping of main town centre uses. How and where this is done should be a matter for local choice.

NRPF consider that before any extension is made to the current policy – the freedom to change use to housing – there needs to be a review of what has been achieved and also how that has affected town centres. A policy to get short-term, one-off results in terms of some additional housing, needs to be assessed against the permanent loss of business premises in town centres and the inability to find further town centre sites for offices. We consider that continuing this policy until 30 May 2019 without reviewing the impact and reconsidering the compatibility with town centre first policy and the desire for economically-successful places could put at risk the future of many of our town centres as economic drivers of the local economy.

Proposal E: Increasing flexibilities for high street uses (Question 2.8)

This proposal – to introduce complete flexibility for change of use between A1 (Shops) and A2 (Financial and professional services – except betting shops and pay-day loan shops) needs to be assessed against:

- the encouragement by NPPF to define primary shopping areas and primary and secondary shopping frontages (paragraph 23 and Glossary) where retail is concentrated – the local planning authority is best placed to make the on-the-ground decision; and
- the importance of local/neighbourhood centres providing the range of services that the local community needs (NPPF paragraphs 69 and 70) and, therefore, to be able to control any influx of A2 uses, such as estate agents, that might displace facilities and services that the community needs.

If the local planning authority is to be able to deliver the community's vision for their high streets it must have the ability to manage change within the centre. In the past there has been considerable concern about concentrations of A2 uses – banks and building societies in higher order centres and estate agents in more local centres – because of their “dead frontages” diluting the strength of retail attraction in the former and sheer displacement in the latter. The prospect of new concentrations will revive this issue.

In terms of the impact on neighbourhood centres, this issue was considered by DCLG's predecessor before the 2005 UCO revision. Research commissioned from Roger Tym and Partners to explore the likely impact on different types of centres in different parts of the country of interchangeability between A1, A2 and A3 showed that the impact was likely to be greatest on small centres where estate agents clustered. If we know that this could be very damaging for local centres, which the Government is trying to foster as a key element in promoting healthy communities (NPPF paragraphs 69 and 70), then why would we want to proceed in that direction?

Again, NPPF considers that these proposals for Government-imposed permissions for change of use would be in conflict with the declared commitment in the NPPF, particularly the support given to supporting Local Plans and a local community's clear vision for the future of its town centres. If the local planning authority and in particular the local town centre partnership cannot shape change, what is the point of a vision and strategy and town centre partnerships?

Making betting shops and pay-day loan shops sui generis is very welcome.

Proposal F: Supporting a broader range of uses in the high street (Question 2.11)

Our comments here are restricted to A1 and A2 changing to A3 – changes from sui generis are dealt with below.

The issue here, like Proposal E above, is that a nationally-granted consent for change of use of shops and certain A2 uses would further remove the ability of the local planning authority to deliver the community's vision for the centre by making it impossible to manage the mix not only in the primary shopping area, but also in neighbourhood centres where estate agents and cafés could soon squeeze out local shops and services contrary to the local community's vision for the balance of facilities they wish to see (NPPF paragraph 69).

NRPF recognises the need for town centres to provide a better range of attractions within town centres, including A3 uses, but these need to be promoted through the town centre strategy by designating areas where these will be encouraged. The strategy should plan positively for A3 uses.

Proposals B, F and G: Change of use of sui generis uses to housing (B), to restaurants and cafes (F) and to certain leisure uses (G) (Questions 2.3, 2.11 and 2.12)

These proposals are weird and need a reality check. They are either undesirable or unrealistic, and, in many cases, unnecessary.

Launderettes are usually small-scale, located in local shopping parades or neighbourhood centres and meet a very real community need – a social focus/place to meet – the kind that is clearly recognised in the NPPF in order to “promote healthy communities” (paragraphs 69 and 70). Although some people may think they are an anachronism and should have an 'exit strategy', they are a vital local service for communities where people do not have such facilities in their homes. The proposal to grant them a national planning consent fails to recognise the needs of local communities, would remove diversity and would leave solely residential areas. Launderettes should be deleted from the proposals.

Amusement arcades/centres may not be the most popular high street use but where else would they locate? Change of use to A1 use is likely to be given consent, but why should ground-floor space that would otherwise be retained for uses appropriate for town centres be excluded by giving national planning consent for change of use to housing? NRPF sees little to be gained by these proposals other than the ability to secure reversion to uses appropriate to a shopping street.

Casinos and nightclubs are an integral part of the town centre's evening and night-time economy. They are recognised in the NPPF Glossary as main town centre uses. The reality is that it is hard enough to get a planning consent for such uses that these are unlikely to be given up easily. On the other hand, planning for the evening and night-time economy is an integral part of planning for town centres.

Gyms: NRPF, however, agrees with Mary Portas' concern that uses like small gyms should be an integral part of the offer of town centres - part of what makes it the social hub for the community. The reality, however, is that these are not in competition for high street ground floor frontages – they cannot afford this usually – and they usually seek change of use from other secondary uses on upper floors or in secondary locations off the high street. The offer

of a free transfer to gyms is at best academic, at worst a contorted attempt to provide opportunities for a change of use for premises not well-suited or economically-attractive to the proposed beneficiary use. This issue sounds fine, but needs a better understanding of the real-world needs of such uses, which is probably not shop-front uses.

Proposal H: Expanded facilities for existing retailers (Questions 2.13 and 2.14)

Ancillary space: NRPF recognises to plan for the changing nature of retailing and, therefore, consider that making provision for 'click-and-collect' is a sensible measure. Likewise, increasing their loading bay capacity to store more goods for home delivery recognises the changing pattern of retail, both for convenience and comparison shopping.

Mezzanine floors: (Question 2.15)

This proposal needs a reality check – there are very few retail units large enough to accept a mezzanine floor of more than 200sqm, let alone have the headroom to accommodate such a floor. The few retail units that could and do not yet have such a floor is likely to be limited to out-of-centre/out-of-town retail warehousing or high-ceilinged superstores. This would appear to be in direct conflict with the Government's commitment to Town Centre First for the location of new retail floorspace.

Overall Assessment:

NRPF's overall assessment of these proposals is that they are unrelated to and in conflict with the Government's carefully-crafted planning policies to deliver the type of places, particularly town centres, that we all want; by proposing Government-imposed, nationally-granted planning consents they would remove the ability of local planning authorities and local communities to deliver economically-successful town centres through their local vision.

NRPF is particularly concerned about continuing the experiment to turn town centre offices, which are essential to its continuing economic success, into housing. This is both short-sighted and opportunistic, and is a one-way trip, whilst replacing town centre offices will prove very difficult.

A number of the other proposed changes seem unnecessary, undesirable or far-fetched. Finding an exit strategy for sui generis uses - almost just for the sake of it without reference to its desirability (e.g. launderettes) – suggests an almost formulaic application of a principle without any interest in the likely outcome.

Overall, we consider that these proposals need a reality check and rethink in terms of what we are all trying to deliver – economically-successful and socially-inclusive town centres. We would urge that the proposals regarding offices to housing and launderettes are dropped, and to reconsider whether and how the remaining proposals would benefit town centres.

Yours sincerely,

Chris Shepley CBE
Chairman,
NRPF

26th September 2014