

**SUBJECT: MONMOUTHSHIRE LOCAL DEVELOPMENT PLAN
SUPPLEMENTARY PLANNING GUIDANCE
PRIMARY SHOPPING FRONTAGES**
MEETING: PLANNING COMMITTEE
DATE: 12 April 2016
DIVISION/WARDS AFFECTED: MAIN TOWNS

1.0 PURPOSE:

The purpose of this report is:

- 1.1 To advise Planning Committee of the results of the consultation exercise on the Draft Primary Shopping Frontages Supplementary Planning Guidance (SPG) to support the policy of the Monmouthshire Local Development Plan (LDP).
- 1.2 To seek Planning Committee's endorsement of the SPG, with a view to it being formally adopted as SPG in connection with the Monmouthshire LDP and to recommend to the Cabinet Member with responsibility for planning matters accordingly.

2. RECOMMENDATION:

- 2.1 To endorse the Draft Primary Shopping Frontages SPG, with a view to it being formally adopted as SPG in connection with the Monmouthshire LDP and to recommend to the Cabinet Member with responsibility for planning matters accordingly.

3. KEY ISSUES:

3.1 Background

- 3.1.1 Planning Committee endorsed the draft Primary Shopping Frontages SPG on 7 July 2015, with a view to issuing it for consultation purposes. A copy of the Committee report is attached at **Appendix A**. Subsequently, on 22 July 2015, the Cabinet Member for Environment, Public Services and Housing made the decision to issue the draft SPG for consultation.

3.2 Supplementary Planning Guidance –

- 3.2.1 Further to the report in Appendix A, Welsh Government 'Planning Policy Wales' edition 8, January 2016 describes the **role and purpose of SPG**:

"LDPs should contain sufficient policies and proposals to provide the basis for deciding planning applications while avoiding excessive detail. They should not repeat national planning policy. Selective use of supplementary planning guidance (SPG) is a means of setting out more detailed thematic or site specific guidance on the way in which the policies of an LDP are to be interpreted and applied in particular circumstances or areas" (para 2.4.1).

"SPG does not form part of the development plan but it must be consistent with the plan and with national policy. It must derive from and be clearly cross referenced to a generic LDP policy, specific policies for places, and/or – in the case of a masterplan or site brief – a plan allocation. SPG cannot be linked to national policy alone; there must be an LDP policy or policy criterion that provides the development plan 'hook', whilst the reasoned justification provides clarification of the related national policy. The LDP should note which policies are supplemented by SPG" (para 2.4.3).

The Primary Shopping Frontages SPG clearly states the document's links to adopted LDP policy RET1 in conformity with the Welsh Government policy.

3.2.2 The revised Welsh Government guidance also outlines the **status of SPG**:

“Only the policies in the development plan have special status under section 38(6) of the 2004 Act in deciding planning applications but SPG may be taken into account as a material consideration. In making decisions on matters that come before it, the Welsh Government and the Planning Inspectorate will give substantial weight to approved SPG which derives from and is consistent with the development plan, and has been the subject of consultation” (para 2.4.4).

3.2.3 On the **process of SPG preparation** the revised Welsh Government guidance is clear that:

“...consultation should involve the general public, businesses, and other interested parties and there should be a record of how their views were taken into account before the SPG was finalised” (para 2.4.6).

“...SPG should be formally approved by resolution of the local planning authority so that it can be given due weight” (para 2.4.7).

The consultation on the draft SPG involved all groups, with approval being sought by formal resolution in conformity with the guidance.

3.3 Consultation

3.3.1 The consultation took place for 8 weeks between Friday 07 August and Friday 02 October 2015. A notice was placed in Monmouthshire Free Press on 05 August 2015 and 319 individual notifications were sent by letter and email to:

- Specific (including Town and Community Councils), General and Other consultees, as identified in the LDP Community Involvement Scheme;
- Residents who were on the LDP consultation data base and had specifically requested to be notified of the SPG;
- Agents/developers who work in the Council area.

Copies of the draft SPG and representation forms were made available in hard copy in the Council's One Stop Shops and libraries, Usk Community HUB and in electronic form on the Council's website for the entire consultation period. Publicity was given to the consultation at the beginning and towards the end of the period via the Twitter account @MCCPlanning.

3.3.2 Four responses were received in response to the consultation and are summarised, together with the Council's draft response, in the Report of Consultation at **Appendix B**. These responses included statements of support and general comments which were not considered to require any changes to the draft SPG.

3.3.3 The Report of Consultation also includes the comments made by elected Members at the July 2015 Planning Committee where the draft report was initially considered.

3.3.4 Comments included whether the boundaries of the Primary Shopping Frontages (PSFs) could be amended to reflect recent development. The PSF boundaries set out in the SPG reflect those included in the adopted LDP. It is not the role of SPG to review the PSF boundaries, but rather to work with the boundaries as existing in the adopted LDP. However, there will be the opportunity to review all the PSF boundaries under the LDP review process.

- 3.3.5 Further comments were made on the use of units above ground floor premises in Primary Shopping Frontages. The SPG supports LDP Policy RET1 which is restricted to ground floor premises only and it is recommended that minor amendments are made to the SPG to qualify this. It is also recommended that an additional paragraph is included to clarify that with regard to proposals for the development and change of use of premises above ground floor level in primary shopping frontages consideration will be given to LDP Policy RET2 'Central Shopping Areas' (additional paragraph 2.6). This policy seeks to encourage a diversity of uses within central shopping areas, providing that this would not harm their role/character or undermine their vitality, attractiveness and viability.
- 3.3.6 It was questioned how the SPG will be applied to proposals for mixed retail and non-retail uses within a single ground floor premises within primary shopping frontages for example a mixed-use gift shop and a cafe (A1/A3 uses). It is recommended that the SPG is amended to explain how such proposals will be considered. Additional paragraph 4.5 clarifies that when considering proposals for a change of use from retail use to mixed retail (A1) and non-retail (A2/A3) uses regard should first be given to whether planning permission is required i.e. whether the introduction of a non-retail use would constitute a material change of use of the premises. In instances where planning permission is required the proposal should be assessed against LDP Policy RET1.
- 3.3.7 The background information on the PSFs contained in Appendix A of the SPG has been updated to reflect the most recent survey data available (October 2015). This data has been incorporated into the latest Retail Background Paper, now available on the Council's website.
- 3.3.8 It is considered that, subject the changes recommended in the Report of Consultation, the draft document can be formally adopted as SPG to support the Monmouthshire LDP. An amended SPG, incorporating these changes is attached as **Appendix C**.

3.4 Next Steps

- 3.4.1 It is intended to report the revised Primary Shopping Frontages SPG, together with the results of the consultation, to the responsible Cabinet Member on 27 April 2016 with a view to seeking the formal adoption of the document as SPG to support the Monmouthshire LDP.

4. **REASONS:**

- 4.1 Under the Planning and Compulsory Purchase Act (2004), as amended, all local planning authorities are required to produce a LDP. The Monmouthshire LDP was adopted on 27 February 2014 and decisions on planning applications are now being taken in accordance with the policies and proposals in the LDP. The Primary Shopping Frontages SPG provides further explanation and guidance on the way in which the relevant policy of the LDP (RET1 Primary Shopping Frontages) will be implemented. SPG can be a material consideration in the determination of planning applications, provided that appropriate consultation has been undertaken and that it has been approved in accordance with the Council's decision making process.

5. **RESOURCE IMPLICATIONS:**

- 5.1 Officer time and costs associated with the publication of the SPG document. These costs will be met from within the existing Planning Policy budget and carried out by existing staff.

6. **SUSTAINABLE DEVELOPMENT AND EQUALITY IMPLICATIONS:**

6.1 These were considered in the report presented to Planning Committee on 7 July 2015, reproduced as Appendix A. An updated Future Generations assessment is attached to this report at **Appendix D**.

7. CONSULTEES:

- Head of Planning
- Development Management Officers

8. BACKGROUND PAPERS:

- Monmouthshire Adopted LDP (February 2014).
- MCC 'Primary Shopping Frontages Draft Supplementary Planning Guidance' (June 2015).
- Monmouthshire LDP 'Retail Background Paper', February 2016
<http://www.monmouthshire.gov.uk/app/uploads/2016/03/Retail-Background-Paper-2015.pdf>

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**SUBJECT: MONMOUTHSHIRE LOCAL DEVELOPMENT PLAN
SUPPLEMENTARY PLANNING GUIDANCE
PRIMARY SHOPPING FRONTAGES**
MEETING: PLANNING COMMITTEE
DATE: 07 July 2015
DIVISION/WARDS AFFECTED: MAIN TOWNS

1. PURPOSE:

- 1.1 The purpose of this report is:
To seek Planning Committee's endorsement of new Draft Supplementary Planning Guidance (SPG) on Primary Shopping Frontages, with a view to issuing for consultation.

2. RECOMMENDATIONS:

- 2.1 To endorse the Draft Primary Shopping Frontages SPG, with a view to issuing for consultation, and to recommend to the Cabinet Member for Environment, Public Services and Housing accordingly.

3. KEY ISSUES:

3.1 Background – Adopted LDP

- 3.1.1 The Monmouthshire County Council Local Development Plan 2011-2021 was adopted on 27 February 2014, superseding the Monmouthshire Unitary Development Plan (UDP), to become the adopted development plan for the County (excluding that part within the Brecon Beacons National Park). The LDP contains sufficient policies and proposals to provide the basis for deciding planning applications, and for determining conditions to be attached to planning permissions, but it was necessary to ensure that it avoided excessive detail. Selective use of SPG is a means of setting out more detailed thematic or site specific guidance on the way in which the policies of an LDP will be applied in particular circumstances or areas.

3.1.2 Supplementary Planning Guidance

LDP Wales (2005) at paragraph 5.2 states that:

'SPG does not form a part of the development plan but must be consistent with it. It may take the form of site specific guidance such as master plans, design guides or area development briefs, or thematic such as shopfront guidance or detailed car parking standards. It should be clearly cross-referenced to the relevant adopted plan policy or proposal, which it supplements, and may be issued separately from the plan. It should be made publicly available and its status made clear.'

- 3.1.3 Paragraph 5.3 of LDP Wales further emphasises that SPG can be a material consideration in the determination of planning applications, provided that appropriate consultation has been undertaken and that it has been approved in accordance with the Council's decision making process:

'While only the policies in the development plan have special status under section 38(6) of the 2004 Act in deciding planning applications, SPG may be taken into account as a material consideration. SPG should be prepared in accordance with an authority's CIS [Community Involvement Scheme]; consultation should involve the general public, businesses, and other interested parties and their views should be taken into account before the SPG is finalised. It should then be approved by a Council resolution. A statement of the consultation undertaken, the representations received and the authority's response to those representations should be made available with the approved SPG, either in an annex or in a separate document. In making decisions on

matters that come before it, the Assembly Government and the Planning Inspectorate will give substantial weight to approved SPG which derives out of and is consistent with the development plan, and has been prepared consistent with the above advice.'

3.1.4 Programme for SPG Preparation

In October 2014, Planning Committee agreed a draft programme for the preparation of SPG. This identified the Affordable Housing and Green Infrastructure (GI) SPGs as first priority for preparation, with the Primary Shopping Frontages SPG as a second priority. The preparation of a consultation draft Primary Shopping Frontages SPG is consistent with this timetable and prioritisation following the consultation on the Affordable Housing SPG and the adoption of the GI SPG.

3.1.5 Monmouthshire Town Centres

Maintaining and enhancing the vitality, attractiveness and viability of primary shopping frontages in Monmouthshire's main town centres of Abergavenny, Caldicot, Chepstow and Monmouth is a key objective of the Monmouthshire LDP. This reflects Monmouthshire's priorities in the Single Integrated Plan and also reflects the aims of national planning policy on retail and town centres.

3.1.6 Primary Shopping Frontages – National Planning Guidance

Planning Policy Wales (PPW) provides guidance in relation to support for existing town centres, advising that local planning authorities may distinguish between primary and secondary frontages and consider their relative importance to the character of the centre (*paragraphs 10.2.3-10.2.8*). Primary shopping frontages are those characterised by a high level of shopping uses, while secondary frontages contain a greater mix of commercial uses, including restaurants, banks and other financial institutions. PPW clearly states that such non-retail uses should not be allowed to dominate primary shopping areas in a way that can undermine the retail function. The guidance stresses the importance of ensuring that ground floor use class changes to non-retail uses are not permitted where they create a predominance of such uses, unacceptably dilute the shopping street frontage or undermine the vitality, attractiveness and viability of a centre. These principles are reflected in the LDP's retail planning policy framework and this draft SPG.

3.1.7 Primary Shopping Frontages - Adopted Monmouthshire LDP Policy

The adopted LDP reflects national planning policy by designating primary shopping frontages to cover those areas of the County's main town centres where shopping uses (Use Class A1) predominate. LDP Policy RET1 'Primary Shopping Frontages' sets out a criteria based approach for considering non-A1 retail use class proposals within the primary shopping frontages.

The policy gives priority to retail (A1 uses) in the town centre primary shopping frontages, seeking to protect the predominant shopping role and character of the main towns by controlling the loss of retail units in such frontages. In providing an enhanced level of protection for the most important shopping frontages in Abergavenny, Caldicot, Chepstow and Monmouth, the policy and SPG aim to ensure that development/redevelopment and change of use proposals are only permitted if they do not harm the shopping character and function of the primary shopping frontages.

3.1.8 Primary Shopping Frontages - Draft Monmouthshire SPG

The draft SPG is intended to provide certainty and clarity for both applicants and the Council. It will help to ensure consistency in decision making by setting out clear guidance on the interpretation and implementation of LDP Policy RET1. It is not the function of the SPG to revisit the LDP or change the designated the primary shopping frontage boundaries. If annual monitoring of the effectiveness of Policy RET1 identifies a need to change either the policy or the designated boundaries, this will need to be brought forward through the formal LDP review process.

3.1.9 Section 4 is the key focus of the draft SPG setting out the approach to assessing development and change of use proposals for non-retail uses within the County's primary shopping frontages. The criteria set out in Policy RET1 consider the distribution and proximity of non-retail uses within these frontages and the location / prominence of premises, including corner units and long frontages. Particular consideration is given to the interpretation of criterion c) of the policy which is concerned with the proportion of non-retail uses that the Council considers acceptable within primary shopping frontages. Percentage figures are provided for the maximum proportion of non-retail (A2/A3 uses) considered appropriate within these frontages. Given the diversity of frontages in the County, it is not considered appropriate to apply a standardised threshold across all primary shopping frontages; accordingly, the thresholds vary according to the function and character of each specified frontage.

3.2.0 Appendix A provides further background information on each of the County's primary shopping frontages, including the justification for the identified maximum thresholds for non-retail uses within these frontages and maps showing the extent of the frontages and ground floor uses (as at October 2014).

3.3 Next Steps

3.3.1 As referred to in paragraph 3.1.3 above, for SPG to be given weight in the consideration of planning applications, appropriate consultation needs to be undertaken and any comments received should be taken into account in the Council's decision making process. All individuals and organisations currently on the LDP consultation database have been given the opportunity to request to be notified on some or all SPGs that they are interested in. Following a resolution to consult, targeted notifications will be sent to those considered to have an interest in the SPG topic, including all town and community councils. A notice will be placed in the press. The consultation will also be publicised via our Twitter account @MCCPlanning. All consultation replies will be analysed and responses/amendments reported for Members' consideration when seeking a resolution for the adoption of any SPG document.

4. **REASONS:**

4.1 Under the Planning Act (2004) and associated Regulations, all local planning authorities are required to produce a LDP. The Monmouthshire LDP was adopted on 27 February 2014 and decisions on planning applications are now being taken in accordance with policies and proposals in the LDP. SPG provides further explanation and guidance on the way in which the policies of the LDP will be applied in particular circumstances or areas.

5. **RESOURCE IMPLICATIONS:**

5.1 Officer time and costs associated with the preparation of SPG documents and carrying out the required consultation exercises. Any costs will be met from the Planning Policy budget and carried out by existing staff.

6. **SUSTAINABLE DEVELOPMENT AND EQUALITY IMPLICATIONS:**

6.1 Sustainable Development

6.1.1 An integrated equality and sustainability impact assessment was carried out in connection with the Deposit LDP. Under the Planning Act (2004), the LDP was required, in any event, to be subject to a Sustainability Appraisal (SA). The role of the SA was to assess the extent to which the emerging planning policies would help to achieve the wider environmental, economic and social objectives of the LDP. The LPA also produced a Strategic Environmental Assessment (SEA) in accordance with the European Strategic Environment Assessment Directive 2001/42/EC; requiring the 'environmental assessment' of certain plans and programmes prepared by local authorities, including LDP's. All stages of the LDP were subject to a SA/SEA, therefore and the findings of the SA/SEA were used to inform the development of the LDP policies

and site allocations in order to ensure that the LDP would be promoting sustainable development. SPG is expanding and providing guidance on these existing LDP policies, which were prepared within a framework promoting sustainable development.

6.2 Equality

6.2.1 The LDP was also subjected to an Equality Challenge process and due consideration given to the issues raised. As with the sustainable development implications considered above, SPG is expanding and providing guidance on these existing LDP policies, which were prepared within this framework. New SPG will be subject to integrated equality and sustainability impact assessments to ensure that informed decisions can be made. Where practicable and appropriate, consultation will include targeted involvement of those with the relevant protected characteristics.

6.2.2 Assessments of Equality Impact will be required throughout the Plan's implementation wherever there is likely to be significant impact. In this respect, the LDP will be subject to an Annual Monitoring Report that will include consideration of Equality Impacts.

7. **CONSULTEES:**

- Head of Planning
- Development Management Officers

8. **BACKGROUND PAPERS:**

- Welsh Government 'Planning Policy Wales' (Edition 7), July 2014.
- Monmouthshire Adopted LDP (February 2014).
- MCC 'Primary Shopping Frontages Draft Supplementary Planning Guidance' (June 2015).
- Monmouthshire LDP 'Sustainability Appraisal/Strategic Environmental Assessment Report' (February 2014).
- Monmouthshire LDP 'Retail Background Paper', May 2015.

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