



Report to Council

19 OCTOBER 2011

LEADER

Councillor Stephen Greenhalgh

MANAGING CHANGE OF USE IN LOCAL SHOPPING CENTRES SUPPLEMENTARY PLANNING DOCUMENT

**WARDS
All**

SYNOPSIS

This report seeks a resolution to adopt the Managing Change of Use in Local Shopping Centres Supplementary Planning Document as a Supplementary Planning Document (SPD) to the Council's Core Strategy.

Attached to the report is a summary of representations received during the statutory public consultation period that took place between 1 July 2011 and 12 August 2011. As a result of the consultation exercise a revised version of the SPD is attached highlighting changes made to the document in response to the comments received.

CONTRIBUTORS

EDTTS

RECOMMENDATION

That full Council resolve to adopt the Managing Change of Use in Local Shopping Centres Supplementary Planning Document (Appendix 1).

**HAS A EQIA
BEEN COMPLETED**

YES

1 PURPOSE

- 1.1 The purpose of the Managing Change of Use in Local Shopping Centres SPD is to support the new shopping hierarchy outlined in the Core Strategy 2011 in advance of the adoption of the Development Management Development Plan Document (DPD). Its purpose is to provide supplementary guidance on the policies the Council will apply when considering planning applications for changes of use of shop units in the borough's local shopping centres. The SPD identifies quotas that will be applied to frontages in the local shopping centres to manage the mix of uses in these centres.
- 1.2 The existing Unitary Development Plan (UDP) has similar shopping quotas to those proposed in this SPD, but as the Core Strategy has defined different local centres from the UDP, the UDP policies do not apply to these centres. The quotas are included in the Proposed Submission Development Management DPD that will be subject to separate consultation in autumn 2011 and which, once adopted will replace the UDP policies. Therefore, as an interim measure, in order to manage the mix of uses in the redefined centres the Council has prepared and consulted on a new SPD which will provide new quotas to assess relevant planning applications across the borough.

2 BACKGROUND AND EARLY CONSULTATION

- 2.1 Public consultation on Planning Issues and Options for Hammersmith and Fulham took place from October 2005 to January 2006 and on draft Generic Development Management Options from November 2009 until January 2010.
- 2.2 At Issues and Options consultation there were few comments on the mix of activities to be included in the shopping hierarchy of local centres and parades. However support was expressed for the retention of shopping centre quota policies, an element of flexibility and a balanced mix of uses in centres. At the Generic Development Management Options consultation there were again few comments, but there was support for criteria which gave greater flexibility for changes of use of vacant and unviable uses. There was support from health organisations for controls over the location of takeaways.
- 2.3 The shopping hierarchy was also considered by the Inspector for the examination of the Core Strategy. In his report, received in July 2011 he stated that "the CS contains a sound retail hierarchy and suitable policy framework to meet the borough's shopping and service needs".

3 CONSULTATION

- 3.1 The SPD has been prepared in accordance with the Council's statement of community involvement. The statutory consultation period for representations to be made on the draft Managing Change of Use in Local Shopping Centres SPD ran from 1 July 2011 and 12 August 2011 in line with the Regulations.

- 3.2 The consultation involved a public notice included in the Gazette local newspaper and the posting of the draft SPD on the Council's website and its availability at borough libraries and other information points. Letters were sent to shop owners and tenants within the local centres, planning consultants, local interest groups and tenants and residents groups to inform them of the consultation. Representations were received from 13 organisations, groups and individuals on the SPD.
- 3.3 Officers have considered all representations received. Summaries are included in the attached schedule (Appendix 2) together with comments on how these have been addressed in the SPD. Only one change to the SPD has been considered necessary, namely recognition that evidence of need for a particular use will be required when considering proposals that do not meet the frontage quotas. It is therefore proposed to amend the fifth bullet point of key principle 2 to read:
- "the nature and characteristics of the proposed use and evidence of local need;"
- 3.4 Once adopted, the SPD must be made available during normal office hours, together with an adoption statement that specifies the date of adoption and that anyone with sufficient interest in the decision to adopt the SPD may apply, promptly and not later than 3 months after adoption, to the High Court for permission to apply for judicial review of the decision to adopt the SPD. We will also publish the SPD on the Council's website and send the adoption statement to anyone who requested to be notified and everyone who has taken part in the consultation.

4 EQUALITY IMPLICATIONS

- 4.1 The SPD was supported by an equality impact analysis (EQIA). The EQIA noted that "overall the key principles of the draft SPD are unlikely to have any negative impact on the protected characteristics, and in general the key principles of the SPD will have a positive impact of differing levels on the protected characteristics". There were no comments received during consultation on the EQIA.

5 COMMENTS OF THE EXECUTIVE DIRECTOR OF FINANCE AND CORPORATE GOVERNANCE

- 5.1. The costs of adoption will be met from within existing revenue budgets in Environment Services.

6 COMMENTS OF THE ASSISTANT DIRECTOR (LEGAL AND DEMOCRATIC SERVICES)

- 6.1. The consultation, pre- and post adoption procedures required by the Town and Country Planning (Local Development) (England) Regulations 2004 are set out in the body of the report. The SPD must be in general conformity with the London Plan and in conformity with the Core Strategy. Before adopting the SPD, the Council must consider the representations received.

LOCAL GOVERNMENT ACT 2000
LIST OF BACKGROUND PAPERS

No.	Description of Background Papers	Name/Ext of holder of file/copy	Department/ Location
1.	Managing Change of Use in Local Shopping Centres draft SPD	Pat Cox ext 5773	EnvD
2.	Representations with responses and associated action prepared in accordance with Regulation 18(4) (b) of the Town and Country Planning (Local Development) (England) Regulations 2004	Pat Cox ext 5773	EnvD
3.	Equality Impact Analysis	Pat Cox ext 5773	EnvD
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Appendix 1. Managing Change of Use in Local Shopping Centres SPD October 2011
Final Version

Appendix 2. Managing Change of Use in Local Shopping Centres Representations
with responses and associated action prepared in accordance with Regulation 18(4)
(b) of the Town and Country Planning (Local Development) (England) Regulations
2004