

## **Cabinet – 18 March 2015**

### **Adoption of Shop Front Supplementary Planning Document**

**Portfolio:** Councillor Nazir – Deputy Leader and Regeneration

**Related portfolios:** Councillor Jeavons – Environment and Transport

**Service:** Regeneration

**Wards:** All

**Key decision:** No

**Forward plan:** No

#### **1. Summary**

A draft Supplementary Planning Document (SPD) has been produced to assist the Development Management service with the processing of planning applications for new shop fronts.

The statutory consultation has been undertaken with the public, internal departments and external organisations. This has included Planning Committee and Regeneration Scrutiny and Performance Panel.

#### **2. Recommendations**

2.1 That Cabinet adopts the Shop Front Supplementary Planning Document.

#### **3. Report detail**

3.1 A Supplementary Planning Document (SPD) is a planning document that supports policies within the Development Plan. In Walsall the Development Plan comprises the Unitary Development Plan (UDP) and the Core Strategy (CS).

3.2 The policies it will support sit within the UDP and comprise:

- ENV 35 (Appearance of Commercial Buildings);
- ENV32 (Design and Development Proposals)
- ENV27 (Buildings of Historic or Architectural Interest);
- ENV28 (The 'Local List' of Buildings of Historic or Architectural Interest);
- ENV29 (Conservation Areas); and
- ENV31 (Continued Protection of the Historic Built Environment).

- 3.3 The SPD will be a material consideration in the planning process and will carry weight in the decision making of planning applications, advertisement consents and listed building consents.
- 3.4 This document supersedes the Design Guidance for Security Shutters adopted by the Council in 1998.
- 3.5 This SPD provides detailed guidance that will assist owners, developers and investors in understanding the value of good design in shop fronts in order to continue the regeneration of the borough's town and district centres and to increase efficiency and certainty within the planning process for these types of applications.

### ***The preparation and adoption process***

- 3.6 When preparing an SPD, there are a number of essential processes that the current regulations demand are undertaken:
- Strategic Environmental Assessment (SEA) Screening Opinion;
  - Public Participation (4-6 weeks); and
  - Adoption of SPD by the Council's Executive.
- 3.7 The document was the subject of a Strategic Environmental Assessment (SEA) Screening Opinion, which was consulted on by English Heritage, the Environment Agency and Natural England, in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004 (SEA Regulations). This process found that no SEA was deemed necessary
- 3.8 Members of Walsall's Planning Committee were consulted on the SPD on 20<sup>th</sup> August 2014 as this is a document that will provide guidance to developers and the public on how development plan policies are applied to development proposals. It is important for the Planning Committee to be involved in the adoption process, as they apply the guidance in these documents when making decisions on planning applications. It was therefore necessary that Planning committee endorsed the SPD prior to any consultation process taking place and before it is reported to Cabinet for formal adoption. Planning Committee supported the general thrust of the SPD but requested a leaflet be distributed to all retail premises in the town and district centres of Aldridge, Bloxwich, Darlaston, Walsall and Willenhall.
- 3.9 The SPD was also reviewed by the Regeneration Scrutiny and Performance Panel on 4 September 2014. The Scrutiny Panel questioned the need for the document and how it related to the quality of the borough's built heritage, but noted that it would be an effective and useful tool in the uplift and regeneration of the wider built environment.
- 3.10 Following the SEA Screening process the SPD underwent full public consultation in line with the Walsall Statement of Community Involvement and Regulation 12(a) of Part 5 of The Town and Country Planning (Local Planning) (England) Regulations 2012.

- 3.11 A “consultation statement” is included within the SPD and sets out details of the consultation that ran for a period of 6 weeks (from 15<sup>th</sup> September 2014 and 31<sup>st</sup> October 2014) and included:

English Heritage;  
Environment Agency;  
Natural England;  
Walsall Disability Forum;  
Walsall Civic Society;  
West Midlands Police: Crime Reduction Team; and  
The general public.

- 3.12 The full timetable for the adoption of the SPD is set out below:

<b>SPD – Key Stages</b>	<b>Timetable</b>
<b>Strategic Environmental Assessment (SEA):</b> Consultation with English Heritage, Environment Agency and Natural England.	6 August 2014 – 5 September 2014
<b>Report to Planning Committee:</b> Endorsement of the draft SPD	20 August 2014
<b>Report to Regeneration Scrutiny and Performance Panel:</b> Review of the SPD as part of the consultation process.	4 September 2014
<b>Public Participation:</b> Six-week public consultation on Draft SPD	15 September 2014 – 31 October 2014
<b>Report to Cabinet:</b> Adoption of SPD	18 March 2015

#### **4. Council priorities**

##### ***Emerging Corporate Plan 2015 -19 - “Shaping a Fairer Future”***

- 4.1 A set of emerging priorities are being developed and approved by Cabinet along with the title of ‘Shaping a Fairer Future’.
- 4.2 The plan establishes a number of priorities in a climate of fewer resources. One such priority is ‘*Helping local high streets and communities*’. This need to sustain and encourage the growth of the boroughs retail areas is important and any measures to provide clarity in the planning system is of value. The SPD will ensure such clarity is provided and will allow high streets to regenerate positively.

## ***Communities and Neighbourhoods***

- 4.3 Supplementary Planning Documents (SPDs) are part of the Council's Development Plan. They provide guidance on managing the impact of development on local neighbourhoods, such as impacts on the local townscape, town and district centres as well as conservation areas. To remain effective, this guidance needs to be strengthened where existing policy is proving to be inefficient.
- 4.4 The Shop Front SPD will provide the borough with detailed design guidance for retail and associated premises in accordance with the Designing Walsall SPD. It will require applications for new shop fronts to respect the survival of historic fabric and ensure new shop fronts are of a sufficiently good quality design so as to ensure that Walsall town and district centres continue to regenerate and fit in with existing communities and neighbourhoods. It seeks to create places that are attractive and welcoming and are environments people want to use and respect. It seeks to deliver security measures that are not visually harmful to the built environment and signage that does not create visual clutter.

## ***The Economy***

- 4.5 The SPD will introduce measures that will aim to improve the quality of the borough's retail environment which in turn should make Walsall's town and district centres more attractive to business both in terms of operators and attractiveness to customers, seeking a pleasurable retail experience.

## **5 Risk management**

If the SPD is not adopted there is a risk that the quality of the town and district centres may decline and the work undertaken through Townscape Heritage Initiatives (THI) will not be maximised. This could mean that the Council will be less able to address potentially harmful development on retail premises across the borough and result in a decline to Walsall's retail centres, harming local communities, businesses and visitors.

## **6. Financial implications**

The SPD will provide certainty and clarity over how the UDP policies will be applied. This will assist officers and retail operators with the process of negotiation. Saving time through providing clear guidance on UDP policies and speeding up the planning process will have positive financial implications.

The cost of producing the SPD is met through existing revenue budgets within the Regeneration Directorate.

## **7. Legal implications**

The SPD was the subject of a Strategic Environmental Assessment (SEA) Screening Opinion, which was consulted on by English Heritage, Environment Agency and Natural England, in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004 (SEA Regulations) and European Directive 2001/42/EC (The SEA Directive). The final screening opinion following consultation concluded that the SPD represents *'a minor modification to/ elaboration of a plan or programme/ plans or programmes referred to in Article 3, paragraph 2 of the SEA Directive. It therefore falls within the scope of Article 3, paragraph 3 of the Directive. The Council has determined that it is not likely to have significant environmental effects for the reasons set out in the SEA Screening Statement, and a SEA is not required'*.

SPD's no longer require the undertaking of a Sustainability Appraisal (SA) in accordance with Section 19(5) of the Planning and Compulsory Purchase Act 2004.

## **8. Property implications**

No direct implications for Council property have been identified.

## **9. Health and wellbeing implications**

Preserving and enhancing the borough's retail centres will impact positively on the character and perception of the wider environment of Walsall and this is important to the health and well-being of local people. Well designed places which look attractive and encourage people to spend time using local facilities both for convenience and leisure.

## **10. Staffing implications**

The SPD has been undertaken by officers within the Regeneration Services Directorate, this includes the drafting of the document as well as the consultation exercise.

## **11. Equality implications**

A completed Equality Impact Assessment (EqIA) Questionnaire is appended to this report, considering the implications of the SPD. The SPD was subjected to an EqIA and the outcome of this analysis is appended to this report.

## **12. Consultation**

Stakeholder engagement and public consultation (Public Participation) on the draft SPD were undertaken. Part of this process was the endorsement of the document by Planning Committee and appraisal through the Regeneration Scrutiny and Performance Panel.

Public consultation must be for a minimum of four weeks in accordance with regulations, however, the process was run for 6 weeks (between 5 September 2014 and 31 October 2014) and fully accorded with the Walsall Revised Statement of Community Involvement (SCI).

7 consultation responses were received during the public consultation supporting the SPD and raising the following issues:

Security issues:

West Midlands Police and the members of the community raised concerns with regards security and the vulnerability of shop fronts in town centre locations to vandalism and theft.

It was recommended that reference should be made in the plan to Secure By Design. The consultation comments have informed Policy SF8: Shop front security.

Disability issues:

The Walsall Disability Forum raised concerned over access into shops.

Further clarity over the need to fully consider all opportunities to provide sound access for all has now been included into Policy SF5: Access to shops and Section 3.9 *Pavement cafés and street trading*.

Flood risk

The Environment agency required provisions be made to include flood prevention measures into shop fronts in high risk flood zones.

The document now ensures that all changes to shop fronts (that generate a planning application) that fall within Flood Risk Areas Level 2 and 3 to be accompanied by a Flood Risk Assessment and mitigation measures. The consultation comments have resulted in the formation of a new section (3.10 *Addressing Flood risk*) that sets out the requirements of applications in Flood Risk Areas Level 2 and 3.

## **Background papers**

Black Country Core Strategy 2011

Walsall UDP 2005 – “saved” policies

*Adopted Core Strategy and “Marked Version” of UDP are available on Council website:*

[http://www.walsall.gov.uk/index/environment/planning/local\\_development\\_framework/ldf\\_core\\_strategy.htm](http://www.walsall.gov.uk/index/environment/planning/local_development_framework/ldf_core_strategy.htm)

Designing Walsall SPD (adopted July 2013)

Natural Environment SPD (adopted April 2008)

*All adopted SPDs are available on Council website:*

[http://cms.walsall.gov.uk/ldf\\_supplementary\\_planning\\_documents.htm](http://cms.walsall.gov.uk/ldf_supplementary_planning_documents.htm)

Planning and Compulsory Purchase Act 2004  
<http://www.legislation.gov.uk/ukpga/2004/5/contents>

Planning Act 2008  
<http://www.legislation.gov.uk/ukpga/2008/29/contents>

The Town and Country Planning (Local Development) (England) Regulations 2004 SI 2004 No. 2204 (September 2004)  
<http://www.legislation.gov.uk/uksi/2004/2204/contents/made>

The Town and Country Planning (Local Development) (England) (Amendment) Regulations 2008 SI 2008 No. 1371 (June 2008)  
<http://www.legislation.gov.uk/uksi/2008/1371/contents/made>

The Town and Country Planning (Local Development) (England) (Amendment) Regulations 2009 SI 2009 No. 401 (April 2009)  
<http://www.legislation.gov.uk/uksi/2009/401/contents/made>

The Environmental Assessment of Plans and Programmes Regulations (SEA Regulations) 2004 SI 2004 No. 1633 (July 2004)  
<http://www.legislation.gov.uk/nisr/2004/280/contents/made>

## Author

Andrew Fuller  
Regeneration Officer (Conservation)  
☎ 655537  
✉ [fullera@walsall.gov.uk](mailto:fullera@walsall.gov.uk)



Simon Neilson  
Executive Director

17 February 2015



Councillor Nazir  
Deputy Leader and Regeneration  
Portfolio holder

9 March 2015

