

ECONOMY, RETAIL AND LEISURE (LOCAL CHALLENGES)

Cafes, restaurants etc (night time economy and dwell time)
Delivering retail
Local impact threshold
Primary and secondary frontages
Tourism



*Oadby and Wigston
Borough Council
Leicestershire*

It should be noted that, on the 1st August 2021, the government introduced a new ‘permitted development right’ (PDR) which allowed for the conversion of a wide range of buildings and units in buildings currently in commercial, business and service use to residential use without requiring planning permission granted by Local Authorities. This expands the existing right to convert offices, shops and financial and professional services premises into residential use by increasing the size limit of what can be converted and adding to the range of premises potentially eligible for conversion, which will now include restaurants, cafes, light industrial units, clinics, nurseries, day centres, gyms and recreation centres.

The wide-ranging PDR expansion will have implications for local planning policies contained within Local Plans, however the Council will continue to produce, publish and adopt related local planning policy as national planning policy and guidance can change quickly without notice.

Cafés, restaurants etc (night time economy and dwell time)

What the government says:

- 4.1 The NPPF identifies building a strong and competitive economy as a key objective for the planning system. To help achieve this, it suggests that Local Plans are required to ensure that a sufficient level of land is available for an appropriate range of economic uses to support growth and innovation and further, that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt.
- 4.2 It goes on to state that *‘planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation’*.
- 4.3 NPPG suggests that *‘a wide range of complementary uses can, if suitably located, help to support the vitality of town centres, including residential, employment, office, commercial, leisure/entertainment, healthcare and educational development’*.
- 4.4 Cafés, restaurants and the night time economy – including bars, pubs and hot food takeaways, play an important role in a vibrant and healthy town centre that caters to all ages and demographics. It is however important that a balance is achieved between a healthy night time economy and potential wider impacts associated to crime, noise and security.

What the Council says:

- 4.5 Hot food takeaways, restaurants and cafes can contribute positively to both the daytime and night time economies of town centres, district centres and local centres, but can also have a detrimental impact on each centre if not managed appropriately. Detrimental impact can come in the form of highway congestion and parking problems, litter, odours and anti-social behaviour. Hot food takeaways, restaurants and cafes can also contribute to adverse health outcomes.
- 4.6 Local Plan Policy 36 ‘Hot Food Takeaways’ seeks to avoid the potential adverse impact of hot food takeaways by assessing each proposal on its own merits according to the impact that it has on the vitality and viability of the frontage or block of units of which it forms a part of.



- 4.7 Policy 36 also looks at the cumulative effect of the potential undesirable outcomes, mentioned above, where takeaways are already present within the vicinity. The amenity of the area is also considered in regards to the proposed opening hours, the impact of noise, public health, disturbance, design (including ventilation), smell and litter, traffic generation, parking problems and highway safety.
- 4.8 It is expected that a similar policy approach to that of the current Local Plan is followed in the new Local Plan, however broadening its scope to include cafes and restaurants. The Council is aware that changing shopping habits of local communities, for example buying more products 'on-line', will impact the need for the current retail dominance within the Borough's main centres. The Council will have to be flexible in its policy approach going forward, which may well mean more provision of cafes, bars and restaurants.

Potential options:

- Retain Local Plan Policy 36 as it is, which focuses on hot food takeaway only, and seek to retain a balance between the daytime and night time economy in our town, district and local centres with very little change to the tests and requirements, as they stand.
- Broaden the policy approach to take account of hot food takeaways, restaurants and cafes and other relevant uses.
- Remove the local policy position in relation to the provision of hot food takeaways.

Questions:

- Empty A1 Retail use units are often the subject of Change of Use planning applications to A5 Hot Food Takeaways. Should the Local Authority continue to protect empty A1 retail units until they can be filled?
- Should the current Policy position set out within Local Plan Policy 36, be broadened to appropriately manage the provision of hot food takeaways, and encourage greater provision restaurants, cafes and other relevant uses?
- How big of a role do you think the Council should play in relation to the provision of hot food takeaways and the potential negative impacts on local communities health and well-being?



Delivering retail

What the government says:

- 4.9 The NPPF requires local planning authorities to recognise town centres as the heart of their communities and pursue policies to support their viability and vitality. Local planning authorities are expected to objectively identify sites for retail land. Ensuring town centres are recognised and protected. Identifying sufficient land to meet the retail needs of the Borough area should be approached positively.
- 4.10 The NPPF, updated in July 2021, states that planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation. They should promote competitive centres that provide customer choice and a diverse retail offer that reflects the individuality of each distinct centre.

What the Council says:

- 4.11 The prime function of Wigston town centre and Oadby and South Wigston district centres are designated shopping locations. The premise in all three of these centres has been the retention of a high proportion of retail units, which was seen as essential to maintaining their success and effectiveness to the local communities, however should this premise remain going forward if local communities shopping habits have changed?
- 4.12 It is also vital to ensure that each centre functions for longer hours during the day. Centres with units that are closed during the day do not give the appearance of being vibrant and thriving retail centres which encourage greater footfall and new attractive independent and innovative retail businesses. Focusing opportunities within the town and district centres and ensuring a balance of development types, including retail, commercial, leisure, and residential will result in town and district centres where people want to live and visit.
- 4.13 In 2016 the Council commissioned Nathaniel Litchfield & Partners (NLP) to undertake a Retail Capacity Study for the Borough, to serve as local evidence to support local planning policy. This evidence base underpins the Council's current Local Plan, in particular Policy 22 – Delivering Retail. One of the key areas of the Retail Capacity Study was the setting out of current convenience and comparison retail capacity in Wigston, Oadby and South Wigston and the potential capacity for additional convenience and comparison retail floor space over the period up to 2031.
- 4.14 Current Local Plan Policy 22 – Delivering Retail sets out the capacities / need that was identified for each of the Borough areas main centres in relation to retail provision up to the year 2031.
- 4.15 It is expected that the Council follows a similar policy approach in the new Local Plan in relation to retail provision, as it does in the current Local Plan. For example, an evidence base study will be undertaken to ascertain the level of retail capacities / need for each of the centres; then a policy will identify and allocate land to meet the capacities / need identified.
- 4.16 However, there are a number of factors / challenges that need bearing in mind, for example;
- changes in consumer purchasing patterns with the growth of online retail.
 - since the current Local Plan was adopted in 2019, the Covid-19 pandemic has arrived and has affected the way we live and shop. It has been reported that there has been a dramatic impact on the National economy with businesses failing and shops on our high streets closing.



- in August 2021 the Government extended Permitted Development Rights further to allow for the conversion of units that fall under the recently created E use class (which combines the previously used A1, A2, A3, B1a, B1b, B1c, D1 and D2 uses). This means that a wide range of town centre uses can now be converted to other uses through the prior approval process.

4.17 The above mentioned challenges, will significantly affect the ability of the Council to proactively and strategically manage its town and district centres, in accordance with the aim of section 7 'Ensuring the vitality of town centres' as set out in the recently updated NPPF.

Potential options:

- maintain the (or utilise a similar) current policy approach set out within Local Plan Policy 22 Delivering Retail.
- commission a new retail capacity study that takes account of more recent challenges.
- Not commission a new retail capacity study and continue to use the outcomes of the previous study.

Questions:

- Should the Council be commissioning an up-to-date retail capacity study for each of its main centres?
- Although Permitted Development Rights have been extended, the NPPF retains the statement that planning policies should support town centres and take a positive role in their growth, management and adaptation. With that in mind, should the Council continue to protect the Borough areas retail offering in the new Local Plan?
- Is there any flexibility that could be woven into planning policy to reflect the potential economic uncertainty ahead?
- Should the Council be applying greater flexibility in relation to the proportion of retail units...should the Council ne allowing greater proportions of cafes, bars and restaurants within its main centres?



Local impact thresholds

What the government says:

- 4.18 The NPPF states that *‘when assessing applications for retail and leisure development outside town centres, which are not in accordance with an up-to-date plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floor space threshold.’*
- 4.19 It goes on to suggest that the assessment should also include an impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal. In addition, it suggests that the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and the wider retail catchment (as applicable to the scale and nature of the scheme) should be taken account of also.
- 4.20 In the ‘Ensuring the vitality of town centres’ section of the NPPG it states that *‘in setting a locally appropriate threshold, it is important to consider:*
- *the scale of proposals relative to the town centres;*
 - *the existing viability and vitality of town centres;*
 - *cumulative effects of recent developments;*
 - *whether town centres are vulnerable;*
 - *likely effects of development on any town centre strategy; and*
 - *the impact on any other planned investment’.*
- 4.21 Government policy and guidance goes onto say that where an application is likely to have significant adverse impact it should not be permitted.
- 4.22 The NPPF requires local planning authorities to apply a sequential test to planning applications for main centre uses that are not in an existing centre and not in accordance with an up-to-date Local Plan. It is appropriate to identify locally set thresholds for the scale of edge-of-centre and out of centre retail, office and leisure development which should be subject to the assessment of the impact criteria set out by the NPPF.

What the Council says:

- 4.23 The Council is aware that NPPF suggests that a default threshold of 2,500 sq m. gross floor space should be used in relation to local impact thresholds, but due to the compact nature of the centres within the Borough, the NPPF threshold of 2,500 sq m. gross is considered to be inappropriate. If the NPPF threshold were to be used, the scale of a single development proposal that would be not subject to an impact test, could be larger than the entire development plan capacity projections and could have a significant detrimental effect towards the vitality of the centre.
- 4.24 The retail capacity study undertaken for the Borough illustrates locally set Impact Thresholds for each of the centres. Current Local Plan Policy 24 Local Impact Threshold states the threshold over which an impact assessment will be required for each of the town and district centres and is as follows:
- Wigston Town Centre – 1,500 square metres gross floorspace
 - Oadby District Centre – 1,500 square metres gross floorspace
 - South Wigston District Centre – 500 square metres gross floorspace



4.25 It is expected that the Council will 'roll forward' the current policy requirements set out within current Local Plan Policy 24 Local Impact Threshold, into the new Local Plan.

Potential options:

- Commission a new retail capacity study that seeks to review the current local impact thresholds.
- Maintain the current local impact thresholds, without commissioning a review.
- Remove the Local Impact Threshold policy position, and utilise the policy and guidance approach set out at a national level.

Questions:

- Should the Council be maintaining a locally set Local Impact Threshold for each of its main centres?
- Is an update of the retail capacity study required to ensure the impact thresholds are still appropriate?
- Has development outside the Borough increased the vulnerability of towns and local centres within the Borough, for instance the Fosse Park expansion in Blaby District?



Primary and secondary frontages

What the government says:

- 4.26 The NPPF suggests that Local authorities should recognise town and district centres as the heart of their communities and pursue policies that support their vitality and viability. They should also (amongst other things), promote competitive centres that provide customer choice and a diverse retail offer that reflect the individuality of each centre.
- 4.27 The NPPF goes onto suggests that planning authorities should define the extent of the primary shopping areas within their designated centres based on a clear definition of primary and secondary frontages.
- 4.28 The NPPF suggests that planning policies should define the extent of town centres and primary shopping areas, and make clear the range of uses permitted in such locations, as part of a positive strategy for the future of each centre;
- 4.29 Local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.

What the Council says:

- 4.30 The Council seeks to have an approach to town and district centres that is positive, promotes competitive environments and has appropriate management and growth over the entire plan period.
- 4.31 In addition, the Council considers that to maintain a vibrant and successful core to its centres, it is important to maintain a high proportion of retail units. Too many non-retail uses within the town and district centres, especially in the primary shopping areas will compromise the retail function of the town by diluting the overall supply of retail floor space.
- 4.32 The Council's current Local Plan at Policy 27 Primary Frontages, sets out 'key' areas within the Primary Shopping Areas of each centre that are known as Primary and Secondary Shopping Frontages. These areas have the highest concentration of main town centre uses, in particular retail.
- 4.33 With regard to the location for new retail, leisure and other town centre uses (as defined in the NPPF), the Council has adopted the 'sequential approach', as set out in the NPPF. For retail, leisure and other town centre use development the first preference is town, district or local centre sites, (where suitable sites are available), followed by edge-of-centre sites, and only then out-of-centre sites will be considered.
- 4.34 The current Local Plan sets out that at ground floor level, the primary shopping frontages in the Borough's town and district centres are identified on the Council's Adopted Policies Map. Further, Policy 27 stipulates that

'to ensure that retail remains the primary use within the primary shopping frontages, development will only be permitted for non-A1 uses in the following circumstances:



- *Where at least 70 per cent of all units within the primary frontages in Wigston town centre are in A1 use;*
- *Where at least 90 per cent of all units within the primary frontage in Bell Street (Wigston) are in A1 use;*
- *Where at least 65 per cent of all units within the primary frontages in Oadby district centre are in A1 use; and*
- *Where no more than three consecutive units are in non A1 use within any primary frontage’.*

4.35 It is expected that a similar policy approach is retained within the Council’s new Local Plan, however the Council is fully aware that changes in shopping habits, the Covid pandemic, and recent government announcements in relation to retail uses, could dictate the content of a new policy, and how closely it relates to the existing policy set out at Local Plan Policy 27 Primary Shopping Frontages.

Potential options:

- ‘Roll forward’ Local Plan Policies 27 and 28 unchanged, in spite of the expansions to Permitted Development Rights. Changes to National Policy and the GPDO have recently been unexpected and frequent. Further changes still may occur before the end of this process.
- Re-write Local Plan Policies 27 and 28 to allow flexibility as the economy recovers from recent challenges. Perhaps look at reassessing the percentages of desired primary frontage protection for each town and district centre.
- Remove Local Plan Policies 27 and 28.

Questions:

- Are Policies 27 ‘Primary Shopping Frontages’ and Policy 28 ‘Secondary Shopping Frontages’ still fit for purpose and do they conform to national planning policy and guidance?
- Would a less strict approach to controlling the use types on our shopping frontages act as a potential buffer to the threat that the expansion of permitted development rights from E Class units to C3 dwellings poses?
- Although changes to permitted development rights affect town and district centres considerably, should the Council maintain a local policy approach, as during the lifetime of the new Local Plan, there may be further unexpected changes to the Planning System that will affect the national policies under consideration now?
- Should the Council be removing the policy approaches relating to the high levels of provision of retail uses within town centres?



Tourism

What the government says:

4.36 The NPPF is relatively silent on the subject of tourism. It identifies the need to support a prosperous rural economy through enabling sustainable rural tourism and leisure developments, but in respect of urban areas, the only other reference is with regards to the definition of 'main town centre uses' that recognises that 'culture and tourism development (including theatres, museums, galleries and concert halls, hotels and conference facilities)' are uses that would be deemed as acceptable main town centre uses.

What the Council says:

4.37 Tourism in the Borough plays a small yet important role in the local economy in relation to the centres of Wigston, Oadby, South Wigston and the settlement of Kilby Bridge, as well as large areas of green space including Brocks Hill Visitors Centre and Country Park, Leicester Racecourse, Glen Gorse Golf Course and Oadby Grange Country Park.

4.38 The Council's Economic Regeneration team has worked hard to establish partnerships with key organisations in the Borough including the University of Leicester and Leicester Racecourse. The Borough is well renowned for its green infrastructure assets and proximity to the open countryside, and therefore, it is something that the new Local Plan could look to build upon and enhance moving forward, particularly in light of the associated health and wellbeing benefits of spending time immersed with nature.

4.39 In addition to the green economy potential, the Borough's settlements present opportunities to enhance the visitor economy that in turn will help to maintain and enhance the vitality and viability of the Borough's town, district and local centres.

Potential options:

- Consider the benefits of developing a specific Tourism and the Visitor Economy related Policy.

Questions:

- Should the Council draft a new Policy to address Tourism and the Visitor Economy in the Borough, taking account of up-to-date national planning policy and guidance, as well as local evidence?
- Should the Council only apply the Policy principles and guidance set at a national level through the National Planning Policy Framework and the National Planning Practice Guidance?

Please explain your answer in a few words. Also if there are other options that you feel are more appropriate please explain.