

15 March 2020

**Greater Norwich Local Plan – Regulation 19 Pre-Submission Draft Plan**

**Consultation Statement in relation to Chantry Place, Norwich**

**Statement Submitted on behalf of Chapelfield GP Limited c/o LaSalle Investment Management**

**1.0 Introduction**

- 1.1 This Consultation Statement is submitted by Savills (UK) Limited on behalf of Chapelfield GP Limited c/o LaSalle Investment Management in relation to the Greater Norwich Local Plan Pre-Submission Draft Plan Consultation (the '**emerging Plan**'). The emerging Plan is intended to cover the period to 2038.
- 1.2 LaSalle is the asset manager of Chantry Place having taken sole control of managing the asset following the administration of intu in 2020. Chantry Place is a key commercial destination within Norwich City Centre and plays a significant role in underpinning its vitality and viability. It is one of the most significant developments constructed in Norwich in the last 20 years having opened as a key retail destination in the City Centre in 2005.
- 1.3 Importantly, LaSalle recognises that the town planning system has a fundamental role to play in supporting their overarching objectives and therefore welcomes this opportunity to engage with the preparation of the new Greater Norwich Local Plan.
- 1.4 The objective of this Consultation Statement is to request that as a key destination that underpins the vitality and viability of the City Centre, a highly flexible policy approach should be taken to relevant policies to ensure that Chantry Place and the wider City Centre is able to adapt and grow to reflect the retail, leisure, commercial and residential needs of the centre and the prosperity of the wider Greater Norwich area.
- 1.5 It is not considered that the policies reflect the requirements of the National Planning Policy Framework ('**NPPF**') and Planning Practice Guidance ('**PPG**'), or the objectives of The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 ('**UCO**').
- 1.6 The representations set out below fully accord with the objectives of national policies to adopt a 'town centre first approach' and plan for the future role of town centres.



1.7 The Consultation Statement is structured as follows:

- **Section 2:** The National Planning Policy Framework, Planning Practice Guidance and UCO
- **Section 3:** Representations on the emerging Plan
- **Section 4:** Conclusion

## **Section 2: The National Planning Policy Framework, Planning Practice Guidance and UCO**

### ***Introduction***

2.1 The NPPF provides a ‘Town Centre First Approach’ to main town centre uses and is supported by the section in the PPG titled ‘Town centres and retail’.

2.2 The UCO sets out the Use Classes for land use purposes. It defines what uses fall within the same Use Class and different Use Classes. Where a land use purpose falls within the same Use Class, it does not require planning permission to move between purposes as it is not development.

### ***The NPPF***

2.3 Local Plans must be consistent with the NPPF<sup>1</sup>. Paragraph 85 of the NPPF sets out the planning making framework for ensuring the vitality of centres and states:

*‘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. Planning policies should:*

*a) define a network and hierarchy of town centres and promote their long-term vitality and viability – by allowing them to grow and diversify in a way that can respond to rapid changes in the retail and leisure industries, allows a suitable mix of uses (including housing) and reflects their distinctive characters;*

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<sup>1</sup> Paragraph 35 (d) of the NPPF.

*b) 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;*

*c) retain and enhance existing markets and, where appropriate, re-introduce or create new ones;*

*d) allocate a range of suitable sites in town centres to meet the scale and type of development likely to be needed, looking at least ten years ahead. Meeting anticipated needs for retail, leisure, office and other main town centre uses over this period should not be compromised by limited site availability, so town centre boundaries should be kept under review where necessary;*

*e) where suitable and viable town centre sites are not available for main town centre uses, allocate appropriate edge of centre sites that are well connected to the town centre. If sufficient edge of centre sites cannot be identified, policies should explain how identified needs can be met in other accessible locations that are well connected to the town centre; and*

*f) recognise that residential development often plays an important role in ensuring the vitality of centres and encourage residential development on appropriate sites.'*

**2.4** Paragraph 80 states that planning policies should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The policy is one of only a few in the NPPF that places a weight on the policy objective, and that weight to be attached is 'significant'.

**2.5** Paragraph 81 confirms that policies should be flexible to accommodate needs not anticipated in the plan.

### ***The PPG***

**2.6** Paragraph: 001 Reference ID: 2b-001-20190722 of the PPG confirms that:

*'...Local planning authorities can take a leading role in promoting a positive vision for these areas, bringing together stakeholders and supporting sustainable economic and employment growth. They need to consider structural changes in the economy, in particular changes in*



**shopping and leisure patterns and formats, the impact these are likely to have on individual town centres, and how the planning tools available to them can support necessary adaptation and change.** (Savills' emphasis in bold and underlined)

2.7 Paragraph: 002 Reference ID: 2b-002-20190722 states:

*'...Planning policies are expected to define the extent of primary shopping areas. Authorities may, where appropriate, also wish to define primary and secondary retail frontages **where their use can be justified** in supporting the vitality and viability of particular centres...'*

2.8 Paragraph: 007 Reference ID: 2b-007-20190722 states:

*'A change of use of land or buildings requires planning permission if it constitutes a material change of use. Many uses in town centres fall within Commercial, Business and Service use class. Movement from one use to another within the same use class is not development, and does not require planning permission.'*

### **The UCO**

2.9 On the 1<sup>st</sup> September, the Government amended the UCO. Of direct importance to this representation and Maidstone town centre, the Government created a new 'Commercial, Business and Service' Use Class, known as Class E. Class E amalgamated a number of former land use purposes within former Class A1, A2, A3, B1, D1 and D2. The policy objectives for creating the new Use Class were set out in a briefing paper, which confirmed that the justification for bringing forward the amendment as follows<sup>2</sup>:

*'As we protect and grow our economy post covid, we must think flexibly about how best to support our high streets and town centres. These changes will give high streets the ability to adapt quickly to new uses where they might be greater value, or to change into housing in due course. This gives the high streets and our town centres the best chance of adapting and thriving, but we are*

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<sup>2</sup> Source: <https://www.gov.uk/government/publications/permitted-development-rights-and-changes-to-the-use-classes-order>



*protecting uses which bring unique benefits, like local pubs – and local authorities will still be able to control use changes that might bring nuisance to the community – like betting shops.’*

### **Section 3: Representations on the emerging Plan**

#### ***Summary of the Representations***

- 3.1** The representations on the emerging Plan cover the following points:
1. The requirement to provide a flexible approach to enable City Centres to grow and diversify to enable them to respond to rapid changes in commercial property markets.
  2. The requirement to ensure that policies in the emerging Plan are reflective of national legislation.
  3. The requirement to ensure the development plan when taken as a whole including existing documents covering the Greater Norwich area are consistent.
- 3.2** The representations set out below suggest amendments to the emerging Plan in order to ensure its consistency with national policy and the regulatory framework enacted by Government over the last year. Importantly, the amendments suggested below support the objective that the policies are seeking to achieve in terms of supporting the vitality and viability of centres.
- 3.3** The representations relate exclusively to Policy 7.1 that provides the emerging policy in relation to ensure the vitality and viability of centres.

#### ***The Representations***

- 3.4** The issues surrounding high streets and occupational markets that support them and provide services to attract people and communities to them are well-understood. Such issues have been exacerbated by the effects of Covid and the Council will be aware that Covid has accelerated spending patterns online.
- 3.5** Experian Retail Planner 18 published in October 2020 supersedes the data source used for the EDNS. It forecasts that for 2020, 30.6% of all comparison goods spending did not take place in



a store (e.g. online, mail order etc). This is an increase from 23.4% in 2019. Whilst levels are expected to fall to 29.1% and 30% in 2021 and 2022, it is forecast from 2023 that levels will be 31%, rising to 37.8% by 2037 (i.e. the end of the plan period). It follows that there will be a significant reduction of in-store spending. This in itself has been evidenced by the large number of retail failures over the last few months including Debenhams and the Arcadia Group, which includes brands such as Topshop, Topman, Evans, Burtons and Miss Selfridge.

- 3.6** The growth of online shopping and the effects of Covid on town centre locations prompted the Government to significantly alter the Use Classes Order as identified at Paragraph 3.9 above.
- 3.7** Against that background, there is a requirement to ensure that town centre locations such as Norwich City Centre are able to respond positively to changes in the occupational markets that support town centres. This is the requirement of Paragraph 85 (a) of the NPPF and the requirement to support economic growth and productivity and to reduce barriers as outlined at both Paragraphs 80 and 81 of the NPPF.
- 3.8** The emerging Plan should therefore seek to create that positive and flexible policy environment that supports the evolution of Norwich City Centre to enable it to be responsive and adaptable to market requirements in order that it can be a vital and viable location that meets its users' needs and can attract users and investment. Emerging Policy 7.1 seeks to achieve that position.
- 3.9** Paragraph 307 of the emerging Plan that supports emerging Policy 7.1 acknowledges that there is a requirement to provide a flexible approach to enable centres to respond to rapid changes in commercial property markets as required by Paragraph 85 of the NPPF.
- 3.10** Paragraph 312 of the emerging Plan confirms that Policy 7.1 takes that flexible approach to continuing to promote a vibrant city centre in the context of the decline of high street shopping and the growth of online retailing which is further impacted by Covid-19 and its economic consequences. Further, Paragraph 312 confirms that the flexible policy approach at Policy 7.1 allows for the expansion and diversification of city centre uses, with retail combining with other uses to foster an attractive and distinctive living and working environment.
- 3.11** With the above in mind, Policy 7.1 starts by providing a positive approach to ensure flexibility, but then provides a restrictive approach that does not support Chantry Place, a pivotal location in the City Centre, in being able to expand and diversify in terms of City Centre uses. This restrictive



approach is to the detriment of Chantry Place being able to contribute positively to the City Centre's vitality and viability. The restrictive nature that the emerging Plan takes to delivering leisure uses within the City Centre at locations such as Chantry Place is therefore in conflict with objectives to ensure the vitality and viability of the City Centre.

**3.12** Part (3) of the Policy states:

*'The city centre's leisure cultural and entertainment offer will be supported and expanded. Development of new leisure and cultural facilities, hotels and other visitor accommodation to strengthen the city centre's role as a visitor and cultural destination will be accepted in accessible locations well related to centres of activity and transport hubs. Leisure uses, including uses supporting the early evening economy, will be **accepted within the defined city centre leisure area where noise and disturbance issues can be mitigated and where they do not have detrimental effect on the retail offering**, especially in the primary retail area. **A sequential approach will be used to determine applications for leisure uses outside the defined leisure area**. Late-night uses will only be accepted in the designated Late-Night Activity Zone.'*  
(Savills' emphasis)

**3.13** Firstly, Chantry Place is located outside of the defined leisure area, which is defined by the Norwich Local Plan Policies Map, adopted December 2014. Therefore, Chantry Place is penalised by emerging Policy 7.1 as it is not in a location where leisure uses are promoted, and further where applications for them are submitted at locations such as Chantry Place, support for them does not exist as an applicant must demonstrate that there are no alternative locations within the defined leisure area (i.e. the sequential approach). This creates an environment where Chantry Place is treated as an 'out-of-centre' location, yet located within the City Centre. Such an approach would be inconsistent with the requirements of Paragraph 85 of the NPPF, and the definitions of edge and out of centre locations at Annex 2 of the NPPF and the subsequent policy requirements for those locations. The approach is not consistent with the positive strategy required to in-centre locations as part of either Parts (a) or (b) of Paragraph 85 of the NPPF. Policy 7.1 as drafted is therefore not consistent with national policy.

**3.14** Therefore, either the Policy should be expanded to support leisure uses within all areas of the City Centre, or the definition of the areas where leisure use are supported should include Chantry Place and any other similar locations within the City Centre. Such an approach would ensure Policy 7.1 is consistent with the NPPF.



**3.15** Further, the Policy should not provide a caveat that leisure uses will only be supported where they do not have a detrimental effect on the retail offering of the defined Primary Shopping Area. That approach neither accords with Paragraph 312 of the emerging Plan or the new Use Classes Order, which creates a flexible approach to delivering commercial, business and service uses.

**3.16** Accordingly, Policy 7.1 does not:

1. Provide a flexible approach to enable City Centres to grow and diversify to enable them to respond to rapid changes in commercial property markets.
2. Ensure that policies in the emerging Plan are reflective of national legislation.

**3.17** The Policy cannot be considered to be consistent with national policy as required by Paragraph 35 of the NPPF.

**3.18** Policy 7.1 also creates a tension with the adopted development and in particular the Norwich Development Management Policies Local Plan, adopted December 2014, namely:

1. Policy DM23 confirms that leisure uses will normally be restricted to upper floors or basements in the Primary Retail Area. This policy would be inconsistent with Policy 7.1.
2. Policy DM20 provides a restrictive approach to non-retail uses within the defined Primary and Secondary Retail Areas. The policy would be inconsistent with the flexible approach required by Policy 7.1 and the requirements of Paragraph 85 of the NPPF.

**3.19** Therefore, in supporting Policy 7.1, the emerging Plan should also revoke Policies 20 and 23 of the Development Management Policies Local Plan.

#### **Section 4: Conclusion**

**4.1** We trust that the above representation will be taken into account in the further drafting of the policies for the emerging Plan and through its Examination. The approach suggested will enable long-term vitality and viability of the City Centre and enable it to grow and diversify in a way that can respond to rapid changes in the retail and leisure industries, all as required by the NPPF.





**4.2** We consider that the above amendments are necessary in order to for the plan to be found sound and consistent with the NPPF.