

WALTHAM FOREST LOCAL PLAN
DEVELOPMENT MANAGEMENT POLICIES
- EXAMINATION

Matters and Issues for Examination in Public:

Retail Frontages
Policy DM26

Hearing Session – 21 May 2013
Agenda Item 6

1. **Policy background/context**

- 1.1 This statement explains the Council's position on Policy DM26 with regard to the policy approach taken on retail frontages.
- 1.2 Paragraph 23 of the National Planning Policy Framework (NPPF) states that in drawing up local plans, local authorities should define the extent of town centres and primary shopping areas, based on a clear definition of primary and secondary frontages in designated centres, and set policies that make clear which uses will be permitted in such locations. Also Annex 2, states that *“Primary frontages are likely to include a high proportion of retail uses which may include food, drinks, clothing and household goods. Secondary frontages provide greater opportunities for a diversity of uses such as restaurants, cinemas and businesses”*.

2. **Main Issues**

- 2.1 The representation from Barclays Bank Plc (dmpps150-151) makes the following key points;
 - That the DMDPD makes no attempt to review whether existing policies need to be re-examined.
 - The Bank is an important retailer and must be in a primary location to serve its customer base and justify its investment.
- 2.1.2 The key issues raised through the Inspector's questions relate to the following matters:
 - Definition of the extent of the primary and secondary frontages and the evidence base regarding this.
 - Justification for the percentage thresholds (30% and 50%) and the threshold level applied on clustering.

3. **The Council's Position**

- 3.1 The Council's retail protection policy has been in existence for many years. It is currently a saved policy (TRL5 and TRL6) of the Waltham Forest Unitary Development Plan (UDP) 2006. Although excluding most types of non-retail uses within primary frontages, the policy gives exception to particular uses including banks and building societies, restaurants/cafes, subject to meeting other policy tests. In secondary frontages the current policy is less restrictive by welcoming a diverse range of non-retail uses.
- 3.2 Both policies have been carried forward to the Development Management Policies document – with some changes to address current issues and concerns.
- 3.3 Review of the existing policy (UDP Saved Policy TRL5 and TRL6)

- 3.3.1 The performance of both policies (TRL5 and TRL6) has been monitored over years and the review process undertaken in preparing the Development Management Policies document has taken into consideration such monitoring evidence. For the current year, analysis on the performance of these policies is included in the Waltham Forest Annual Monitoring Report (AMR) 2011/12 (KE142) and in the document - "A Review of Retail Frontages in Waltham Forest, December 2012" (KE124). The Council's response to the Inspector's Question No: 192 identifies the relevant passages in this evidence.
- 3.3.2 The Council considers that the evidence base justifies the retention of the policy. Both policies continue to achieve the objectives for which they were introduced – to manage cumulative changes of use which could result in concentrations of non-retail uses and which could also gradually erode away the retail function of the Borough's centres.
- 3.4 Exception given to some non-retail uses – e.g. Banks and Building Societies, Restaurants/Cafes
- 3.4.1 The 1987 Use Classes Order specifically distinguishes between Class A1 (Shops) and Class A2 (Financial and Professional services). Use Class A1 is very specific. Although some Class A2 uses such as a bank, betting office or estate agent may be considered appropriate to a shopping centre, their function of providing a walk-in service to their customers is distinct from retail use.
- 3.4.2 The Council accepts that these services meet the need of town centre visitors and therefore ought to be available as part of any flourishing shopping centre. However, if too many of such uses are allowed to locate in primary shopping frontages, the essential retailing function of a shopping centre would become diluted with far reaching implications on vitality and viability.
- 3.4.3 In formulating the Council's retail protection policy, while recognising the need for the policy to be restrictive, it was also considered that it should not be so rigid so as to exclude all non-retail uses – particularly those most likely to attract footfall and therefore capable of making a significant contribution to vitality and viability.
- 3.4.4 The exception given banks, building societies, restaurants/cafes seeks to distinguish between uses that are 'directly related to a shopping trip' and all other non-retail uses and is justified by evidence. In a recent study of shopping habits undertaken as part of the Waltham Forest Retail and Leisure Study (KE64 - see Appendix E, page 122, Question 13), it was found out that significantly more people visited particular types of uses as part of their normal shopping trip. In this survey, 39.2% of respondents visited Banks/building societies and 17.2% visited cafes/restaurants. However other non-retail uses such as betting offices (0.5%) and estate agents (0.0%) were less frequently visited. On this basis the Council has considered in principle that banks/building societies and restaurants/cafes are acceptable uses within primary frontages.

- 3.4.5 The proposed revision of the policy in response to the Inspector's Question No.198, seeks to clarify how other qualifying uses will be considered in primary frontages. The Council considers that an important factor will be the contribution the proposed use can make to vitality - in particular, whether it is capable of attracting a significant number of shoppers/visitors. Banks and building societies also qualify on this basis.
- 3.4.6 The Council has generally had a positive attitude to Banks and Building Societies. Since the mid 1990's there have been a number of bank closures in Waltham Forest, a trend which has continued as a result of changes in the banking sector nationally. In 2009, the Barclays Bank closed its operation at 333-335 Forest Road (within a neighbourhood centre). In some centres such as Highams Park and Wood Street District centres, there are currently no banks/building societies.
- 3.4.7 There is policy support for the development of banks and building societies at the most appropriate locations within town centres and there is no intention to apply DM26 to purposely exclude banks or building societies.
- 3.4.8 The Council notes the suggested change by Barclays Bank to re-write the policy to make clear that financial services retailers are appropriate in primary frontages without restriction. The Council does not agree with the suggested change on the following basis:
- The policy as currently worded gives reasonable opportunities to banks and building societies to locate within primary frontages.
 - There are ample opportunities for the development of new A2 uses throughout the designated centres. Under the Use Classes Order, banks and buildings societies can set up and operate from existing non-retail premises such as those in class A2 itself and indeed from conversions of A3, A4 and A5 premises without requiring planning permission.
 - There are a number of frontages within individual centres where spare capacity exists – in that the threshold limits have not yet been exceeded and there is opportunity for qualifying uses such as banks and building societies to be accommodated.
- 3.4.9 It is also noted that the policy is supported by Transport for London (dmpps128).
- 3.5 Figure of 30% in Part A(i) – See also Council's Response to Inspector's Question No.193
- 3.5.1 Policy DM26 establishes a locally specific percentage threshold of 30% carried forward from the 2006 UDP.
- 3.5.2 The evidence base informing this policy is derived from a public consultation exercise carried out by the Council in the 1990s. In this consultation, a number of organisations including individual retailers, retailers' associations, banks, building societies, insurance brokers, local political parties, community

groups and chambers of commerce were consulted. The majority of respondents in this exercise were in favour of a maximum of 30% of non retail uses in the main shopping frontage.

3.5.3 The Council notes the age of this survey used to develop the policy. However the 30% threshold is still relevant for the purposes for which the policy was established. It was put into effect as a long term policy target which recognises the slow but gradual process of change required to achieve the required spatial distribution of retail and non retail uses in time. It is considered appropriate in achieving the development plan objective to create cohesive retail base rather than to undermine it. The policy has been successful. It has not led to significant vacancies in primary frontages and the Council has no reason to apply a different threshold.

3.5.4 Furthermore, this policy requirement has been applied throughout the Borough's town centres for a number of years and proved generally acceptable to stakeholders and indeed the Waltham Forest community at large. It has been tested and found to be meaningful and appropriate at previous development plan examinations. It has also been supported by Planning Inspectors on a number of planning appeal cases over the years. Some recent examples are as follows:

Planning Inspectorate Reference	Site/location
AAP/U5930/A/11/2161878	7-8 The Broadway Parade, London 4 9LG
AAP/U5930/A/11/2163376	857 Leyton High Road, London E10 7AA
AAP/U5930/A/11/2162831	295 High Road Leyton, London E10 5QN
AAP/U5930/A/12/2186007	289-291 High Road, Leyton, London E10 5QN
AAP/U5930/A/12/2183880	234 High Road, Leyton, London E10 5PS

3.5.6 The policy works alongside the frontage designations which are reviewed periodically. Since its introduction, designated frontages have been extended, de-designated or re-designated from primary to secondary or vice versa as has become necessary through the monitoring process. On this basis, the Council considers that the policy is both responsive and flexible. Page 151 of the AMR (2011/12) draws the conclusion that 71% of shops in all borough centres were in A1 retail use – demonstrating the effectiveness of the policy in achieving the policy target.

3.5.7 Although intended as a borough wide target, it is recognised that there may be circumstances where a locally distinctive approach may be required. The Council considers that the mechanism for varying the target where justified lies within the scope of Area Action Plans.

3.6 Figure of 50% in Part B(i) – See also the Council’s Response to Inspector’s Question No.193

- 3.6.1 With regard to secondary frontages, the previous development plan document (2006 UDP) did not specify a threshold percentage limit. Prior to 2004, there were significant vacancies in secondary frontages and mindful of the more restrictive approach to primary frontages, the Council considered it necessary to widen the scope for greater diversification of uses to take place in secondary frontages. However these conditions have changed presently - with the growing attraction of secondary frontages to new non-retail businesses particularly estate agents, betting offices, hot food takeaway uses etc. These uses are beginning to dominate secondary frontages. However if retail should remain the 'core function' of town centres, it is necessary to ensure a good balance in the supply of retail units in both primary and secondary frontages.
- 3.6.4 In choosing the threshold figure of 50%, the Council has particularly considered evidence of changes taking place in secondary frontages over the years as published in Annual Monitoring Reports. Detailed analysis of changes taking place in individual frontages is included in the Council's evidence document "A Review of Retail Frontages in Waltham Forest, December 2012" (KE124). In all centres, the Council has witnessed growth in the representation of non-retail uses in secondary frontages.
- 3.6.5 While the growth in non-retail uses has contributed to greater diversification, this must be balanced against the development plan objective to protect the essential retailing function of the designated centres. The Council considers that uncontrolled, the entire length of secondary frontages would be dominated by non-retail uses. However, at peripheral (undesignated) locations within centres, there are opportunities for more non-retail uses to locate and contribute to overall town centre vitality and viability.
- 3.6.6 The Council considers that a 50% balance is appropriate - representing the limits beyond which a disproportionate representation would occur. The Council accepts however that this is a matter of judgement but also acknowledges the practical difficulty in justifying an alternative percentage figure. However, in the absence of a policy threshold it would be difficult to successfully manage growth and change in secondary frontages. It is intended that the policy will be monitored annually.
- 3.6.7 The wording of the policy makes reference to exceptional circumstances - to allow for flexibility with regard to changing market conditions, vacancy levels and other relevant considerations including the nature of the proposed use and its contribution to town centre vitality and viability.
- 3.7 The threshold of three or more in Part A(ii) and Part B (iii) – See also the Council's Response to Inspector's Question No:193
- 3.7.1 The Council considers that the success of any particular centre is dependent, at least in part, upon retaining a reasonably close grouping of shops selling a wide range of goods. Grouping shops conveniently together attracts shoppers and if the shopping frontage is broken or diluted by uses not directly related to a shopping trip, this could create 'dead frontages' and a loss of attractiveness.

- 3.7.2 The threshold applied has been objectively established. It is based on street blocks and seeks to evenly distribute the grouping of non-retail uses throughout the designated centres. The borough is characterised by long linear shopping streets. It is considered therefore that there would be a limit beyond which a shopper would be prepared to walk along the full length of a shopping street in search of shopping items. Allowing for other interruptions to pedestrian movements as caused by road junctions, it is considered that the occurrence of significant breaks (as caused by the grouping of non-retail uses) would have the cumulative effect of discouraging pedestrian movement. If however, the planning objective is to sustain shoppers' interest to all sections along a frontage, then it is necessary to ensure that individual sections of a frontage are not disadvantaged by too frequent breaks in the continuity of the shopping frontage.
- 3.7.3 The application of the threshold is supported by evidence. The policy was established following a public consultation exercise undertaken during the 1990s. In this exercise, most respondents were against the grouping of 3 or more non-retail uses located next to each other. The Council recognises the age of this survey. However has it no information on the contrary to apply a different limit. In the Council's view it is still relevant for the purposes for which the policy was first established. It was developed as a long term policy target which recognises the slow but gradual process of change that needs time to create the required outcome. It has not been challenged at previous development plan examinations and provided a consistent basis for managing changes of use within the Borough's centres.
- 3.7.4 With regard to Part B of the policy, this is a key change from the UDP Saved policy (TRL6). The extension of this requirement previously applied to primary frontages to secondary frontages is necessary to support the operation of the 50% threshold as explained above and to ensure that significant clustering of non-retail uses does not occur.
- 3.7.5 The Council considers that the policy is not unduly restrictive. There are significant areas within individual centres (in non-designated frontages) where the retail protection policy does not apply - thus providing greater flexibility and opportunities for other non-retail uses to set up. The evidence base document (A Review of Retail Frontages in Waltham Forest, December 2012 – KE124) provides information on the extent of non-designated frontages in each of the Borough's centres (See Pie Charts included on pages 16, 22, 29, 37, 44, 51 & 60).

4. Conclusion

- 4.1 The Council considers that its retail protection policy has been successful in maintaining an appropriate balance between retail and non-retail uses. The successful application of the policy has influenced the current spatial distribution of both retail and non-retail uses throughout the designated centres. The policy has not led to any negative impacts for example on the level of vacancies within the designated centres. As a matter of fact, vacancy

levels in individual centres have remained about 8%, below the national average of 11%.4.2 The Council has adopted a pragmatic approach suited to the local circumstances and which does not conflict with the guidance in the NPPF.