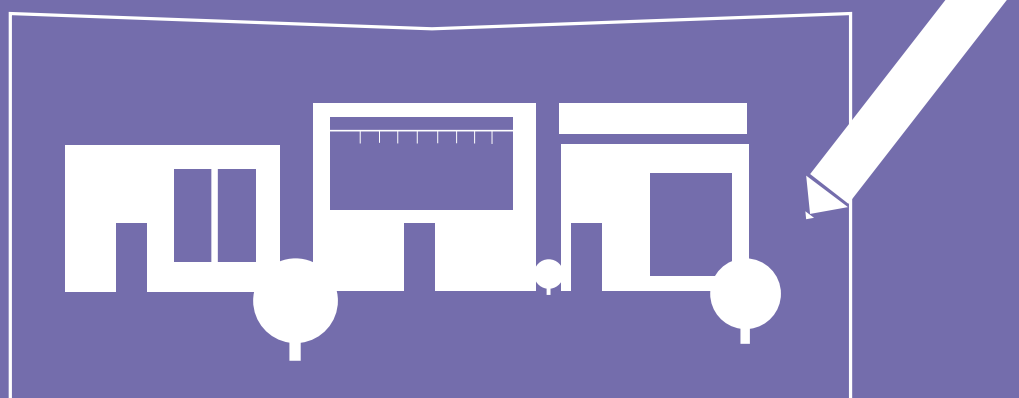




Llywodraeth Cymru  
Welsh Government



# Retail and Commercial Development



Technical Advice Note 4

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## 1. Introduction

1.1 This Technical Advice Note (TAN) should be read in conjunction with Planning Policy Wales (PPW) which sets out the land use planning policies of the Welsh Government. PPW, TANs and Circulars should be taken into account by local planning authorities in Wales in the preparation of Development Plans. They may be material to decisions on individual planning applications and will be taken into account by Inspectors and the Welsh Government in the determination of appeals and called-in planning applications.

1.2 Technical Advice Note (TAN) 4 – Retailing and Town Centres (1996) is hereby cancelled.

## 2. Objectives

The Welsh Government's objectives for retail and commercial centres are to:

- Promote viable urban and rural retail and commercial centres, as the most sustainable locations to live, work, shop, socialise and conduct business.
- Sustain and enhance retail and commercial centres vibrancy, viability and attractiveness.
- Improving access to, and within, retail and commercial centres by all modes of transport, especially walking, cycling and public transport.

### **Objective 1 - Promote viable urban and rural retail and commercial centres, as the most sustainable locations to live, work, shop, socialise and conduct business**

2.1 Planning Policy Wales recognises that retail and commercial centres are the focal point for shopping, leisure and tourism, local services and business/employment opportunities. This 'town centres first' approach ensures, through policy and decision making, that retail and commercial centres should be the first choice location in assessing the most appropriate places for a wide variety of developments. The co-location of these uses and their high levels of accessibility by a range of transport options make them sustainable locations.

2.2 Urban and rural retail and commercial centres, whilst having different contexts, are both focal points for economic activity. TAN6<sup>1</sup> provides further advice on planning for rural services and the economy. However, it is important for rural local planning authorities to ensure that the strategies for their area assess local requirements for additional services and they are planned in a co-ordinated manner through the development plan system.

2.3 A wide range of uses are located in retail and commercial centres including retail, office, residential, leisure, tourism and community functions. These centres are traditionally characterised by having higher densities which increases scope for different uses, including residential, to be accommodated above retail and commercial floorspace. Encouraging people to live and work in existing centres reinforces local demand and provides additional vibrancy during the day and in the evening. This diversity of uses, whilst benefiting the wider economy, will need to be carefully planned and managed to ensure that no conflicts arise, particularly with regards to amenity.



2.4 In order for these centres to be sustainable in the longer term they need to react to changes in the market place and adapt to the changing needs of society. Planning policies and development management decisions also need to take account of these changes, whilst ensuring that retail and commercial centres remain sustainable in the longer term.

## **Objective 2 - Sustain and enhance retail and commercial centres vibrancy, viability and attractiveness**

2.5 Not all retail and commercial centres have been able to respond to changes in the sector as quickly or as effectively as others to ensure their vibrancy in the longer term. Welsh Government policy objectives, through planning and other initiatives seek to ensure that viable centres have a positive future; through flexible planning policies and targeted investment in physical regeneration which form part of a comprehensive strategy or plan for their area.

2.6 The planning system's role in creating vibrant, viable and attractive retail and commercial centres is two fold: firstly in creating a positive and flexible policy environment for retail and commercial centres which recognises the individual needs and potential of each centre and planning for their futures in a co-ordinated way (see below) and; secondly, taking other policy and development management decisions which do not undermine the importance of retail and commercial centres and the sustainable locations they offer for businesses and the community.

## **Objective 3 - Improving access to, and within, retail and commercial centres by all modes of transport, especially walking, cycling and public transport**

2.7 Good access to, and within, retail and commercial centres is key, both to the vibrancy of those places and to ensure that everyone in society has access to the wide variety of goods and services. Ensuring that this access is sustainable in nature by promoting the ability to walk, cycle or use public transport to get to retail and commercial centres is important in this regard.

2.8 Once at a centre, it should be easy for people to access services through sensitively designed<sup>2</sup> public realm schemes and access to buildings which meet statutory requirements<sup>3</sup>. New development proposals will need to consider their internal layout and accommodate appropriate facilities for disabled people and their families. Consultation with relevant stakeholders in the design of new public areas is therefore essential.

## **3. Development Plans**

3.1 Through development plan policies and supplementary guidance, local planning authorities should develop their retail evidence base and plan positively to protect and enhance the vibrancy, viability and attractiveness of their retail and commercial centres.



3.2 Local planning authorities should also work together when establishing their retail evidence bases and strategies, not only to identify cross boundary issues but also to better understand how their retail hierarchies fit in to the larger than local area (defined as larger than a single local authority). Retail catchment areas of established retail and commercial centres do not necessarily reflect local authority boundaries. Local planning authorities should consider the role and functions of such centres in relation to development plan allocations, policies and strategies.

## 4. Defining retail and commercial centre hierarchies

4.1 In guiding development to the most appropriate location, local planning authorities, in their development plans, should develop a local hierarchy to classify their various retail and commercial centres, and apply appropriate policies to those centres based on their characteristics. This locally-driven approach to defining higher and lower order centres is seen as most appropriate as urban and rural areas will have different scales and characteristics which cannot be defined consistently at the national level.

4.2 Higher order retail and commercial centres need to be accessible to a large number of people, and the scale and diverse range of uses present will reflect the needs of a population that is normally greater than the local community. Higher order centres are typically characterised by combinations of shops, offices, financial & professional services, food and drink establishments, hotels, education facilities, entertainment and leisure, non residential institutions as well as residential.

4.3 Lower order centres are characterised by smaller scale provision and fewer uses with the intention of primarily serving the needs of a local community. Lower order centres will typically include shops, financial & professional services, food and drink, and non residential institutions of an appropriate scale, but depending on the centre may include other uses.

4.4 In considering where centres may lie in relation to the retail hierarchy, local planning authorities should also take into account the likely future status of that centre. For example, if, as part of the retailing strategy a centre has been identified for growth and new sites allocated, then this should be reflected in the status of that centre. Likewise, if the strategy is to manage the decline of a centre, this should also be reflected in that centre's position in the hierarchy.

4.5 Once the hierarchy has been established, appropriate policies may be developed for different types of retail and commercial centre. These will primarily relate to changes of use of existing buildings and how flexible a local planning authority wishes to be in dealing with such applications, in accordance with their retail strategy and how they foresee retail and commercial centres developing in the future.



4.6 Out of centre retail parks whose development has been based solely on retailing should not normally be included in the local hierarchy. However, this should not preclude these destinations being assessed against locally-set criteria on the range and choice of services and the scale and nature of the retail floorspace, to ascertain if, through time, these centres have matured into retail and commercial centres in their own right, offering the same level of service provision and being as accessible as traditional centres. This process is intrinsically linked to the sequential approach to allocating new development sites; it should therefore be undertaken in the formulation of development plans and not on a case-by-case basis in relation to specific development proposals which arise outside of this process.

## 5. Retail Strategies, Masterplanning and Place Plans

5.1 The development plan should include a clear strategy for retail and commercial centres which sets out how the local planning authority wishes to see those areas develop over the plan period. This strategy should be developed with colleagues in local authority regeneration, economic development, public protection and estates departments, as well as stakeholder involvement from retail and commercial centre businesses, community groups and local chambers of commerce amongst others. Complementarity with the Single Integrated Plan or Well-being Plan is also important to ensure matters wider than the planning system, but which may have land use issues, are considered. Other factors affecting the quality of retail and commercial centres lie outside the planning system but can be important in supporting or complementing the aims of planning strategies set out in development plans. Effective management of retail and commercial centres through strategies, plans and where relevant by Town Centre Managers, can help to enhance their vibrancy, attractiveness and viability.

5.2 If a need (see Section 6) for further retail development has been identified the local planning authority will need to express through their retail strategy and development plan allocations how that need should be accommodated. For example: if there is an identified quantitative need of 2,500 sq. m of convenience floorspace alternative options might be to focus that provision in one large store or several smaller stores. Investigations of current provision levels would be needed to be evidenced together with consultation undertaken with stakeholders and communities to ascertain the most appropriate provision.

5.3 If that need requires new sites to be identified then local planning authorities should seek to identify sites within established retail and commercial centres depending on the scale of provision. If after investigation suitable sites within established centres are not available local authorities should consider whether a centre's boundaries should be extended in order to meet the need identified before out of centre sites are considered (see further guidance on the sequential test in section 7). The identification of these sites will need to take into account their availability and deliverability for new development within the plan period as well as the opportunities to regenerate or support retail and commercial centres through new development.



5.4 Similarly, if a retail and commercial centre has been identified as being in decline to the point of no longer being viable, this change should be managed as part of the retail strategy. This management, which will take a holistic approach in the planning for retail and commercial provision, should ensure that communities retain access to the goods and services which they require.

5.5 As part of the wider development plan vision, the local planning authority will also need to consider if new areas of growth will be adequately provided for in land use terms, and make appropriate provision within their retail strategy to accommodate this to ensure this strategic growth is focused on the most suitable locations.

5.6 Area-wide strategies, Place Plans, or masterplans should outline a vision for the centre setting out the land-use implications. Masterplans and strategies should be developed by local planning authorities in partnership with relevant stakeholders. Place Plans may also be an appropriate mechanism for outlining a strategic approach for a particular centre.

5.7 The night time economy is important for many retail and commercial centres. The benefits of developing this activity are that these centres are economically buoyant at various times of the day, adding their vibrancy and attractiveness. Issues surrounding public safety and amenity should be carefully considered. Retail and commercial centre strategies can help identify these aspects and how they relate to specific centres with land use planning policies and other initiatives identified in order to balance and address them.

5.8 Once developed, strategies, masterplans and Place Plans will have a dual role. Firstly they can be used to inform the evidence base behind policies within the development plan; this includes justification for new site allocations. Secondly, following the adoption of the development plan, they can be adopted as supplementary guidance to aid the implementation of policies and to resist inappropriate proposals, to help ensure that the vision for the retail and commercial centre is realised.

5.9 Supplementary guidance can also be useful in examining detailed issues surrounding retail and commercial centres, such as the treatment of the public realm or setting out the local planning authorities specific requirements for particular sites or areas within a centre.

## 6. Tests of Retail Need

6.1 The tests of retail need are the starting point for planning for new retail development in both development plans and development management. The quantitative needs test is based on forecasting of expenditure on a certain type of retail good (comparison or convenience for example) over a period of time, which is then assessed against the current level of provision. Any shortfall in the provision is then expressed, using expenditure per square metre calculations, as the level of new retail provision required.



6.2 The requirement to consider need for a development is not relevant for retail proposals within a defined retail and commercial centre in a development plan. However it will be required for any application in an edge-of-centre or out-of-centre location which is not in accordance with an adopted development plan.

6.3 The quantitative retail needs tests is a consistent way of calculating future retail provision. However the data used in these needs assessments can be sensitive to small changes, potentially altering the result. The Welsh Government does not prescribe any particular methodology for undertaking assessments and it is up to each local planning authority to be satisfied with quantitative retail need evidence in policy making or the development management process. Local planning authorities and developers should therefore ensure assessments are prepared in a clear logical and transparent way with the use of robust and realistic evidence. Such assessments usually include:

- Existing and forecasted population levels and distribution.
- Forecast expenditure for specific classes of goods to be sold, within the broad categories of comparison and convenience goods, which are provided at the lowest geographical area possible to reflect local circumstances.
- Sales density data for both existing and future retail provision which is realistic and benchmarked against similar retail developments in the area; and
- Catchment areas for centres and individual stores which reflect the size and scale of the development and the likely draw of a particular scheme.

6.4 Quantitative retail needs assessments can then feed into the retail strategy for the development plan where local planning authorities should make decisions on the future type, location and scale of new retail development which best supports the delivery of the overall development plan vision and the needs of the communities involved.

6.5 Planning Policy Wales is clear in the requirement to establish a quantitative retail need before other, qualitative aspects of need are considered. Where the current provision is sufficient, the need for further allocations must be fully justified in the development plan and supporting evidence.

6.6 Qualitative need is harder to justify and proposals based on this approach should be closely scrutinised to ensure that their development does not have unintended consequences and detrimental impact on existing retail activity within retail and commercial centres. The overall objective of applying the qualitative need approach would be to achieve an appropriate distribution and range of sites for retail stores which meets the needs of all communities, particularly of those in rural or deprived areas where existing provision is inadequate. These issues could be considered as part of the overall retail strategy for an area (see Section 4).





6.7 Planning Policy Wales highlights cases where qualitative need may be justified. It is unlikely that any of these aspects on their own could justify new retail development; rather a combination of several of these issues could make the case for further provision. These could include proposals which:

**support the objectives and retail strategy of an adopted development plan or the policies in this guidance.**

This may be where a retail development is linked to a large area of growth which is not currently served by any form of retail development.

**are highly accessible by walking, cycling or public transport and/or contributes to a substantial reduction in, or alleviation of, car journeys, traffic congestion or over-trading.**

Current travel patterns for communities to access existing retail provision may be problematic or result in extended and unreasonable travel times. This may be as a result of the store over-trading which is defined as the expenditure in store significantly exceeding anticipated or market average levels. Proposals which are well-located within existing communities may be able to assist to alleviate some of these issues.

**contribute to the co-location of facilities in retail and commercial centres identified in the retail hierarchy; and/or significantly contributes to the vibrancy, attractiveness and viability of such a centre.**

Existing provision in a retail and commercial centre may lack a certain type of development which is impacting on its ability to draw people from its catchment and reach its potential. Proposals for additional types of development could therefore be justified although these would need careful management by conditions to ensure those uses which will strengthen the centre are delivered.

**address locally defined deficiencies and alleviates a lack of convenience provision in a disadvantaged area.**

This relates to the ability of all communities and disadvantaged areas in particular to access the goods and services which they need on a day to day basis. Current provision may not meet these requirements resulting in expensive, unnecessary trips further afield. Local provision to meet this need would therefore be a positive step for these communities. Localised deficiencies may also arise when new residential development has recently been constructed.

6.8 Planning Policy Wales also advises that regeneration and additional employment benefits are not considered qualitative need factors in retail policy terms, though they may be material considerations in making a decision on a planning application. If there is no



quantitative retail need for a proposal the net impact on employment may be negligible as there may be economic impacts on existing stores in the area which would require them to reduce their staff numbers as a result. A local planning authority would need to fully investigate such cases, taking a holistic approach, before considering whether to approve such schemes on this basis.

## 7. The Sequential Test

7.1 The sequential test supports the Welsh Government's policy objective of promoting centres identified in the retail and commercial centre hierarchy, as the most sustainable locations to live, shop, socialise and conduct business. Development plan site allocations or planning applications for retail, leisure and other complementary uses should be subject to the sequential test. The sequential location of development plan allocations or planning applications should be considered in the following order:

- Firstly, within retail and commercial centres identified in the retail hierarchy where suitable sites, or buildings for conversion are available. Where this relates to a development plan allocation, they must be available for development within the plan period. Local planning authorities should ensure that any development plan allocation or planning application is of an appropriate scale in relation to the role and function of the centre.
- If no suitable sites are available in retail and commercial centres then edge-of-centre locations should be considered, with preference given to brownfield sites that are or will be well connected to the existing centre and accessible by a variety of means of transport, particularly walking, cycling and public transport.
- Only when retail and commercial centres and edge of centre locations have been considered and found to be unsuitable can out-of-centre options within, and then outside, a settlement area be considered. Where out of centre sites are concerned preference should be given to brownfield sites which are or will be well served by a choice of means of transport and are close to an established retail and commercial centre.

### Suitability

7.2 Suitability refers to a site or building's attributes and whether these are sufficient to meet the development requirements of a particular proposal. Where a developer favours a development site on the edge of or outside a retail and commercial centre the developers will need to provide evidence to explain why potential sites or buildings within the centre are unable to accommodate the format, scale and design of a proposed development. This exercise should not necessarily be confined to an individual centre and developers should consult with the local planning authority to ascertain the extent of any search for other potentially suitable sites or buildings within the wider catchment area.

7.3 When a need for further convenience or comparison shopping provision is established as part of the development plan preparation process the local planning authority should consider how different retail formats, could be accommodated on a site. Where allocated



sites are on the edge of or outside retail and commercial centres local planning authorities should give consideration to the possible consequences of any subdivision of units that may be proposed by developers in the future and whether measures are required to restrict any such proposals. Developers seeking to include sites in development plans should be flexible and innovative, and should examine carefully how sites in established centres may be able to accommodate their requirements.

7.4 When allocating sites or when determining applications that are in edge of centre locations, local planning authorities should consider the distance that a site is from the edge of a retail and commercial centre for it to be accessible by foot. Wherever possible edge of centre site allocations or development proposals should be located adjacent to a designated retail and commercial centre boundary, where this is not the case it should not normally be more than 200 to 300 metres from the edge of the centre. Factors such as the size of the retail and commercial centre, local topography and presence of physical barriers to access may influence any assessment. It may be appropriate to use a shorter acceptable distance between the centre and the development proposal if the centre is small. Local planning authorities should consider whether to specify advice in their LDP about accessible distances from retail and commercial centres to edge of centre developments.

7.5 Developers and retailers should be flexible and innovative about the format, design and scale of proposed development and the amount of car parking needed, tailoring these to fit local circumstances. In particular, developers proposing large scale retail and/or leisure developments with a large quantity of car parking are encouraged to consider whether or not elements of their proposal could be located on a site or number of sites in a centre, rather than automatically seeking to locate on a single edge of centre or out-of-centre site. Such an approach could take advantage of shared parking facilities. The use of masterplans or Place Plans by local planning authorities could help facilitate such an approach.

## Availability

7.6 Local planning authorities should identify, in consultation with stakeholders and the community, an appropriate range of sites to allow for the accommodation of identified need in the development plan. Identified sites should be capable of being brought forward for development during the development plan period. Consideration should be given to the needs of the community where the demand for retail and leisure provision (and other complementary uses) has been identified. Where phasing is a consideration priority should be given to sites in established centres and sites in areas of poor provision.

## 8. Retail Impact Assessments

8.1 Planning Policy Wales identifies the issues local planning authorities should take in to account when allocating new sites or determining planning applications for retail or other uses complementary to a retail and commercial centre (including redevelopment, extensions or the variation of conditions).



8.2 Retail applications of 2,500 sq. metres or more gross floorspace that are proposed on the edge of or outside retail and commercial centres should be supported by a retail impact assessment provided by the developer. Local planning authorities should undertake impact assessments to evidence a site identified in a development plan to meet a need of 2,500 sq. metres or more. Smaller retail planning applications or site allocations may also be assessed where local planning authorities believe it will have a significant impact on a retail and commercial centre. Requests for retail impact assessments by local planning authorities on smaller developments should be proportionate to potential impacts.

8.3 In addition to the needs and sequential tests, planning applications for retail developments on the edge of or outside a retail or commercial centre that are not in accordance with the development plan should be assessed against a range of impact criteria, for example:

- Impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area.
- Impact of the proposal on centre vitality and viability, including local consumer choice and range and quality of the comparison and convenience retail offer.
- Consideration of the cumulative effects of the development proposal in relation to any outstanding planning permissions.
- The impact of the proposal on allocated sites outside centres being developed in accordance with the development plan.
- Impact of the proposal on in centre trade and turnover in the centre and other centres in the wider area, taking account of current and future consumer expenditure capacity in the catchment area.
- Assessment of the proportion of customers using the development traveling by different modes of transport.
- Impact on travel patterns over the catchment area.
- Any significant environmental impacts.

## 9. Retail and Commercial Primary and Secondary Areas and Change of Use

9.1 Vibrant and viable centres are distinguished by a diversity of uses and activities. Where primary and secondary areas have been designated in established retail and commercial centres they can help promote and maintain an effective distribution and balance of uses and activities.

9.2 A primary area is generally characterised by a high proportion of A1 shopping uses, whilst a secondary area typically incorporates a broader mix of uses such as shops, and non A1 uses including cafes, restaurants, banks, other financial institutions, services, and other uses complementary to a retail and commercial centre. When the retail industry is buoyant and a centre's economic performance is strong such a distribution of uses is likely to be the most appropriate approach, and restrictions to non A1 uses in primary areas



are likely to apply. However, when a retail and commercial centre's performance is poor, due perhaps to local or national economic conditions, and frontages become characterised by persistently high vacancy rates, local planning authorities should consider applying a more flexible strategy. Local planning authorities should decide if restricting change of use from A1 to non A1 uses in primary areas is the most effective strategy. In these circumstances over emphasis on A1 uses alone in primary areas may serve to weaken the centre's prospects of being vibrant and viable; making it more vulnerable to decline. The positive role that non A1 uses such as food and drink, financial, and other services can bring to both primary and secondary areas should be examined by local planning authorities. In addition, the role that residential uses can play in supporting centres should also be recognised. Whilst residential use is unlikely to be appropriate at ground floor level in primary areas, residential use on upper floors can add to a centres vibrancy and viability, increasing footfall and contributing to both the daytime and evening economies of a centre.

9.3 Flexibility to expand or contract primary and secondary areas and to allow changes of use to attract investment and diversify the range of businesses is essential within vulnerable or declining centres. In larger more diverse centres that are more resilient to downturns in the economy a more restrictive approach to change of use may still be appropriate. However, in smaller centres this may not be the case and a more restrictive approach to change of use could act against opportunities to strengthen a centre through greater diversity. Local planning authorities may choose not to define primary and secondary areas in smaller centres where decline is being experienced. Local planning authorities should recognise the role that a retail and commercial centres play and where structural change is occurring identify the most appropriate strategy to address this through their development plan and retail hierarchy.

9.4 Restaurants together with some cafes/coffee shops can provide diversity and vibrancy in centres, increasing the period of time a shopper spends in a centre as well as providing places for social and business interaction. However, individual use classes may contain both desirable and undesirable forms of activity which when clustered together may have a negative cumulative impact. Planning conditions may be used to ensure the most appropriate development is permitted within a use class. The use of Local Development Orders can promote more positive approaches to diversification in established centres.

9.5 Long term vacant property can have a detrimental affect on the appearance and economic performance of a centre. Temporary or 'pop-up' units may be a positive short term option to reduce the impact of vacancies. A pop-up-unit is established on a short term lease through agreement with the landlord and where such shops are successful may lead to a long term tenancy. Whilst pop-up-units are typically used for shops they can be used for other purposes, for example, art galleries and community projects. Local planning authorities should consider using supplementary planning guidance to describe the types of pop-up uses likely to be acceptable in a retail and commercial centre and how they may, if necessary, be controlled through the planning system.



## Changes of Use

9.6 The Town and Country Planning (Use Classes) Order, sets out where changes of use between use classes are permitted and do not require planning permission.

9.7 Changes of use can create new concentrations of single uses, such as take away food outlets, where the cumulative effects can cause local problems. Such proposals should be assessed against the development plan policies, on their contribution to diversification of the retail and commercial centre and on the cumulative effects on matters such as parking and local residential amenity.

## 10. Retail Planning Conditions

10.1 Local planning authorities should use planning conditions to ensure that the character of a development cannot subsequently be changed to create a form of development that would be unacceptable. For example, retail parks can change their composition over time and could in some circumstances create a development that the local planning authority would have refused due to its impact on the vitality and viability of an existing retail and commercial centre.

10.2 Planning conditions are normally applied to restrict or control goods sold, changes of use, division of units, internal increases in floorspace (mezzanine floors) and ancillary uses. Welsh Government Circular WGC 016/2014 – The Use of Planning Conditions for Development Management (2014) sets out how and when conditions should be used, and includes examples of possible planning conditions.

10.3 When considering applying conditions to restrict the sale of goods in out of town developments local planning authorities should consider what items if sold would have an adverse impact upon any established centre and apply an appropriate term, for instance food and drink, or limit the use to the sale of particular items. Any conditions imposed on the types of products sold should only refer to the main categories of goods for example, food and convenience goods, hardware, electrical goods, furniture and carpets and should not seek to control details of particular products to be sold.

10.4 In terms of restricting changes of use, a condition may prevent the change of use of a large retail premises to a food or convenience goods supermarket, where such use might generate an unacceptable level of additional traffic or have a damaging effect on the vitality of a nearby retail and commercial centre. Alternatively a percentage might be applied, for example limiting non-food retail to 30% of the gross retail floor space in a supermarket.

10.5 It may also be appropriate to impose conditions to control the number or size of units to prevent the development being subdivided into a large number of outlets (or vice versa), if the effect of such a change would be to change significantly the nature of the retail development to one that would not have been given permission.



10.6 Shops may be proposed as ancillary to other development such as, petrol stations, motorway service areas, airport terminals, industrial/employment areas, railway stations, sports stadia or other leisure, tourist and recreational facilities this is by no means an exhaustive list. Local planning authorities should ensure that in such cases the retail element is limited in scale and genuinely ancillary to the main development, and should seek to control this through the use of conditions.

10.7 Conditions can also be used by local planning authorities to resolve issues relating to the impact of the development on traffic and the amenity of neighbouring residents, such as the timing of the delivery of goods to shops. In considering restrictions on deliveries, local planning authorities should take account of all relevant factors, including impact on congestion, especially in peak periods. In considering how to mitigate night-time noise, local planning authorities should consider alternatives to a complete ban, such as including codes of practice in planning agreements relating to the number of vehicles and noise standards.

## 11. Mezzanine Floors in Retail Development

11.1 Mezzanines are a way of increasing floor space within a building. Whilst mezzanines can enable more efficient use of land, help generate increased turnover for a business, and in cases negate the requirement to develop elsewhere, they may in some cases undermine retail and commercial centres, generate additional traffic and increase parking requirements. The Town and Country Planning (Development Management Procedure) (Wales) (Amendment) Order 2015) allows local planning authorities to control increases in internal floorspace. Developers are required to submit a planning application for mezzanine proposals greater than 200 square metres. The provision also ensures mezzanines do not undermine local development plan retail strategies. All new retail applications of 2,500 square metres or more of gross floorspace should be supported by an RIA. Local planning authorities may wish to apply an RIA to new mezzanine floor applications.

## 12. Local Development Orders

12.1 Local planning authorities are encouraged to consider how Local Development Orders (LDOs) can assist in the regeneration of retail and commercial centres. An LDO can grant planning permission for certain types of development within a specific area. Their purpose is to simplify the planning process by removing the need for developers to make a planning application. An LDO can cover a geographical area of any size within a local authority area.

12.2 LDOs can be a means of facilitating regeneration within a retail and commercial centre or be a catalyst for change. They can incentivise development and where successful help reduce vacancy rates leading to more vibrant and viable retail and commercial centres.



12.3 An LDO can make decisions on what is and is not acceptable in a designated area, for example, acceptable changes of use on ground or upper floors. LDO rights can be confined to specific developments or specified classes of development, but this is subject to limited exceptions. As with national permitted development rights, an LDO may also impose limitations, for example, by granting permission for a class of development but excluding specified types of development within that class, or development of that class which would be within a specified area or building.

12.4 Removing the requirement to submit a planning application has benefits for both the local planning authority and applicant. The local planning authority has the reassurance of predetermining acceptable uses and as a consequence may be able to direct resources to other schemes or priorities potentially reducing service costs. The applicant has greater certainty in terms of what development or changes of use are acceptable, has minimal engagement with the local authority resulting in lower costs.

### 13. Indicators of vitality and viability

13.1 Regular assessments or 'health checks' of retail and commercial centres provides one means of forming judgements about the impact of policies and developments.

13.2 The use of regular health checks provides a means of monitoring changes over time, and provides the local planning authority with a good understanding of the resilience of its retail and commercial centres to change, and to gauge the significance of the impact of new developments. Regular health checks can also help to inform plan making and development management decisions about the extent of the primary shopping and primary/secondary frontages area, for example, recognising where the role and function of different parts of the centre have changed over time. It is for the local planning authority to determine the frequency of health checks in their retail and commercial centres in order to build up a pattern of changes over time.

13.3 Local planning authorities may wish to use their own, locally specific, indicators as a means of monitoring change over time in their centres. However, the following information will be useful in measuring vitality, attractiveness and viability of established centres:

- turnover in relation to floorspace: turnover figures vary greatly and can be of assistance as an indication of the relative activity of different shopping areas and centres
- commercial yield on non-domestic property: (i.e. the capital value in relation to the expected market rental) may be of assistance in demonstrating the confidence of investors in the long-term profitability of the centre
- shopping rents: pattern of movement in primary shopping area rents (i.e. the frontage which attracts the highest rental value)
- retailer representation and change: present representation and demand from retailers wanting to come into the town, or to change their representation in the town, or to contract or close their representation





- the diversity of uses: how much space is in use for different functions, such as: offices; shopping; other commercial; cultural and entertainment activities; restaurants; hotels; educational uses; housing, and how that balance has been changing
- accessibility: the ease and convenience of access by a choice of means of travel, including the quality, quantity and type of car parking. The availability of public transport services and the quality of provision for pedestrians and cyclists
- pedestrian flow: the numbers and movement of people on the streets, in different parts of the centre at different times of the day and evening, and changes over time
- the proportion of vacant street level property: vacancies can arise even in the strongest town centres, and this indicator must be used with care
- customer views: regular surveys of customer views will assist authorities in monitoring and evaluating the effectiveness of town centre improvements and of town centre management
- environmental quality: this should include information on air quality, noise, trees, landscaping, open spaces, litter and graffiti
- perception of safety/occurrence of crime: this should include information on safety and security.

13.4 In addition to the data categories listed above information can also be collected through other monitoring processes. The Local Development Plan Annual Monitoring Report can be used to assess whether the policies contained within the plan are being implemented successfully and whether change is required. Also, where Local Development Orders have been adopted local planning authorities should seek to include targets that allow them to monitor the Order's success.

## References

<sup>1</sup> Technical Advice Note 6 Planning for Sustainable Rural Communities, Welsh Government, July 2010

<sup>2</sup> Technical Advice Note 12 Design, Welsh Government, March 2016

<sup>3</sup> See Part M of the Building Regulations

