



Cabinet
18 June 2018

**Report from the Strategic Director
of Regeneration and Environment**

**Shopfronts Supplementary Planning Document (SPD3)
Adoption**

Wards Affected:	All except parts of those wards in Tokyngton, Stonebridge, Harlesden and Kensal Green that fall within the Old Oak and Park Royal Development Corporation boundary
Key or Non-Key Decision:	Key
Open or Part/Fully Exempt: (If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)	Open
No. of Appendices:	Three: <ul style="list-style-type: none"> • Shopfronts Supplementary Planning Document (SPD3) - Consultation Statement - June 2018 • Shopfronts Supplementary Planning Document • Draft Shopfronts Supplementary Planning Document (SPD3) Equality Analysis
Background Papers:	<ul style="list-style-type: none"> • Shop fronts and shop signs (SPG 7) • Draft Shopfronts Supplementary Planning Document (SPD3)
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1.0 Purpose of the Report

- 1.1 The paper outlines the consultation responses received between 1 February 2018 and 15 March 2018 on the draft Shopfronts Supplementary Planning Document (SPD3). The consultation responses received have resulted in some minor amendments, with revised text now providing clearer guidance. When adopted by Cabinet the document will replace the existing Brent Shop fronts and shop signs (SPG7) adopted in 2003, which will need to be revoked.

2.0 Recommendations

- 2.1 Cabinet approves the proposed amendments as set out in Appendix 1 and adopts the Shopfronts Supplementary Planning Document (SPD3) as set out in Appendix 2.
- 2.2 Cabinet revokes the existing Brent Shop fronts and shop signs ('SPG7') adopted in 2003.

3.0 Detail

- 3.1 Brent's existing Shopfronts and Shop Signs Supplementary Planning Guidance (SPG7), adopted in 2003, is outdated, referring to planning policies that are no longer part of the development plan. This means that its weight as a material consideration in the determination of planning applications is limited. In addition the new Shopfronts Supplementary Planning Document (SPD3) provides more extensive guidance and clarifies design expectations for applicants, planning officers and the community on what is likely to be granted planning permission.
- 3.2 It is now required by law for Local Planning Authorities to periodically review development plan policies to ensure that they are up to date. It is good practice to review associated supplementary guidance. This is likely to result in sustaining its elevated status as a material consideration in the determination of planning applications. The date of the existing SPG7 hinders the weight that can be attached to it with regards to parts of its content, even though it is still referred to in the determination of planning applications.
- 3.3 Its replacement with SPD3 seeks to provide up-to-date guidance. High quality shopfronts can radically improve the character and appearance of an area. This enhances the experience of the people visiting town centres. It is one strand of a number of initiatives that Brent Council is implementing to increase the vitality and viability of town centres, which is a key corporate priority. The document also addresses the likely increase in demand for changes of use of shop premises to residential. SPD3 will assist with both the determination of prior approvals for permitted development and planning applications.
- 3.4 On 12th January 2018 the Strategic Director Regeneration and Environment in consultation with the Cabinet Member for Regeneration, Growth, Employment and Skills approved the draft SPD3 for consultation. Authority for the Strategic Director to make this decision was delegated by Cabinet decision related to the paper 'Updating the Council's Planning Strategy' agreed 13th February 2017.
- 3.5 The existing SPG7 is out of date with diminishing weight as a material consideration in the determination of planning applications. Its replacement with a more up-to-date document will improve the quality of advice given to applicants, improving the efficiency of the application process and also the community's understanding of the changes to shopfronts that will be regarded as acceptable. Consultation feedback did not indicate any significant objections to the draft document. Appendix 1 takes account of representations received and proposes amendments to the document. It is recommended that SPD3 (amended) as set out in Appendix 2 is adopted by Cabinet. To provide clarity on the status of the existing SPG7, it is recommended that Cabinet formally

revoke this document so that it is no longer regarded as a material consideration in the determination of planning applications.

4.0 Financial Implications

- 4.1 There are not considered to be any significant financial implications. A notification of adoption will be sent to respondees and relevant organisations on the planning policy database. The adopted SPD3 will be available to download from the Council's website, which will reduce the requests for paper copies. Financial costs of meeting these commitments have been accounted for in the Spatial Planning budget.

5.0 Legal Implications

- 5.1 Regulations provide for Local Planning Authorities to adopt SPDs. These documents are to provide more detailed guidance on how a development plan policy will be interpreted in the determination of planning applications. Supplementary planning documents cannot introduce new policy or allocate sites for development. Regulations¹ set out a period of three months for those aggrieved by the decision to challenge the adoption of an SPD through judicial review. Given the non-contentious subject matter, the risk of this happening is considered negligible.

6.0 Equality Implications

- 6.1 The Equality Act 2010 introduced a new public sector equality duty under section 149. It covers the following nine protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. The Council must, in exercising its functions, have "due regard" to the need to:
1. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
 2. Advance equality of opportunity between people who share a protected characteristic and those who do not.
 3. Foster good relations between people who share a protected characteristic and those who do not.
- 6.2 An Equalities Impact Assessment screening opinion has been undertaken (Appendix 3). This identified that converting underused shops to ground floor residential use will provide for more convenient level access for disabled people and families with children in buggies and also for older people who might not be disabled but have issues related to accessibility currently. Improved level access to retail shopfronts will also have similar benefits. The borough and its town centres also have a high representation of BME groups. The regeneration of the area should be positive for these groups due to the improvements which will be made.

7.0 Consultation with Ward Members and Stakeholders

- 7.1 Public consultation was undertaken for six weeks between 1 February 2018 and 15 March 2018. Notice was provided on the Council's website. SPD3 was

¹ Regulation 11(2)(d) of The Town and Country Planning (Local Planning) (England) Regulations 2012

made available on the Council's website to download and hard copies were available at local libraries. In addition, relevant stakeholders on the Council's Planning Policy consultation database were notified (consistent with the regulations).

- 7.2 Eight responses were received to the consultation, including three 'no comment' responses. These are set out in more detail in Appendix 1, along with officer comments and where appropriate recommended amendments to SPD3.

8.0 Human Resources/Property Implications

- 8.1 None arising specifically from the draft Supplementary Planning Document.

Report sign off:

AMAR DAVE

Strategic Director of Regeneration and Environment