

Bolsover District Council

Planning Committee

31st July 2019

Local Development Order to support the Shop Front Repairs Grants Scheme

Report of the Planning Manager

This report is public

Purpose of the Report

- To seek approval for a Local Development Order to grant planning permission for alterations and improvements to shop frontages in Shirebrook covered by the Shop Front Repairs Grants Scheme.

1 Report Details

- 1.1 In April 2017 the Partnership Team secured £167,212 through the Ministry for Housing Communities and Local Government (MHCLG) Controlling Migration Fund to improve the visual appearance of the shop fronts on Shirebrook Market Square as part of the Building Resilience programme, a £1.26m programme for Shirebrook.
- 1.2 A condition survey of the properties was carried out In May 2018 and confirmed that the building stock is of poor quality (all rated C or D overall where C=poor, operational but in need of repair or replacement; and D=bad, non-operational and about to fail).
- 1.3 Based on the poor condition of the properties, the Partnership Team allocated a further £90,000 to a Shop Front Repairs Grants Scheme from programme underspends, targeting physical improvements to the front elevations and shop fronts of independent retail properties, to encourage further investment by the owner/occupiers and to maximise the benefit of other improvement projects taking place on the Market Square.
- 1.4 In April 2019, Economic Development secured a further £375,000 through the Business Rates Pooling Pilot for a Phase Two of the scheme.
- 1.5 The Shop Front Repairs Grants Scheme forms an important part of a wider Market Square Enlivenment project. Working with a range of stakeholders, including MHCLG, Bolsover Partnership, Shirebrook Forward NG20, Shirebrook Academy, Junction Arts, and Chesterfield College a range of activities have been identified as part of the project which have the capacity to:
 - Reduce anti-social behaviour through a market square that looks better and that the community have been a part of improving
 - Improve public perceptions of safety

- Inspire community engagement and social inclusion
- Build community pride and identity
- Support a resilient local economy

- 1.6 To assist delivery of the Shop Front Repairs Grants Scheme, officers consider a Local Development Order (“an LDO”) could be made by the Council (in its capacity as the local planning authority) to give a grant of planning permission to alterations and improvements to shop fronts on Market Square in line with the Shop Front Design Guide produced as part of the Building Resilience programme.
- 1.7 This type of LDO would streamline the planning process by removing the need for the owner / occupier of the affected premises to make a formal planning application to the Council.
- 1.8 Instead, the LDO would allow applicants to seek prior approval of their proposed alterations at the same time as they make a grant application using the same plans they would submit at that time.
- 1.9 Therefore, the Council would be able to offer a ‘one-stop’ service and be able to issue a decision on the grant funding and the planning issues at the same time. Currently, applicants for grant-funding have to apply separately for planning permission once grant funding has been agreed because all alterations to shop frontage require planning permission other than ‘like for like’ repairs.
- 1.10 However, public consultation will need to be carried out before an LDO is adopted and it is intended to publicise the LDO by way of a press advert, site notices (in and around the Market Square) and by notifying the affected premises.
- 1.11 It is also intended to allow a period of 28 days for comments to be made.

2 Conclusions and Reasons for Recommendation

- 2.1 In summary, the LDO would support the significant investment being made in the Market Square by removing red tape: granting planning permission for the works that the Shop Front Repairs Grants Scheme is targeting, avoiding the need for individual properties to gain planning permission, with the time and expense that is involved with that process.
- 2.2 The LDO would be an effective tool to make the planning process easier, thereby encouraging participation in the Shop Front Repairs Grants Scheme. In addition the LDO would encourage desirable improvements within the scope of the design guide. This would ensure the LDO delivered a consistent high quality design across the Market Square and help achieve the social aims of the Market Square Enlivenment project.
- 2.3 The fact that the LDO applies regardless of whether the improvements are being carried out as part of the scheme means that if a property owner decides to improve their shop front independently, they still would not need specific planning permission as long as the works are within the scope of the design guide, leaving a legacy beyond the life of the funding.

- 2.4 Finally, planning fees are eligible expenditure under the scheme, therefore removing the expense would increase the amount of grant funding available for improvements. The streamlined process will also reduce officer time on dealing with applications through the formal process.

3 Consultation and Equality Impact

- 3.1 If the proposals for an LDO to support the Shop Front Repairs Grants Scheme is approved, it will need to be subject to formal consultation before it is put into place. However, public consultation is unlikely to give rise to any major issues because of the nature of the proposals.
- 3.2 Similarly, the proposals are unlikely to have any negative impact on any person with a protected characteristic or group of people with a shared protected characteristics because the proposals are designed to improve the environmental quality of the Market Place for everybody.
- 3.3 In the alternative, specific improvements for accessibility improvements can be proposed under the LDO process and the LDO process would make the planning system more accessible for those wishing to make an application for grant funding or carry out improvements to their premises privately.

4 Alternative Options and Reasons for Rejection

- 4.1 Alternative options include 'do nothing' or 'widen the scope' of the proposed LDO. The do nothing option was rejected because this would simply maintain the status quo and do nothing to support the Shop Front Repairs Grants Scheme.
- 4.2 The option to widen the scope of the LDO has been deferred rather than rejected because it is considered that it would be useful to understand how effective this LDO has been to be able to review and if necessary; then refine any additional LDOs.
- 4.3 In addition, funding for shop front repairs to other premises off Market Street have not yet been agreed under the terms of Phase Two of the scheme that is being funded from Business Rates Pooling Pilot.

5 Implications

5.1 Finance and Risk Implications

- 5.1.1 If the Council were to accept applications of prior approval under the LDO without an application fee then there would be some loss of income. The normal fee for an application for planning permission for shop front alterations would be £234.
- 5.1.2 Therefore, there would be a potential loss of fee income of c. £10,000 if there was a significant uptake in premises seeking prior approval through the LDO process albeit these applications may not have come forward in the first place if an LDO was not in place.

- 5.1.3 Equally, the saving made by applicants on the application fee and associated costs of making a formal application would help to maximise the amount of grant funding available to facilitate shop front improvements.

5.2 Legal Implications including Data Protection

- 5.2.1 The LDO process is regulated through the planning acts and if agreed will need to be subject to public consultation prior to being put into place. Once it is in place, the LDO would grant planning permission for prescribed works to shop frontages subject to conditions.
- 5.2.2 The LDO would not grant advertisement consent for new signage because adverts are considered under a different regulatory regime. However, many of the premises involved will have 'deemed consent' for new signage and therefore, will not have to make a separate application for advertisement consent by virtue of the presence of existing signage.
- 5.2.3 The proposed LDO would not otherwise grant planning permission for EIA development because the site is not in a sensitive area (as defined by the EIA regulations) and the types of development that would be granted planning permission by the LDO would be highly unlikely to have any significant effects on the environmental quality of the local area (from an EIA perspective).
- 5.2.4 The LDO process does not give rise to any specific data protection issues other than the personal details of any consultees responding to consultation on the LDO would be dealt with in accordance with the Planning Service's existing privacy statement.

5.3 Human Resources Implications

- 5.3.1 These proposals do not give rise to any significant increase in existing workloads but the Planning Service has sought a limited amount of funding from the Business Rates Pooling Pilot to cover officer time on putting in place an LDO and offset loss of fee income to cover officer time spent on dealing with prior approvals.

6 Recommendations

- 6.1 Subject to further public consultation (as set out in paras 1.10 & 1.11), a Local Development Order is put in place to support the Shop Front Repairs Grants Scheme for the following reason:

The reason for the Local Development Order is to support the significant investment being made in improving the environmental quality of the Market Square in Shirebrook by (i) streamlining the planning process for the works that the Shop Front Repairs Grants Scheme is targeting, (ii) speeding up the delivery of grant money and subsequent improvements to the Market Square, and (iii) ensuring a consistent high quality of design is achieved that provides a long-lasting legacy that will benefit the local community, improve the character and appearance of the local area and improve the local economy.

- 6.2 The Local Development Order shall grant planning permission for alterations and improvements to shop frontages, including replacement windows and doors, new or

replacement canopies, new or replacement cladding, new or replacement fascia, new or replacement shutters and similar items, for all premises located within the areas edged red on the plan attached as Appendix A.1 operating either an A1 Use (retail), A2 Use (professional offices), A3 Use (cafes), A4 Use (drinking establishments) or A5 Use (hot food takeaway) at street level, subject to the following conditions:

- Prior approval of the external appearance of the altered frontage and external facing materials to be used in any proposed alterations must be obtained from the Local Planning Authority prior to the commencement of any development;
- The design of the proposed alterations and the final external appearance of the shop frontage must be in accordance with the design principles set out in the Shop Front Design Guide.
- There must be no alterations to the shape to the main roof over the existing premises.
- Any alterations approved under this Order must be completed within two years of approval
- This Order will expire and no longer take effect after 31 December 2022.

6.3 The Order shall take effect following public consultation subject to no adverse comments being received on substantive planning grounds as a result of this consultation, in which case the matter would be brought back to Planning Committee for further consideration.

7 Decision Information

<p>Is the decision a Key Decision? A Key Decision is an executive decision which has a significant impact on two or more District wards or which results in income or expenditure to the Council above the following thresholds: BDC: Revenue - £75,000 <input type="checkbox"/> Capital - £150,000 <input type="checkbox"/> NEDDC: Revenue - £100,000 <input type="checkbox"/> Capital - £250,000 <input type="checkbox"/> <input checked="" type="checkbox"/> Please indicate which threshold applies</p>	No
<p>Is the decision subject to Call-In? (Only Key Decisions are subject to Call-In)</p>	No
<p>Has the relevant Portfolio Holder been informed</p>	Yes
<p>District Wards Affected</p>	All
<p>Links to Corporate Plan priorities or Policy Framework</p>	All

8 **Document Information**

Appendix No	Title	
1	Plan of Market Place	
Background Papers (These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet (NEDDC) or Executive (BDC) you must provide copies of the background papers)		
Shop Front Design Guide		
Report Author		Contact Number
Chris Fridlington		EXT2265

Appendix 1: Site Location Plan

