

Bolsover District Council

Executive

28th September 2020

Extension to Local Development Order to support the Shop Front Repairs Grants Scheme

Report of the Portfolio Holder - Corporate Governance

This report is public

Purpose of the Report

- To seek approval for an extension to the Local Development Order to grant planning permission for alterations and improvements to shop frontages in Shirebrook covered by the Phase 2 Shop Front Repairs Grants Scheme.

1 Report Details

Background

- 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 and shutters on Shirebrook Market Square as part of the Building Resilience programme, a £1.26m programme for Shirebrook.
- 1.2 Of this funding, £90,000 was allocated to a Shop Front Repairs Grants Scheme, 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.
- 1.3 The Shop Front Repairs Grants Scheme is managed by the Economic Development Team and provides financial support to shop owners and tenants to improve the visual appearance of their shop fronts. Applications to the scheme have been made for 12 shop fronts, of which 8 have been approved to date, allocating £68,132.42 of grant funding.
- 1.4 The scheme is supported by a Local Development Order that grants an 'automatic' planning permission for alterations to shop fronts in the Market Square providing they are in accordance with the Shop Front Design Guide. This document is an illustrative guide to a set of design standards that are intended to enhance the external appearance of the premises fronting on to the Market Square.

Phase 2

- 1.5 In order to secure continuation of the scheme beyond March 2020, the Economic Development Team were successful in securing a further £375,000 through the Business Rates Pooling Pilot for a Phase Two of the Scheme. This funding was received in October 2019 and permission was sought from the funder (Derbyshire County Council) to extend the Shop Front Repairs Scheme to a wider geographical area, which was granted in January 2020.
- 1.6 The Shop Front Repairs Grants Scheme aims to improve shop fronts as a way of supporting the growth of local businesses, improving the local environment and improving perceptions of the area amongst local residents and visitors. Phase 2 of the Shop Front Repairs Grants Scheme is available to both existing independent businesses, and owners of vacant units that are located within the following eligible areas -
 - Market Square
 - King Edward Street
 - Patchwork Row
 - Main Street
- 1.7 To assist delivery of the Phase 2 Shop Front Repairs Grants Scheme, officers consider wider deployment of the Local Development Order (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 within the wider eligible geographical areas, in line with the Shop Front Design Guide produced as part of Phase 1 of the Scheme.
- 1.8 The extension of the LDO would streamline the planning process by removing the need for the owner / occupier of the affected premises to make a full planning application to the Council.
- 1.9 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.
- 1.10 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 frontages require planning permission other than 'like for like' repairs.
- 1.11 Public consultation has to be carried out before an extension to the LDO is adopted. The LDO extension has been publicised by way of a press advert, site notices, and

by notifying the affected premises. A period of 28 days has been allowed for comments to be made.

2 Conclusions and Reasons for Recommendation

- 2.1 In summary, the extension to the LDO would support the significant investment being made in the Town Centre 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 a wider area than just the Market Place. 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 Town Centre.
- 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 an 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 The proposed extension to the LDO to support the Shop Front Repairs Grants Scheme has been subject to a formal consultation for a 28 day period. One letter has been received which expressed support for the scheme but asked if it could be extended to include a retail shop, a hot food takeaway and a car sales business on Central Drive. No other representations have been received as a result of the consultation.
- 3.2 Unfortunately it is not possible to extend the LDO outside the town centre and main shopping frontages of Shirebrook at this time as funding is not currently available to extend the scheme to individual premises within the area.
- 3.3 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 Town Centre for everybody.
- 3.4 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 When the original LDO was considered, the alternative options included '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. The do nothing option at this stage would do nothing to support the Scheme across the wider town centre.
- 4.2 The option to "widen the scope" of the LDO was originally deferred rather than rejected because it was considered that it would be useful to understand how effective the original LDO had been. Funding for shop front repairs to other premises off Market Street had not been agreed under the terms of Phase Two of the scheme that is being funded from Business Rates Pooling Pilot. As this funding is now secured the "widen the scope" to support the Shop Front Repairs Grants Scheme in the wider town centre is considered appropriate

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. 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 extended 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.

6 Recommendations

- 6.1 An extension to the Local Development Order is put in place to support the Shop Front Repairs Grants Scheme across the wider area

- 6.2 The reason for the extension to 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 Town centre, 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.

- 6.3 The Extended 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 green, blue and red on the plan attached as Appendix A.1 operating either in an A1 Use (retail), A2 Use (professional offices), A3 Use (cafes), A4 Use (drinking establishments) or A5 Use (hot food takeaway) and/or Class E and Class F (business premises and community facilities) at street level, subject to the following conditions:

- Prior approval for the 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.
- Any alterations approved under this Order must be completed within two years of approval

Development not permitted:

- There must be no alterations to the shape to the main roof over the existing premises.

- 6.4 That the Order shall take effect following approval by the Executive.

- 6.5 That delegated authority be granted to the Planning Manager (Development Control) to grant and/or grant delegated powers to other officers in the Planning Service to grant prior approval for subsequent applications made under this LDO.

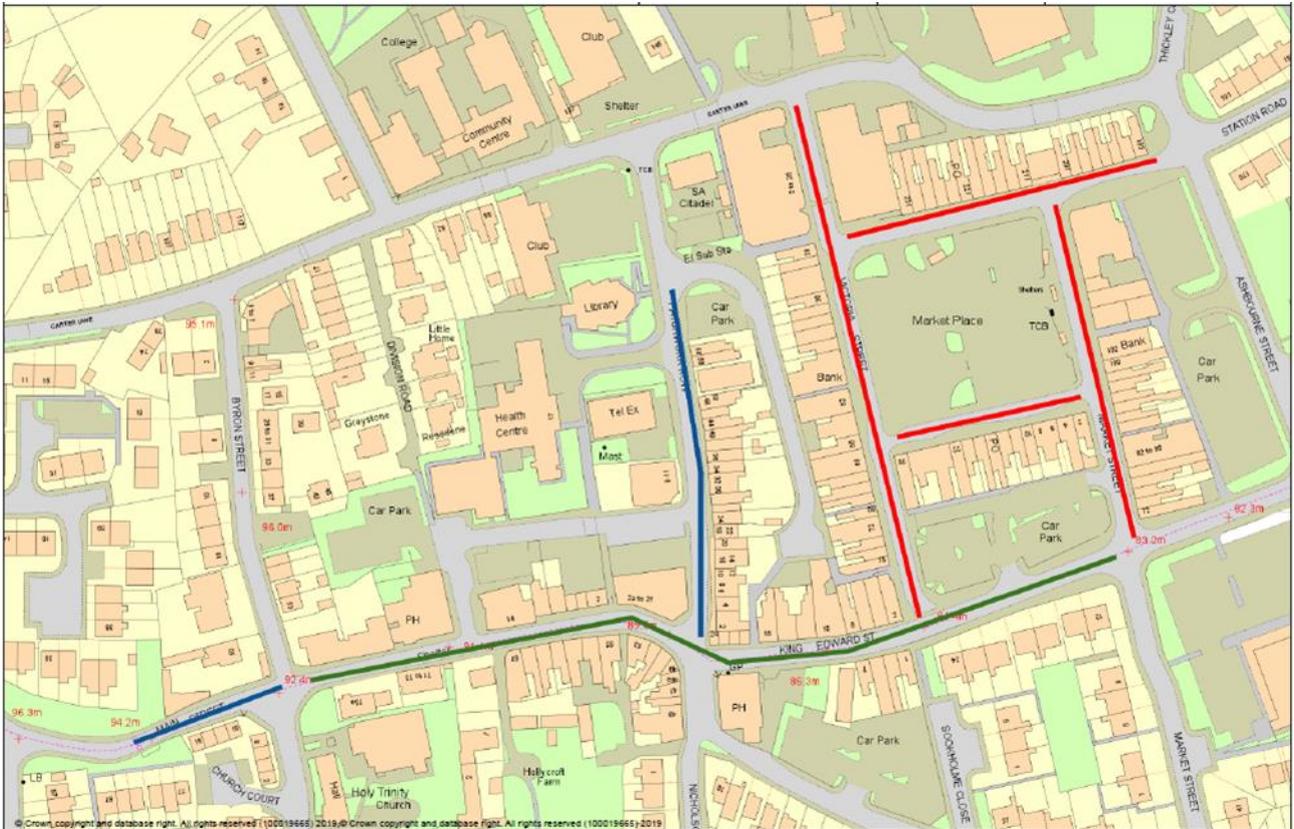
7 Decision Information

<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: <i>BDC: Revenue - £75,000</i> <input type="checkbox"/> <i>Capital - £150,000</i> <input type="checkbox"/> <i>NEDDC: Revenue - £100,000</i> <input type="checkbox"/> <i>Capital - £250,000</i> <input type="checkbox"/> <input checked="" type="checkbox"/> <i>Please indicate which threshold applies</i></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>	Shirebrook
<p>Links to Corporate Plan priorities or Policy Framework</p>	All

8 Document Information

Appendix No	Title
1	Plan of Shirebrook Town Centre
<p>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)</p>	
Shop Front Design Guide	
Report Author	Contact Number
Chris Fridlington & Karen Wake	EXT: 2354 or 2266

Appendix 1:



- Existing Coverage – Market Place**
- Extended Coverage – Patchwork Row and Main Street**
- Extended Coverage – King Edward Street**