



THE ROYAL BOROUGH OF KENSINGTON AND CHELSEA  
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Councillor Sir Merrick Cockell  
Leader of the Council

Rt Hon Eric Pickles MP  
Communities and Local Government  
Eland House  
Bressenden Place  
London  
SW1E 5DU

26<sup>th</sup> October 2010

Dear Eric,

In 2006 the Royal Borough held a Retail Commission to look into what could be done to protect the diversity of the Royal Borough's retail offer, which is highly valued by our residents, amid particular concerns that smaller independent retailers were in danger of being forced out. The Commission set out to specifically to look into:

1. How best to can we get the right balance between popular chains stores, smaller or specialist shops, boutiques and restaurants?
2. What new ideas and perhaps legislation could help balance market powers with the needs of local communities?
3. Can local retail area be protected in a similar way to buildings?

The Commission concluded that there was a very real threat that High Streets and other retail centres become increasingly dominated by major retail chains, reducing their diversity and distinctiveness and squeezing out locally-owned and run businesses. The Commission's recommendations to address this problem were divided into recommendations for Government, local authorities, landlords, chain stores and small and independent retailers. The full report can be viewed at <http://www.rbkc.gov.uk/pdf/Council%20response%20to%20retail%20commission.pdf>

The most important recommendation for Government was to grant two new planning powers:

- A change to the Use Classes Order to create a new use class for small shops (less than 80m<sup>2</sup>) so that planning permission would be required to amalgamate small units into larger ones (which are more attractive to major retailers), but not to divide a large units into smaller ones; and

- A change to the Use Classes Order to create a new class for coffee shops and internet cafes. Currently there is an anomaly in that coffee shops and internet cafes are defined as A1 shops. Consequently, planning permission for change of use from a retail shop to this type of use is not needed (whereas it would be for a change to a restaurant or a café). This allows such outlets to proliferate on High Streets unchecked, to the possible detriment of their character and attractiveness to shoppers.

The Council has lobbied CLG for these changes since 2007. The previous Government declined to make the changes we requested and in March 2010 a petition was submitted to the Prime Minister's Office, specifically requesting powers to prevent the amalgamation of small units. The petition received more than 500 signatures but in September 2010 the Government gave a response, again, declining to make the changes requested:

*'The Government understands the concerns raised about 'clone towns' and we recognise how important it is to help local communities to protect their town centres and ensure genuine shopping choice for local communities. However, it is not its role to restrict competition or give preference to one retailer over the other.*

*The Town and Country Planning (Use Classes) Order 1987 (as amended), which governs change of use, works by grouping together uses with similar impacts into classes and changes of use within a class do not require planning permission. Shops, regardless of their size, fall into the same use class. The Use Classes Order is intended to be a deregulatory mechanism which removes unnecessary (because their impacts are considered to be similar) planning applications from the system and so allows resources to be directed to where they are most needed.*

*However, local authorities do have other planning tools to help them shape the way their high streets develop and reflect their local circumstances. For example, Planning Policy Statement 4: Planning for Sustainable Economic Growth asks local authorities to plan, through their Local Development Frameworks, for a strong retail mix so that the range and quality of retail on offer meets the requirements of the local area and where appropriate, to take measures to protect and enhance the established character and diversity of their town centres. In some circumstances, where there are sound planning reasons for doing so, conditions may be attached to planning permissions for commercial development to control the number or size of units comprised within the development.*

*In the Coalition Agreement, the Government stated that it will publish and present to Parliament a simple and consolidated national planning framework covering all forms of development. We will make an announcement on how we proposed to take forward the national planning framework and the implications for specific areas of planning policy.'*

The problem with this response is that the tools that are identified are not able to address the issue of the petition. We have set out a vision for a strong retail mix in our LDF Core Strategy places chapters because the Core Strategy must reflect a holistic vision for a place, not just those aspects that can be controlled through planning. But this has the effect of creating the expectation that the Council has the

power to protect and enhance the established character and diversity of an area like Portobello Road when we do not. Conditions can only be attached to new developments, not existing properties, so they are not a method by which small retail units in long established areas like Portobello Road can be protected. If there is any opportunity to feed into emerging planning policy we urge you to consider giving Local Authorities powers to designate particular areas where they are able to apply place-specific planning policies like protecting small retail units from amalgamation into larger units, and protecting change of use of specific use classes.

The Council would be very pleased to discuss this further with CLG officials if this would be helpful.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Cc John Howell MP'. The signature is stylized and cursive.

Cc John Howell MP.