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The Future of Planning

Reimagining Retail



“Mixed-use solutions are being introduced to turn locations facing decline into investable new destinations.”



A changing landscape

The world of retail is rapidly transforming. Lifestyle changes coupled with market disruption from online shopping, increasing rates and the impact of the recent Covid-19 pandemic are creating the perfect storm. A new vision is often needed to introduce a new mix of complementary uses and services to create vibrant and resilient destinations.

With a top ranked UK planning team, CMS’ unparalleled experience in this sector can help you unlock your repurposing vision.

Placemaking

Planning plays a key role in reimagining existing retail destinations. The creation of places is about the crafting of experience. Addressing the needs of occupiers, visitors and the community from an early stage can produce a more successful destination.



Flexibility is key. We see repurposing retail as a chance to create new forms of permissions, delivering greater future flexibility in a highly dynamic market.

There is a real opportunity to breathe new life into existing retail destinations. Placemaking and infrastructure, combined with an understanding of planning policy and the challenges of land assembly, are essential elements to create viable outcomes.

What's key?

Landlords are reimagining shopping centres and out-of-town retail parks. Shopping destinations are being reassessed with development in mind, often fuelled by the need for new housing, particularly PRS.

We are advising on a range of solutions from enhancing and repositioning the retail and leisure offer to larger scale extensions. We help our clients evaluate the options and deliver robust legal planning strategies to secure the necessary consents.



Vacant space is also being repurposed to introduce a more dynamic and focused mix of appropriate uses to create accessible and desirable places to live, work and play.

By embracing online opportunities existing operators can repurpose units to display products to facilitate web-based sales. Logistics warehousing for online retailers is also being introduced – **but there are challenges.**

Challenges include protecting the existing asset and operation of the shopping centre or retail park. We often review the joint venture and headlease arrangements and the debt structures that may exist. We act for developers and investors in planning these schemes, and on the joint venturing, forward funding, sale and acquisition elements.



Policy

Consideration of local policy will be vital when considering development proposals for large retail sites.

Large retail sites will often be in designated retail areas under local plans. Policies may even resist redevelopment where there is a loss of retail space. If a site is in an area that is undertaking a plan-making process, landowners and developers should engage fully and make representations to cater for their proposed development.

Where residential proposals are being considered, developers should also establish if there is a five-year housing land supply. Restrictive retail policies may be out of date and the national policy's presumption in favour of sustainable development may apply.

Mixed-use

From repositioning existing uses to introducing new ones, the planning strategy will be crucial.

We are advising clients on the most effective strategies to deliver change and to secure flexible permissions to allow for future evolution without the need for further applications. Options include

the use of permitted development rights, non-material amendment applications and change of use applications.

Land assembly

Joint ventures with a local authority to enable the exercise of compulsory purchase powers may be an option to acquire land.

Fragmented ownership may restrict repurposing proposals. Land assembly can be a challenge to creating a comprehensive development scheme. Public-private partnership along with transparent community engagement can be key to unlocking

opportunities. Investment partnerships can also be set up to facilitate the funding. These joint ventures can also incorporate specialist residential developers as additional parties.

Our top ranked specialist team is one of the largest in the UK. **We work with the main players and understand the challenge that the delivery of a new generation of shopping destinations entails.** No two schemes are alike, but our extensive experience helps give our clients an edge.

CMS has more than 800 qualified lawyers working in real estate, spanning 42 countries and 75 offices – making us the largest team in the UK and in Europe. We take on the most complex projects and are currently advising on developments cumulatively valued at over £30bn. We act for around two thirds of the top 100 European real estate investors.

Our wealth of real estate and planning experience means that our team can deal with all aspects of real estate investment, finance, development, asset management and sale, with a depth of expertise across all asset types. As well as being pre-eminent in real estate, our teams in planning, construction, funds, tax, finance, and disputes are independently recognised as market leading.

We have unrivalled expertise in helping our clients deliver complex mixed-use regeneration schemes, often in ground breaking public/private sector partnerships, delivering change for the benefit of local communities for generations to come. Innovation and delivery in this area are something we and our clients are passionate about.

Reimagining retail is a significant opportunity to restore value to declining assets. A strategic approach is necessary to ensure long-term flexibility to adapt to future needs. CMS can help you plan, unlock, consent, construct and operate your vision.



Our experience

- Strategic legal advice on major new development at shopping centres, retail parks and department stores across the UK.
- Using minor non-material amendments procedures to change/reconfigure retail assets to introduce new uses.
- Negotiating bespoke affordable housing deals where repurposing involves residential.
- Legal issues involving development on surplus land/car parks and extensions.
- Diversification of uses (including last-minute logistics, offices, residential, leisure, flexible workspace, F & B).
- Advice on securing new permissions for flexible uses to allow mix to evolve according to market demand.
- CIL mitigation strategies.



Get in touch



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