

Response ID ANON-UT5F-QYT2-M

Submitted to **Technical Consultation on the Consequential Changes to the Permitted Development Rights**
Submitted on **2021-06-03 20:21:01**

Introduction

Name:

Name:

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What is the type of organisation that you work for?

Charity or voluntary organisation

If other please specify::

If applicable, what is the name of your organisation?

Organisation:

POS (Planning Officers Society)

What is your position in the organisation?

What is your position in the organisation?:

Policy Manager

Personal Data

I confirm that I have read, understand and agree to the above

Yes

Privacy notice

I confirm that I have read, understand and agree to the above

Yes

Q1) Minor technical changes

Q1. Do you have any comments on the proposed minor technical changes?

No

Please give your comments::

Q2) Part 3, Class A

Q 2(a) Do you agree that there should be single Part 3 right to allow the change of use from:(m) casino (Classes C, K (part), (n) betting office (Classes C, E, F J (part), JA)(o) pay day loan shop (Classes C, E, F, J (part), JA)(r) hot food takeaway (Class A)to the Commercial Business and Service use class?

Yes

Please give your reasons::

Yes but, appropriate size limits should be introduced to allow local planning authorities to properly assess the impacts of the proposals and for local communities to have a proper say, through a planning application. These proposals are likely to affect important anchor retail, business and service uses. These will be substantial proposals, with long term impacts, and it would not be democratic to allow these to proceed without proper consideration and scrutiny at the local level.

Q 2(b) If there is agreed to be a single right, do you agree that this single right should not be subject to any limitations, such as a size limit, or exclusions for listed buildings etc?

No

Please give your reasons::

No, listed buildings should always be excluded from permitted development rights. Otherwise permitted development would harm the architectural and historic value of many areas across the country. If it would not cause harm then a planning application would be approved.

If government does go ahead the legislation would need to require a consideration how 'impact' will be defined and how it is expected to be interpreted in law. If PD is allowed on listed buildings it is likely to confuse many building owners, who may not realise they need listed building consent for physical alterations.

Many Casinos can have a large footprint and be out of town locations. Changing these to Commercial and Business Service use class may have a large impact on an area. This impact should be assessed in terms of impact upon highway, sequential test to understand the impact upon existing businesses in an area.

Q 2(c) If there is agreed to be a single right, do you agree that this single right should not be subject to conditions, such as matters for prior approval in respect of restaurants or other uses?

No

Please give your reasons::

Commercial units can have impacts on the existing residential populations, especially residents living in buildings converted under permitted development rights, these can be in locations not usually associated with residential or with a particularly close relationship with commercial buildings. Therefore POS suggests the following are added to prior approvals;

Assess impact on vitality and viability of town centre or smaller scale designated centre

Consideration of adjacent or nearby businesses in an area and not introducing noise sensitive residential use in an area which would be incompatible with existing business

Transport impacts to include parking

No changes to external appearance

Size limit to the change of use

Fire safety

Sustainability requirements

CIL should be required in relevant areas or S106 amounts for infrastructure in non CIL area.

In addition, in order to avoid existing viable businesses being lost there should be a requirement for units to have been vacant for a material length of time – for example two years and there should be evidence to demonstrate that the premises had been actively marketed using a benchmark rental level for the local area

Q 2(d) Given the flexibility to move within the use Commercial, Business and Service use class, do you agree that any single consolidated right should not provide an exclusion in respect of offices in article 2 (3) land?

No

Please give your reasons::

Article (3) land includes;

a conservation area; or

an area of outstanding natural beauty; or

an area specified by the Secretary of State for the purposes of enhancement and protection of the natural beauty and amenity of the countryside; or

the Broads; or

a National Park; or

a World Heritage Site.

All of the above are important assets which the Government should support their continuing importance. Applications in Article 2(3) land should be assessed via a planning application and would be approved if an acceptable level of impact. It is important to note that on average 9 out of 10 planning applications are approved

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/972909/Planning_Application_Statistics_-_October_to_December_2020

The proposal suggests that conservation areas have value merely because of their aesthetic or visual appearance, whereas the General Duty with regard to conservation areas in exercise of planning functions (s71 LBCA Act) requires "special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area". The uses within an area will be part of the set of components that contribute to its character. This is not just about individual buildings within a conservation area but the wider townscape. Allowing uses to change via PD without the full examination of a planning application undermines the duty placed upon the Secretary of State, LPAs and others in the exercise of their planning functions.

The NPPF defines a conservation area as a designated heritage asset in the same way that it defines a World Heritage Site. This consultation proposal would not allow for the application of the tests set out in paragraphs 195 or 196 of the NPPF. This, POS believes, would lead to significant consequences across the country and devalue our conservation areas and in turn devalue the concept of conservation by eroding the special architectural or historic interest of an area. Any new permitted development right should not apply in conservation areas, they should be a planning application which will allow full assessment of the proposal

including the tests in the NPPF.

The character of a conservation area goes beyond built form but also includes the uses which underpin its character as a place. A conservation area with converted ground floor units and more residential paraphernalia would be very different to the character and appearance of a town centre conservation area today, likely to include a mix of uses. The cumulative impact of incremental changes are likely to lead to an overall degrading of an areas special character or historic interest.

All Article 2(3) areas should be excluded and each application should seek full planning permission to allow full assessment.

Q3) Part 3, Class G

Q3. Do you agree that the existing Class G right of Part 3 should be broadened to allow for up to 2 flats above (mixed use) any premises in the Commercial, Business and Service use class?

No

Please give your reasons::

These proposals come despite the Government's own research highlighting how conversions to residential through change of use PDR can fail to meet adequate design standards, avoid contributing to local areas and create worse living environments. The report also found that PDR undermined the ability of councils to bring about positive changes to their places by limiting their influence to repurpose town centre assets. Councils and their communities have already been left with a long-term legacy of negative impacts resulting from some of the 19 amendments to the General Permitted Development Order since 2015.

The proposals will add to the affordable homes crisis, it will lead to unsustainable patterns of development and removes the possibility of mitigating the impact of new residential through S106 agreement, the proposals would add to existing pressures on infrastructure and fail to provide infrastructure to go with the new homes.

One of those tools [to manage town centres] is the ability, which councils can exercise under the existing prior approval process for retail conversions, to take into account the impact the conversion of an individual unit will have on the vitality of the surrounding shopping area.

If new homes are continued to be allowed through PDRs POS suggests the following are added to prior approvals;

- Assess impact on vitality and viability of town centre or smaller scale designated centre

Nationally Described Space Standards (NDDS)

Requirement for amenity space

Provide a mix of homes in line with Local Authority housing need

Provide 35% affordable housing

- Air quality for future residents

- consideration of adjacent or nearby businesses in an area and not introducing noise

sensitive residential use in an area which would be incompatible with existing business

- Noise quality for future residents

- Transport impacts to include parking

- No changes to external appearance

- Affordable housing requirement in line with local policies

- Size limit to the change of use

- Fire safety

- Sustainability requirements

- CIL should be required in relevant areas or S106 amounts for infrastructure in non CIL area.

- Not allowed in employment areas designated in local plans and agreed by the Planning Inspectorate (no need for article 4 direction)

- In addition, in order to avoid existing viable businesses being lost there should be a requirement for units to have been vacant for a material length of time – for example two years and there should be evidence to demonstrate that the premises had been actively marketed using a benchmark rental level for the local area.

sense of safety

Q4) Part 3, Class H

Q4. Do you agree that the Class H right of Part 3 be amended to allow change of use from 2 flats mixed use with Commercial, Business Service use to Commercial, Business Service use?

No

Please give your reasons::

No, The government is clear on delivering homes POS does not follow why a permitted development right would be allowed to change use from residential to commercial use. This may have a negative impact on the housing supply in an area.

Generally permitted development rights should be for limited extensions to a residential home, not changing homes into commercial and vice versa. The impact of such proposals should be considered via a planing application with community involvement.

Q5) Part 3, Class I

Q5. Do you agree that the Class I right of Part 3 for the change of use from industrial, or storage and distribution, to light industrial use is withdrawn?

Yes

Please give your reasons::

Yes, this is sensible as the PD right could currently allow critical B8 and B2 space move to Class E. Which can then move to residential. It is important to protect these use classes and other commercial floorspace to protect jobs in an area as well as supply high quality homes.

Q6) Part 3, Class J

Q 6(a) Do you agree that permitted development rights are amended to no longer allow the change of use to uses from the former D2 Assembly and leisure use class?

Yes

Please give your reasons:

Q 6(b) Do you agree that the Class J Part 3 right that provides for the change of use of retail uses, betting office or pay day loan shop to the former D2 assembly and leisure use class is withdrawn?

Yes

Please give your reasons::

Q7) Part 3, Class K

Q7. Do you agree that the Class K Part 3 right that provides for the change of use of casinos to the former D2 assembly and leisure use class is withdrawn?

Yes

Please give your reasons:

Q8) Part 3, Class M

Q 8(a) Do you agree that the Class M right of Part 3 be amended to continue to allow the change of use from a hot food takeaway, betting office, pay day loan shop, or launderette to residential C3 use?

No

Please give your reasons:

For the reasons stated previously

Q 8(b) Do you agree that the Class M right of Part 3 should allow for prior approval on the adequate provision of local services as a launderette?

Yes

Please give your reasons::

Yes, but it is hard for POS to understand why laundrettes are protected when jobs on the whole are not, and the government is introducing expanded permitted development rights are allowing poor quality homes in unsustainable locations and with no infrastructure.

Q9) Part 3, Class R

Q 9(a) Do you agree that the Class R right of Part 3 should be amended to expand the flexible use of agricultural buildings to include the Commercial Business and service use class?

Yes

Please give your reasons:

Yes, but the 500 sqm is critical to be sure that permitted development rights are not sed a a loop hole across agricultural land to change into commercial and then residential homes in the countryside.

Q 9(b) Do you agree that the Class R right of Part 3 should be amended to no longer allow the flexible use of agricultural buildings for those uses within the former D2 assembly and leisure use class?

Yes

Please give your reasons::

Q10) Part 3, Class S

Q10. Do you agree that the Class S right of Part 3 is amended to allow only for the change of use of an agricultural building to a state funded school?

Yes

Please give your reasons::

Q11) Part 3, Class T

Q 11(a) Do you agree that the Class T right of Part 3 is amended to allow the change of use to a state funded school, and no longer allow the change of use to a registered nursery?

Yes

Please give your reasons::

Q 11(b) Do you agree that the Class T right of Part 3 be amended to additionally allow for the change of use from the Commercial, Business and Service use class to a state funded school?

Yes

Please give your reasons::

Q 11(c) Do you agree that the Class T right of Part 3 be amended to no longer allow for the change of use from uses in the former D2 assembly and leisure use classes, such as cinemas and live music venues, and from the F2 use class?

Yes

Please give your reasons::

Q12) Part 4, Class C

Q 12(a) Do you agree that the Class C right of Part 4 be amended to no longer allow for the change of use from uses now within the Local Community (F2) use class?

Yes

Please give your reasons:

Q 12(b) Do you agree that the permitted development right is amended to no longer allow the change of use from uses within the former D2 Assembly and leisure use class?

Yes

Please give your reasons::

Q13) Part 4, Class CA

Q13(a) Do you agree that the Class CA right of Part 4 be amended to additionally allow for the change of use from vacant land within the Commercial, Business and Service use class?

No

Please give your reasons::

No, Schools are an important part of community infrastructure if these are opened in an adhoc way via permitted development there is a risk they will be in unsustainable locations and close, harming children's education. New schools have an impact on the highway network and often require conditions of green travel plans and allowing the community to use premises in the evening. These proposals should be assessed via a planning application not permitted development.

Q 13(b) Do you agree that the Class CA right of Part 4 be amended to no longer allow for the change of use from vacant land uses in the former D2 assembly and leisure use classes, such as cinemas and live music venues, and in the Local Community F2 use class?

Yes

Please give your reasons::

Q14) Part 4, Class D

Q14. Do you agree that the Class D right of Part 4 is amended to allow the temporary change of use? From: the Commercial, Business and Service use class (E), and specified article 3 (6) uses: hot food takeaway (r), betting office (n) and pay day loan shop (o) To: Another Commercial, Business and Service use class (E) use, or specified F1 Learning and non-residential institutions uses: display of art (b), museum (c), public library (d), public hall or exhibition hall (e)

Yes

Please give your reasons:

Q15) Part 7, Class A

Q 15(a) Do you agree that a single Part 7 right, merging Classes A and F, allow for the extension or alteration of buildings in the Commercial Business and Service use class?

Yes

Please give your reasons::

Q 15(b) Where a single right is introduced, do you further agree that the Part 7 right allow for ground floor extensions only: no higher than 4 metres, or within 2 metres of boundary?

Yes

Please give your reasons::

But also not next to a residential property

Q16) Part 7, Class E

Q 16(a) Do you agree that a single Part 7 right merges Classes E and G, and which is broadened to allow for hard surfaces for premises in the Commercial Business and Service use class?

Yes

Please give your reasons:

Yes but this should include a requirement for semi-permeable surface, similar to residential permitted development and in light of severe flooding across England. It should also have a size limit so biodiversity is not substantially impacted and lost. This permitted development rights do sit at odds with the Biodiversity Net Gain proposals coming forward in the Environment Bill.

Q 16(b) Do you agree that the single Part 7 right also allow for hard surfaces for a public house, wine bar or other drinking establishments, drinking establishment with expanded food provision, and hot food takeaways listed in article 3 (6)?

Yes

Please give your reasons::

Yes but this should include a requirement for semi-permeable surface, similar to residential permitted development and in light of severe flooding across England. It should also have a size limit so biodiversity is not substantially impacted and lost. This permitted development rights do sit at odds with the Biodiversity Net Gain proposals coming forward in the Environment Bill.

Q17) Further Comments

Q17. Do you have any further comments you wish to make?

Yes

If so, please note any comments here::

The global pandemic has placed a significant strain on local economies across the Country. In particularly our centres and employment areas where businesses have been forced to close or restrict their activities. However, despite the current challenges many Local Authorities are working hard to support local businesses (and jobs) to ensure town centre and employment areas are well placed to recover when pressures begin to ease.

With that in mind we are raising significant concern regarding the nature and timing of the proposal to introduce wide ranging permitted development rights to allow the change of use of important town centre and employment uses to residential. POS supports the introduction of new homes in centres and some mixed use employment areas. However Local Plans are best placed to plan for this by setting a clear strategy which will include more homes alongside mixed-use

developments to create suitable communities, one of the main aims in the NPPF. This can only be achieved in a planned and co-ordinated manner not an ad-hoc approach depending on land owners intentions and when leases expire. Planning authorities need to assess the impact on vitality and viability of centres and employment areas as part of any proposed change of use. These proposals are very likely to cause sever damage to town centres and employment areas across the country and more importantly wider communities.

Qs 18 & 19) Public Sector Equality Duty Assessment and Impact Assessment

Q18. Do you think that any of the proposed changes could impact on:

a) businesses, b) communities, c) local planning authorities

Please give your reasons. It would be helpful if you could specify whether your comments relate to a) business, b) local planning authorities, or c) communities, or a combination and which right or rights they particularly relate to.:

Q19. Do you think that any of the proposed changes could give rise to any impacts on people who share a protected characteristic? (Age; Disability; Gender Reassignment; Pregnancy and Maternity; Race; Religion or Belief; Sex; and Sexual Orientation).

Yes

If so, please give details and specify which right/s any comment relates to: :

An Equalities and Community Impact Assessment should be completed