
REPORT TO:	ENVIRONMENTAL & DEVELOPMENT SERVICES COMMITTEE (SPECIAL - BUDGET)	AGENDA ITEM: 8
DATE OF MEETING:	3rd JANUARY 2018	CATEGORY: DELEGATED
REPORT FROM:	STRATEGIC DIRECTOR (SERVICE DELIVERY)	OPEN
MEMBERS' CONTACT POINT:	TONY SYLVESTER PLANNING SERVICES MANAGER	DOC:
SUBJECT:	MHCLG CONSULTATION ON PLANNING REFORM	REF:
WARD(S) AFFECTED:	ALL	TERMS OF REFERENCE:

1.0 Recommendation

- 1.1 That the Committee endorses the comments set out in the details section of the report as the Council's response to the proposed reforms.

2.0 Purpose of Report

- 3.1 To enable the Committee to consider the latest government proposals for planning reform and formulate a Council response to the official consultation. This report cannot cover all of the detailed changes but is designed to appraise the Committee of the most important proposals and obtain views.

3.0 Detail

- 3.1 The consultation covers separate proposals on:

Part 1: Permitted development rights and use classes

Part 2: Disposal of local authority land

Part 3: Canal and River Trust: Draft listed building consent order

Part 4: New town development corporations: Draft compulsory purchase guidance

- 3.2 Part 1 is seeking views on:

- 3.2.1 Allowing greater change of use to support high streets to adapt and diversify; which means changes to permitted development rights to allow more typical high street uses to be changed to a wider range of uses.

- 3.2.2 Allowing certain building types in particular uses to extend upwards to create additional new homes; proposed new permitted development rights to extend upwards and fit much needed additional homes within existing streetscape.
 - 3.2.3 Removing the existing right that allows the installation of, and advertising on, new public call boxes.
 - 3.2.4 Increasing size limits for off-street electric vehicle charging points; which will enable the facilitation of repaid charging points.
 - 3.2.5 Making permanent the change of use from storage and distribution to residential use and also, for large single storey rear extensions to houses.
 - 3.2.6 Exploring the feasibility of a new right to allow for the demolition of existing commercial buildings and their redevelopment as residential.
- 3.3 In response to question 1.1: **Do you agree that there should be a new permitted development right to allow shops (A1) financial and professional services (A2), hot food takeaways (A5), betting shops, pay day loan shop and launderettes to change to office use (B1)? Please give your reasons.** The following is proposed: *A change in permitted development rights to allow a change of use from A1 (shops), A2 (financial and professional services) and A5 (hot food takeaway) to B1 (office) could have a detrimental impacts on the vitality of a high street. It would change the nature of shopping streets into a piecemeal offering. Whilst it is accepted that high streets are in decline, it would make sense to only allow a change in permitted development rights as suggested outside of a primary frontage area to protect an area of the high street or more traditional uses.*
- 3.4 In response to question 1.2: **Do you agree that there should be a new permitted development right to allow hot food takeaways (A5) to change to residential use (C3)? Please give your reasons.** The following is proposed: *Allowing a change from A5 (hot food takeaway) to C3 (residential) through permitted development rights could change the nature of shopping streets especially if at ground level. Whilst it is accepted that high streets are in decline, the A5 use class has seen an increased presence and can create linked trips for other uses on the high street. It would make sense to only allow a change in permitted development rights as suggested outside of a primary frontage area or above ground level with a primary frontage area that is protected for more traditional uses.*
- 3.5 In response to question 1.8: **Question 1.8: If so, which would be the most suitable approach: a. that the A1 use class should be simplified to ensure it captures current and future retail models; or, b. that the A1, A2 and A3 use classes should be merged to create a single use class? Please give your reasons.** The following is proposed: *Changes to the A1 use class that allows for a mix of uses such as the bookshop and café example could be helpful in supporting the vitality of the high street. Merging of use class A1,A2 and A3 would not necessarily seem necessary if greater flexibility is given to the*

A1 use class as suggested but merging the classes may be more efficient for ensuring continued presence on a high street.

- 3.6 In response to question 1.9: **Do you think there is a role for a permitted development right to provide additional self-contained homes by extending certain premises upwards?, the following is proposed:** *Whilst the principle of extending premises upwards would seem logical, the concern is with regard to the negative impacts on the character of an area and even more so if within or nearby a heritage asset. Consideration of shading and overlooking would also need to be considered. Overall, there could be a huge impact of the design quality of a development that is the result of an upward extension. A one size fits all right would not work as would be completely ignoring the context of a local area.*
- 3.7 In response to question 1.24: **Do you agree that the existing time-limited permitted development right for change of use from storage or distribution to residential is made permanent?** The following is proposed: *A change of use from B8 (storage and distribution) to C3 (residential) would be considered in more detail through a planning application. If allowed through permitted development then there is no consideration as to whether the employment building could still be used for that purpose. Whilst it may provide residential development it would be a loss of employment land which is also a requirement of Local Plans to ensure that a sustainable Plan is to be delivered. Sites allowed for B8 use would not necessarily be considered through policy appropriate for residential schemes. Clarity about whether a scheme would be subject to a s.106/CIL charge would be required.*
- 3.8 In response to question 1.27: **Do you support a permitted development right for the high quality redevelopment of commercial sites, including demolition and replacement build as residential, which retained the existing developer contributions?** The following is proposed: *This proposal is not supported. A change to allow a permitted development right for demolition of commercial buildings and redevelopment of C3 would allow for the loss of established employment areas without any process for ensuring that the lost employment land is replaced. If allowed through permitted development then there is no consideration as to whether the commercial buildings could still be used for that purpose or the potential knock on impact for other commercial buildings in the area that could be hindered by a change in use of a neighbouring building to C3.*
- 3.9 In response to question 1.28: **What considerations would be important in framing any future right for the demolition of commercial buildings and their redevelopment as residential to ensure that it brings the most sites forward for redevelopment?** The following is proposed: *Clarification as to what “commercial sites” means and which use classes would be considered through this change. It would also be helpful to understand how the loss of employment land would be recovered in an area. What tests would be used to ensure that the commercial land is not still viable and required as commercial*

land and clarification as to whether it could only be triggered where there is an oversupply of employment land in a local planning authority area. How would probable neighbour issues be addressed?

3.10 Part 2 is seeking views to streamline the involvement of the Secretary of State (SoS) in the regime that governs disposal of land by local authorities at an undervalue.

3.11 In response to question 2.1: Do you think that the threshold for the existing **general consent for the disposal of land held for purposes other than planning or housing at undervalue (under section 123 of the Local Government Act 1972)** should:

- a. remain at the current level?
- b. be increased?
- c. be removed completely?

Please give your reasons. The following is proposed: (b).

3.12 In response to question 2.2: **If you consider it should be increased, do you think the new threshold should be:**

- a. £5 million or less?
- b. £10 million or less?
- c. other threshold? (please state level). **Please give your reasons.** The following is proposed: (b).

3.13 In response to question 2.3: **Do you agree that the Secretary of State should issue a new general consent under section 233 of the Town and Country Planning Act 1990 for the disposal of land held for planning purposes?**
Please give your reasons. The following is proposed: Yes.

3.14 In response to question 2.4: **If yes, do you think any new general consent should apply to:**

- a. disposals at an undervalue of £2 million or less?
- b. disposals at an undervalue of £5 million or less?
- c. disposals at an undervalue of £10 million or less?
- d. disposals at some other undervalue threshold? (please state level)
- e. all disposals regardless of the undervalue? **Please give your reasons.**

The following is proposed: (c).

3.15 In response to question 2.5: **Do you agree that the economic, social or environmental well-being criteria which apply to the existing general consent should also apply to any new general consent for the disposal of land held for planning purposes?** The following is proposed: Yes.

3.16 It is not proposed to comment on any of the questions set out in Part 3: Canal and River Trust: Draft listed building consent order and Part 4: New town development corporations: Draft compulsory purchase guidance.

4 Financial Implications

4.1 None.

5 Corporate Implications

5.1 **Employment Implications – None**

5.2 **Legal Implications – None**

5.3 **Corporate Plan Implications – None**

5.4 **Risk Impact - None**

6.0 Community Implications

6.1 **Consultation - None**

6.2 **Equality and Diversity Impact - None**

6.3 **Social Value Impact – None**

6.4 **Environmental Sustainability – None**

7.0 Background Papers

7.1 Full consultation paper can be viewed at:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/752222/Planning_reform_-_supporting_the_high_street_and_increasing_the_delivery_of_new_homes.pdf