

Planning Reform: Supporting the high street and increasing the delivery of new homes

Consultation response

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Or posted to:

Planning Consultation

Planning Development Management Division

Ministry of Housing, Communities and Local Government

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**Your details**

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Are the views expressed on this consultation your own personal views or an official response from an organisation you represent?\*

**Organisational response**

If you are responding on behalf of an organisation, please select the option which best describes your organisation.\*

**Other (please specify)**

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| Charity/Local Amenity Group. |

If you selected other, please state the type of organisation

Please provide the name of the organisation (if applicable)

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| Bath Preservation Trust |

Part 1: Permitted development rights and use classes

**General points**

* We believe permitted development (PD) undermines the plan-led system and that given Change of Use can involve complex planning considerations, these should be considered against local and national planning policy via individual planning applications.
* The fragility of our town centres at present means we must think deeply about the positive and any unintended negative effects that might manifest and frame Permitted Development Rights (PDR).
* We believe side-lining the planning system, which exists to carefully manage an appropriate mix of uses will lead to cumulative undermining of historic retail character (where perhaps that character could be preserved), and harm the vibrancy and vitality of high streets and shopping centres. Whilst we acknowledge change in the retail sector is inevitable, the vitality of traditional high streets via could be maintained if CofU is managed appropriately in-line with local and neighbourhood planning policy.
* Every effort should be made to retain and revitalise the high street where possible (and manage change appropriately where not) through national and local policymaking not via tweaking and relaxing planning obligations
* Increasing PDR raises concerns for consultation and community involvement in planning decisions.
* Any reduction in planning applications and CIL reduces local authority funding this could have serious impact on planning authority resources.
* Allowing any PDR to residential risks developers bypassing requirements for affordable housing.
* BPT would campaign for and support the use of Article 4 Directions locally to limit the use of PDR geographically in areas where retail character should be retained.
* At the very least Article 2(3) land should be exempt from these provisions if these PD amendments are adopted.

**Allow greater change of use to support high streets to adapt and diversify**

**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)?

**No**

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| Relaxing planning obligations and side-lining the planning system, which exists to carefully manage an appropriate mix of uses, will undermine the historic retail character of high streets and shopping centres. Allowing A1 shops and other A2 and A5 uses to change to B1 could seriously harm the vitality and vibrancy of the high streets and town centres. Permitted Development should only be allowed if the shop has been vacant and it can be demonstrated that there is no viable retail use. Whilst change to high street character may be inevitable, this should be managed via planning policy not piecemeal unmanaged erosion. |

**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)?

**No**

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| There is some scope for allowing this change where the A5 use is stand alone in a residential area, but no geographical location is given. In shopping streets and in town centres PDR would sideline the planning system and could harm the vibrancy and vitality and cumulatively fundamentally change the character of our high streets. We believe the planning system, which exists to carefully manage an appropriate mix of uses, is the most appropriate tool to strategically manage change to the traditional high street. At the very least Article 2(3) land should be exempt from this PD if implemented. |

**Question 1.3:** Are there any specific matters that should be considered for prior approval to change to office use?

**Yes**

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| Viability of retail use (Whether or not sufficient advertising of premises has been conducted prior to a proposed change of use).  Shop front alteration and design – retention of historic character.  How the use contributes to local character and the presence of active frontages.  Retail character.  Parking.  Floor space cap – what is to stop large department stores and supermarkets becoming offices?  Geographical area cap – what is to stop large proportions of shopping areas becoming offices? |

**Question 1.4:** Do you agree that the permitted development right for the temporary change of use of the premises listed in paragraph 1.9 should allow change to a public library, exhibition hall, museum, clinic or health centre?

**Yes**

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| We support greater flexibility for change to community uses. |

**Question 1.5**: Are there other community uses to which temporary change of use should be allowed?

**Yes**

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| Sports, wellbeing and leisure uses. Art galleries. Places of Worship. Extension of community group or school premises. |

**Question 1.6**: Do you agree that the temporary change of use should be extended from 2 years to 3 years?

**No**

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| The existing temporary loss of retail is harmful to shopping areas and therefore should not be extended. |

**Question 1.7**: Would changes to certain of the A use classes be helpful in supporting high streets?

**Simplify A1 use class**

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| No. Any change should be part of a broader reform of the whole Order. Any deregulation would be at odds with the plan-led system and local plan policies which exist to allow changes that support a buoyant economy and protect the core retail function of town centres. |

**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.

**a. Simplify A1**

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| Neither. The uses should remain separate. Merging A1-A3 might have unintended consequences. Noise might become an issue for those ‘living above the shop’. A1 stores could become huge restaurants. Merging A1 and A2 is not a big leap from the existing PDR’s and has fewer unintended consequences. |

**A new permitted development right to support housing delivery by extending buildings upwards to create additional new homes**

**Question 1.9:** Do you think there is a role for a permitted development rights to provide additional self-contained homes by extending certain premises upwards?

**No**

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| We consider that there is huge potential for increasing housing density, and maximising the housing capacity in urban areas by increasing the heights of lower than average buildings. However, relaxing planning control for the creation of housing could result in poor quality homes and below standard living space. It is also creates an opportunity for developers to bypass requirements for affordable housing. The 3m height limitation seems to be an odd specification and contradicts the earlier observation that context, locality and local amenity impacts would all be considerations in the prior approval. Prior approval asks too much – it sounds complicated (with detail required akin to a planning application and therefore better dealt with by a planning application). |

**Question 1.10:** Do you think there is a role for local design codes to improve outcomes from the application of the proposed right?

**Not sure**

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| This would not overcome concerns about increase in height. However if rights are amended design codes would be required to improve outcomes. |

**Question 1.11:** Which is the more suitable approach to a new permitted development right:

a. that it allows premises to extend up to the roofline of the highest building in a terrace; or

b. that it allows building up to the prevailing roof height in the locality?

**b. Prevailing roofline**

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| Neither. Both would be difficult to interpret and risks harm to local townscape character and visual amenity. |

**Question 1.12:** Do you agree that there should be an overall limit of no more than 5 storeys above ground level once extended?

**Yes**

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| But in many instances the maximum level of 5 storeys would be too high in relation to existing townscape and the historic environment. It is not possible to say what number of storeys will be acceptable as each should be considered on a case by case basis. |

**Question 1.13:** How do you think a permitted development right should address the impact where the ground is not level?

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| The context, locality and local amenity impacts would be considerations in the prior approval. |

**Question 1.14:** Do you agree that, separately, there should be a right for additional storeys on purpose built free standing blocks of flats? If so, how many storeys should be allowed?

**No**

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| This may not result in high quality housing design. There is too much potential for substandard housing to be built. High density housing shouldn’t mean high rise. |

**Question 1.15:** Do you agree that the premises in paragraph 1.21 of the consultation document would be suitable to include in a permitted development right to extend upwards to create additional new homes?

**No**

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| See 1.9 |

**Question 1.16:** Are there other types of premises, such as those in paragraph 1.22 of the consultation document that would be suitable to include in a permitted development right to extend upwards to create additional new homes?

**Yes**

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| Due to their location. |

**Question 1.17:** Do you agree that a permitted development right should allow the local authority to consider the extent of the works proposed?

**Yes**

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**Question 1.18:** Do you agree that in managing the impact of the proposal, the matters set out in paragraphs 1.25 -1.27 of the consultation document should be considered in a prior approval?

**Yes**

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| Absolutely necessary if PD rights extended. BUT these planning matters are complicated and best dealt with by a planning application. |

**Question 1.19:** Are there any other planning matters that should be considered?

**Not sure**

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| Placemaking and the relationship with the character of existing towns and designated assets – conservation areas and World Heritage Sites. |

**Question 1.20:** Should a permitted development right also allow for the upward extension of a dwelling for the enlargement of an existing home?

**No**

If so, what considerations should apply?

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| The protection of the character and appearance and amenity of residential areas. |

**The permitted development right to install public call boxes, and associated advertisement consent**

**Question 1.21:** Do you agree that the permitted development right for public call boxes (telephone kiosks) should be removed?

**Yes**

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**Question 1.22:** Do you agree that deemed consent which allows an advertisement to be placed on a single side of a telephone kiosk should be removed?

**Yes**

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| Very welcome |

**Increasing the height threshold for the permitted development right for electric vehicle charging points in areas used for off-street parking**

**Question 1.23:** Do you agree the proposed increased height limit for an electrical vehicle charging point upstand in an off-street parking space that is not within the curtilage of a dwellinghouse?

**Yes**

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| The increased height from 1.6 to 2.3m must be restricted on Article 2(3) land conservation areas, and on the street, not only within the curtilage of dwelling houses, in the interest of amenity and character. |

**Making permanent two time-limited permitted development rights**

**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?

**No**

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| Employment floor space is important for the local economy. We are concerned that it will allow poor quality development. If accepted it would require design codes to ensure a high standard of residential development. PD rights fail to ensure adequate residential amenity, or apparently (1.40) to protect potential inhabitants from ambient noise. |

**Question 1.25:** Do you agree that the time-limited permitted development right for larger extensions to dwellinghouses is made permanent?

**Yes**

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| The PDR doesn’t apply to Article 2(3) land. |

**Question 1.26:** Do you agree that a fee should be charged for a prior approval application for a larger extension to a dwellinghouse?

**No**

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| Click here to enter text. |

**Supporting housing delivery by allowing for the demolition of commercial buildings and redevelopment as residential**

**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?

**No**

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| The range of issues required by Prior Approval are best dealt with by a planning application, and determined in accordance with local policy, which would secure affordable housing and CIL. Redevelopment should consider not just housing demand, but also ‘whole town’ matters and, thus requires planning application. |

**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?

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| Sustainable locations and transport. Developer contributions. Affordable housing. Flood risk. Heritage impact. Design and appearance. Sustainability. |

**Impact assessment**

**Question 1.29:** Do you have any comments on the impact of any of the measures?

**No**

i. Allow greater change of use to support high streets to adapt and diversify

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ii. Introducing a new right to extend existing buildings upwards to create additional new homes

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| Requires whole area polices. |

iii. Removing permitted development rights and advertisement consent in respect of public call boxes (telephone kiosks)

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| Potentially damaging to local character. |

iv. Increasing the height limits for electric vehicle charging points in off-street parking spaces

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| Seems sensible off street. |

v. Making permanent the right for the change of use from storage to residential

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| Regrettable. |

vi. Making permanent the right for larger extensions to dwellinghouses

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| Regrettable. |

**Public sector equality duty**

**Question 1.30**: Do you have any views about the implications of our proposed changes on people with protected characteristics as defined in the Equality Act 2010?

**No**

What evidence do you have on these matters?

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Is there anything that could be done to mitigate any impact identified?

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**Public sector equality duty**

**Question 2.9:** Do you have any views about the implications of our proposed changes on people with protected characteristics as defined in the Equality Act 2010?

**Please select an answer from this drop down menu**

What evidence do you have on these matters?

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Is there anything that could be done to mitigate any impact identified?

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Part 3. Canal & River Trust: Draft listed building consent order

**Question 3.1**: Do you agree that the types of work set out in paragraph 3.8 should be granted a general listed building consent?

**Yes**

Please give your reasons.

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**Question 3.2**: Do you agree that the safeguards mentioned included in the order are appropriate?

**No**

Please give your reasons.

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| We have a concern that the once-a-year review meeting relationship with Historic England may not be enough to safeguard the process of works to listed CRT structures. If irreversible harm is caused through works to a structure prior to the June meeting it will be too late to reverse. Cumulative harm to the overall waterways asset may occur over time. On reviewing the methodology currently under consultation all responsibility for the process rests with the Heritage Advisor/s of the CRT (including decision-making for new interventions and new materials to structures). We would welcome the provision of more regular formal or informal input from HE (the Commission) into the ongoing CRT works under the Consent Order, perhaps with a proportional approach to scrutiny related to significance. This could be formally identified within the Order or more informally noted within the methodology. |

**Question 3.3**: Do you consider that any additional safeguards are required?

**Yes**

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| As above. |

Please provide details.

**Public sector equality duty**

**Question 3.4:** Do you have any views about the implications of our proposed changes on people with protected characteristics as defined in the Equality Act 2010?

**No**

What evidence do you have on these matters?

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Is there anything that could be done to mitigate any impact identified?

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