



Member's Briefing:

Planning Reform – Supporting the high street and increasing the delivery of new homes consultation: Statement from Secretary of State

Civic Voice response to the Written Statement made by James Brokenshire MP (Secretary of State, Ministry of Housing, Communities and Local Government) on 13th March 2019. The statement was in response to the Government Consultation '*Planning Reform-Supporting the high street and increasing the delivery of new homes*' which was published on 29 October 2018.

Background

The consultation was launched by the Government on 29 October 2018 and covered separate proposals including, a relaxation of permitted development rights and use classes. <https://www.gov.uk/government/consultations/planning-reform-supporting-the-high-street-and-increasing-the-delivery-of-new-homes>

Civic Voice responded to the consultation on 14 January 2019 and our full consultation response can be accessed via <http://www.civicvoice.org.uk/news/civic-voice-responds-to-the-governments-high-streets-pdr-consultation/>

Civic Voice joined with RTPI, RIBA, LGA and others in opposing several elements of the consultation <http://www.civicvoice.org.uk/news/civic-voice-signs-a-letter-urging-the-government-to-think-harder-about-permitted-development-rights/>

Full statement by James Brokenshire MP available at:

<https://www.parliament.uk/business/publications/written-questions-answers-statements/written-statement/Commons/2019-03-13/HCWS1408/>

Our approach to the Civic Voice consultation response

Views were sought from Civic Voice members during our own consultation and were summarised by Civic Voice in a Member's briefing in December. Civic Voice made the decision to only respond to the critical proposals of interest to the civic movement. The decision to respond to this consultation was agreed by the Civic Voice board on 14th December and delegated to officers to respond.

Key headlines

This briefing concentrates on the Permitted Development Rights proposals within the statement.

Please note that the following briefing does not follow the exact order of the statement but summarises and provides commentary on what Civic Voice considers are the key proposals that are of interest to the civic movement and may have a nationwide impact.

In the written ministerial statement published on 13th March 2019, Brokenshire confirmed that the Government would bring forward most of its new permitted development (PD) rights and use class flexibilities that aim to boost ailing high streets, but it is still considering proposals to allow office demolition for new homes.

This table summarises the key announcements and Civic Voice's previous response to the consultation:

Government will:	Civic Voice consultation response
Amend the shops use class to ensure it captures current and future retail models, which will include clarification on the ability of (A) use classes to diversify and incorporate ancillary uses without undermining the amenity of the area,	<p><i>'Healthy' high streets have a mix of uses; therefore, any expansion of PD rights to encourage flexibility between uses should facilitate, not hinder this.</i></p> <p><i>Given the current structural changes within the retail sector which are adversely affecting high streets and town centres across England, it is right that the Government is exploring all options to re-invigorate our town and city centres. An update of the Use Classes Order is long overdue, and a such a review could include simplifying and rationalising the Use Classes Order to ensure that it is fit for purpose for the 21st Century.</i></p>
Introduce 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 use to an office (B1)	<p><i>Civic Voice supports the principle of encouraging a greater mix of uses on the high street and in centres. Greater flexibility between some of the use classes (between A1-A3, B1, and certain D1, D2 uses) would mean that traditional high street uses could change to community and business uses, potentially encouraging a greater diversity in employment on the high street and variety in the street scene. It would also further support the creation of new dwellings on high streets and in centres, encouraging greater footfall. However, we consider there needs to be a mechanism through Prior Approval to avoid adverse impacts from a proliferation of certain uses within proximity. 'Healthy' high streets have a mix of uses; therefore, any expansion of PD rights to encourage flexibility between uses should facilitate, not hinder this.</i></p>
Allow hot food takeaways (A5) to change to residential use (C3)	<p><i>Civic Voice supports this proposal. However, under the Prior Approval process, we consider local authorities should be able to consider and ensure that a good quality living environment is achieved by the development. Matters for consideration should also include the location of essential supporting facilities for the dwelling e.g. bin storage, access to the dwelling, parking etc. which are all matters that can impact future occupiers and the wider street scene. It is concerning that</i></p>

	<i>the existing Prior Approval process does not consider the quality of the resultant living accommodation and we consider this should be amended to ensure that PD rights do not undermine the Government's own objective to provide high quality new homes.</i>
Update the existing right that allows the temporary change of use of buildings from 2 to 3 years	<i>We support the proposal to expand the existing temporary PD right to change certain uses to high street uses e.g. shops, financial and professional services, restaurants/cafes or offices for a period of 3 not 2 years and to expand the right to include change of use to certain community uses e.g. libraries, exhibition halls, museums, clinics or health centres.</i>
Introduce a permitted development right to extend upwards certain existing buildings in commercial and residential use to deliver additional homes	<i>Civic Voice supports making the most efficient use land and understands the rationale for exploring the possibility of using the airspace above properties to provide new homes. However, given the high visibility and prominence of upward extensions and potential impact on the street scene, local character and amenity, very careful consideration of such proposals must be required. We, therefore, object to Option a) to allow premises to extend to the roofline of the highest building in a terrace unless full consideration of the 'design, siting and external appearance of the upward extension and its impact on amenity and character of the area' can be fully considered by the local authority and is included in the final legislation, as highlighted in Paras. 1.25-1.26 of the consultation. This is essential to ensure a proposed upward extension under PD amounts to 'good design, adds to the overall quality of the area... is visually attractive as a result of good architecture, responds to the local character and history of the area and maintains a strong sense of place', as required by the NPPF and as outlined in Paras. 1.25 - 1.26. Given the potential impacts to be considered for upward extensions, this may place heavy burdens on local planning authorities and therefore, consideration through the standard planning application route may be more appropriate. We strongly object to Option b) building up to the prevailing roof height in the locality, which could be difficult to define, open to debate and set undesirable precedents. Any</i>

	<i>such proposals should, therefore, require full consideration through the standard planning application process.</i>
Continue to design a permitted development right to allow commercial buildings to be demolished and replaced with homes.	<i>Civic Voice objects to this proposal. This should fall within the normal planning application process given the potential number and variety of matters that should be considered e.g. compliance with Local Plan policies, providing a sufficient supply of employment land, impact on neighbouring business operations, amenity, access, design etc... Such schemes should also always be subject to wider public scrutiny and comment. It is also unclear from the consultation as to how this proposal relates to existing measures for Permission in Principle and Brownfield Land Registers.</i>
Intends to remove the permitted development right and associated advertising deemed consent in respect of new telephone kiosks	<i>Civic Voice supports the proposal. We are aware of many examples across the country where telephone kiosks (and associated advertising) are poorly designed, add to street clutter and are detrimental to the public realm within our towns and cities.</i>
Intends to implement an immediate package of permitted development right measures in the spring, with the more complex matters, including on upward extensions, covered in a further package of regulations in the autumn	<i>Civic Voice has taken a pragmatic view in responding to this consultation. However, the devil will be in the detail of the legislation and we would not support changes that could lead to a deregulated 'free for all' within high streets and centres. For clarity and ease of access for stakeholders and in the interests of transparency and openness with the planning system, we strongly urge the Government to have one central piece of legislation which incorporates any amendments to the current General Permitted Development Order as there is no one consolidated place to view and understand the current legislation</i> <i>Civic Voice and the APPG for Civic Societies will be writing to the Secretary of State to seek further clarification on this.</i>

Full statement available at: <https://www.parliament.uk/business/publications/written-questions-answers-statements/written-statement/Commons/2019-03-13/HCWS1408/>