



Consultation response: Planning Reform – Supporting the high street and increasing the delivery of new homes consultation

(Submitted 14th January 2019)

Consultation questions	
Part 1	Enter comments for each question here:
<p>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.</p>	<p>Yes</p> <p>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.</p> <p>However, we consider there needs to be a mechanism through Prior Approval to avoid adverse impacts from a proliferation of certain uses within close proximity. For example, the cumulative impact of hot food takeaways can have a negative impact on healthy lifestyles, encourage anti-social behaviour, noise and disturbance and reduce ‘active’ frontages on the street during the daytime. Similarly, the cumulative impact of several changes of use to offices or residential without safeguards, could fundamentally change the character of an area over time. Whilst this may be acceptable depending on local circumstances, Civic Voice consider this should be part of a planned approach by the local authority rather than as a result of deregulation.</p> <p>‘Healthy’ high streets have a mix of uses; therefore, any expansion of PD rights to encourage flexibility between uses should facilitate, not hinder this.</p>

<p>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.</p>	<p>Yes</p> <p>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 the existing Prior Approval process</p>
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	<p>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.</p>
<p>Question 1.3: Are there any specific matters that should be considered for prior approval to change to office use?</p>	<p>Yes.</p> <p>Cumulative impact of change of use compared to other uses and achieving a healthy mix of uses on the high street or town centre.</p> <p>Design/external appearance of the building.</p> <p>Hours of operation.</p> <p>Transport and highway impacts.</p>
<p>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?</p>	<p>Yes.</p> <p>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. This could be a positive measure to encourage new businesses/uses on the high street and in centres and bring empty/underused properties back into use.</p>
<p>Question 1.5: Are there other community uses to which temporary change of use should be allowed?</p>	<p>Yes.</p> <p>Temporary change of use could also apply to and help facilitate pop-up art/craft fairs and displays in vacant units, and 'civic uses' such as meeting rooms and hot-desking office space (offered at low cost to community groups and start-up businesses and reflecting new ways of working).</p>
<p>Question 1.6: Do you agree that the temporary change of use should be extended from 2 years to 3 years?</p>	<p>Yes. Again, we think this could encourage new business ventures to set up and test the market.</p>
<p>Question 1.7: Would changes to certain of the A use classes be helpful in supporting high streets?</p>	<p>Potentially.</p> <p>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. However, fresh thinking is required. As</p>

	<p>highlighted in The High Street Report, consideration should be given to reframing our view of the ‘high street’ as just a shopping environment and more towards creating multi-functional vibrant places to meet, work, live, dwell, spend our leisure time, attend appointments etc... and shop.</p> <p>Civic Voice supports the principle of reviewing and simplifying the current Use Classes Order so that it supports 21st century high streets and centres. This may mean that we need refine the types of uses that are, in principle, acceptable with high streets and centres, which is alluded to within the consultation e.g. some assembly and leisure uses (D2), and non-residential institutions (D1) (i.e. essential community facilities) as well as the traditional high street uses (A1-A3). Expansion of PD rights will essentially reduce public engagement (as planning permission will not be required for certain development/change of use). 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.</p> <p>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.</p>
<p>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?</p>	<p>b) Merge A1, A2, A3</p> <p>Regarding the specific options proposed in the consultation, it is difficult to forecast how the retail market will develop in years to come and it is possible that new models may evolve, or traditional shopping habits may return (for example preferences for ‘big box’ out-of-town shopping seem to have diminished in recent years). As such, Civic Voice does not support option a).</p> <p>Out of the two options proposed, option b) may be more appropriate but Civic Voice objects to how the proposal is currently drafted. Civic Voice does not support movement between the simplified use class being taken out of the planning system. The consultation states that it would, ‘no longer [be]</p>

	<p>development and not a matter for the planning system to consider'. This is concerning as there are potential unintended consequences of this, for example what is stop a proliferation of any one type of use, contrary to providing a healthy mix of uses on the high street? Flexibility between A1-A3 uses should be encouraged but safeguards need to be in place for example, through the Prior Approval process.</p>
<p>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?</p>	<p>No.</p> <p>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.</p> <p>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.</p> <p>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 such proposals should, therefore, require full consideration through the standard planning application process.</p> <p>We support the exclusion of Conservation Areas and listed buildings from the new right.</p> <p>It is not clear from the consultation document whether the upward extensions proposal to create additional</p>

	<p>new homes would only apply to ‘certain existing buildings in high streets and town centres’ as stated in Para 1.14 of the consultation or to certain buildings in commercial or residential use anywhere, excluding properties on protected land such as Conservation Areas, as alluded to in Paras. 1.15 and 1.22. Civic Voice would welcome clarification on this matter.</p>
<p>Question 1.10: Do you think there is a role for local design codes to improve outcomes from the application of the proposed right?</p>	<p>We strongly support the use of design codes to improve the design and external appearance of upward extensions under the proposed new PD right and ensure the visual integrity of the street scene.</p>
<p>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?</p>	<p>a) Roofline of highest building in terrace.</p> <p>As stated in our response to Q1.9 Civic Voice objects 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. However, 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. An alternative approach could be to bring forward such proposals through an up-to-date local plan policy.</p> <p>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 such proposals should, therefore, require full consideration through the standard planning application process.</p>
<p>Question 1.12: Do you agree that there should be an overall limit of no more than 5 storeys above ground level once extended?</p>	<p>Yes.</p>
<p>Question 1.13: How do you think a permitted development right should</p>	<p>This is a hard one to generalise on. For example, the ground level could rise or fall along the length of a</p>

<p>address the impact where the ground is not level?</p>	<p>development, or from front to back (and possibly both). If the ground level changes along the length of a development, a common roof line might be more attractive. This would allow properties on lower ground to accommodate more storeys as they build up to the common roof line. If the ground level changes from front to back of a development, there may be cases where a terracing effect might be more desirable, not only to allow views from the properties but also views of the properties.</p> <p>However, issues with privacy, overlooking and impact on amenity and the street scene can be problematic with developments on uneven ground and as such, Civic Voice does not consider a PD right would be appropriate for upward extensions, where the ground is not level. Such sites should be excluded from the PD right and require full consideration through the standard planning application route.</p> <p>An up-to-date local plan policy responsive to local circumstances, could, instead, be used to bring forward these proposals and mitigate adverse impacts.</p>
<p>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?</p>	<p>Not sure.</p> <p>In principle yes, but Civic Voice is unsure how you could define the appropriate roofline. We do not consider a blanket number of storeys would be sufficiently responsive to local circumstances and we would strongly object to such a PD right being introduced.</p> <p>Our comments to Q1.9 also apply to this proposal, which state that Civic Voice objects 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.</p>
<p>Question 1.15: Do you agree that the premises in paragraph 1.21 would be suitable to include in a permitted development right to extend upwards to create additional new homes?</p>	<p>Yes, but subject to our comments in Q1.9 – 1.14.</p>
<p>Question 1.16: Are there other types of premises, such as those in paragraph 1.22 that would be suitable to include in a permitted development right to</p>	<p>No.</p>

extend upwards to create additional new homes?	
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. This is essential to ensure compliance with other controls.
Question 1.18: Do you agree that in managing the impact of the proposal, the matters set out in paragraphs 1.25 - 1.27 should be considered in a prior approval?	Yes. Strongly agree. Some prior approvals only allow neighbour objections/comments. Given the potential impact of upward extensions on the wider street scene and local character of the area, community groups such as civic societies should be able to comment on prior approval applications.
Question 1.19: Are there any other planning matters that should be considered?	Yes. See above response to Q1.18.
Question 1.20: Should a permitted development right also allow for the upward extension of a dwelling for the enlargement of an existing home? If so, what considerations should apply?	No. This proposed new PD right would essentially further expand the already enlarged household extension PD rights and could led to a proliferation of overly extended properties, adversely affecting the street scene and local character of the area. Civic Voice strongly objects to this proposal. We made strong representations when the larger household extensions were first introduced by the Government and we have been made aware of some poorly designed extensions, which adversely affect the wider street scene, and it is highly likely that they would not have been granted planning permission by the local authority if they had been subject to a full planning application. We are concerned that this would be the case if a PD right for household upward extensions was also introduced.
Question 1.21: Do you agree that the permitted development right for public call boxes (telephone kiosks) should be removed?	Yes. 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.
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. See response to above Q1.21

<p>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 dwelling house?</p>	<p>Yes.</p> <p>However, some consideration needs to be given to historic locations e.g. Conservation Areas and the setting of listed buildings, in relation to design and visual impact. 2.3m is quite high (approx. floor to ceiling height).</p>
<p>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?</p>	<p>No comment.</p>
<p>Question 1.25: Do you agree that the time-limited permitted development right for larger extensions to dwelling houses is made permanent?</p>	<p>No.</p> <p>Civic Voice strongly objects to this proposal. We made strong representations at the time when the larger household extensions were first introduced by the Government and we have been made aware of some poorly designed extensions, which adversely affect the wider street scene and it is highly likely that they would not have been granted planning permission by the local authority if they had been subject to a full planning application. In view of this, Civic Voice cannot support making this PD right permanent.</p>
<p>Question 1.26: Do you agree that a fee should be charged for a prior approval application for a larger extension to a dwelling house?</p>	<p>Yes.</p>

<p>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?</p>	<p>No.</p> <p>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.</p> <p>It is also unclear from the consultation as to how this proposal relates to existing measures for Permission in Principle and Brownfield Land Registers.</p>
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<p>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?</p>	<p>See response above to Q1.27</p> <p>Such proposals should be considered through the standard planning application process.</p>
<p>Question 1.29: Do you have any comments on the impact of any of the measures?</p> <ul style="list-style-type: none"> i. Allow greater change of use to support high streets to adapt and diversify ii. Introducing a new right to extend existing buildings upwards to create additional new homes iii. Removing permitted development rights and advertisement consent in respect of public call boxes (telephone kiosks). iv. Increasing the height limits for electric vehicle charging points in off-street parking spaces v. Making permanent the right for the change of use from storage to residential vi. Making permanent the right for larger extensions to dwelling houses 	<p>No further comment. See responses above to all previous questions.</p>
<p>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? What evidence do you have on these matters? Is there anything that could be done to mitigate any impact identified?</p>	<p>Consideration needs to be given to the impact of building high and the barriers it will create for disabled people and the elderly.</p> <p>Also, if there are no controls or limits, we could end up with very small units being created, targeted at low-income residents, with a poor standard of living accommodation. This would be contrary to the Government's own objective of creating high quality new homes.</p>

<p>Part 2</p>	
<p>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:</p> <ul style="list-style-type: none"> a. remain at the current level? b. be increased? 	<p>No comment.</p>

c. be removed completely? Please give your reasons.	
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.	No comment.
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.	No comment.
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.	No comment.
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?	No comment.
Question 2.6: Do you have any additional comments about the current system governing disposals of land at an undervalue by local authorities and our proposals to amend it?	No comment.
Question 2.7: Do you consider that the current £10m threshold contained in the general consent governing disposals by the Greater London Authority remains appropriate? Please give your reasons.	No comment.
Question 2.8: If you consider the current threshold is no longer appropriate, or that the limit should be removed completely, please specify what you	No comment

think the alternative should be and give reasons.	
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? What evidence do you have on these matters? Is there anything that could be done to mitigate any impact identified?	No comment.

Part 3	
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? Please give your reasons.	No comment.
Question 3.2: Do you agree that the safeguards included in the order are appropriate? Please give your reasons.	No comment.
Question 3.3: Do you consider that any additional safeguards are required? Please provide details.	No comment.
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? What evidence do you have on these matters? Is there anything that could be done to mitigate any impact identified?	No comment.

Part 4	
Question 4.1: Do you have any comments on the draft guidance at Annex D?	No comment.
Question 4.2: Do you have any views about the implications of the proposed guidance on people with protected characteristics as defined in the Equality Act 2010? What evidence do you have on these matters? Is there anything that could be done to mitigate any impact identified?	No comment.