

Draft Planning Changes Aimed at Encouraging Economic and Housing Growth

The Government has used the summer recess to quietly release its latest draft changes to the planning system. The draft *'Technical Consultation on Planning'* is now available for consultation until 26th September.

The proposals represent the latest attempt to remove planning red tape, encourage economic growth and deliver new homes. The changes also reflect a recognition that the nation's High Streets must diversify if they are to survive.

The key changes being consulted on are as follows:

Conversion from Light Industrial and Storage & Distribution to Residential

A new permitted development right is proposed to allow light industrial buildings (B1(c)) and storage and distribution buildings (B8), to change use to residential (C3) use, without planning permission. These changes would be subject to:

- The building being in B1(c) or B8 use as at 19th March 2014;
- A Prior Approval covering flooding, transport, contamination and noise;
- The property not being: listed building; a scheduled monument; a Site of Special Scientific Interest; or within a safety hazard area; or a military explosives storage area.

Additionally, the Government is consulting on whether it would be beneficial for the Prior Approval process to take account of the impact of a residential use being introduced into an existing industrial/ employment area, although the draft document is silent on how such a new test would work in practice.

Conversion from Offices to Residential

The draft proposals seek to make permanent the permitted development right for offices to convert to residential.

Furthermore, the proposals make clear the Government's desire to remove the 17 exemption areas, where the current temporary permitted development rights do not apply. However, in response to concerns that the temporary relaxation is drastically reducing available office space, there is the suggestion that a new Prior Approval test would be introduced, namely consideration of the potential impact of the significant

loss of the most strategically important office accommodation.

As the new permanent office to residential permitted development rights may take time to come into force, the Government is proposing an extension of time for the completion of developments previously approved under temporary legislation, from 30th May 2016 to 30th May 2019.

High Street Changes

In order to allow High Streets to evolve and adapt to changing shopping patterns, the proposals suggest an amendment to the Use Classes Order, with the majority of Class A2 'Financial and Professional Services' uses being moved into a redefined Class A1. This would remove the need for change of use planning applications for operations such as banks, estate agents, solicitors and employment agencies. However, the proposals seek to retain 'Betting Shops' and 'Pay Day Loan Shops' in Class A2, thus helping local authorities to maintain control over the location and number of such operations.

The Government is also seeking to further extend change of use flexibility such that, in addition to A1 and A2 uses, Sui Generis uses (such as laundrettes, amusement arcades/centres, casinos and nightclubs) would be able to convert to restaurants and cafes (Class A3) without planning permission. This is subject to the premises being no greater than 150 sq. m and a Prior Approval scheme (focussing on noise, odours, traffic and hours of opening). Furthermore, safeguards may also be introduced (although there are no details at present) where retail premises are in a local service, or where the loss of an A1/A2 use would have an adverse impact on a shopping area.

Encouraging Leisure Uses

The proposals seek the introduction of a new permitted development right to enable the change of use from A1, A2 and some Sui Generis uses, to 'Assembly and Leisure' (Class D2) without the need for a planning application. However, this conversion will require a Prior Approval in respect of transport and highways, parking and noise. It will also exclude certain locations, including listed buildings.

Supporting Retail Facilities

A new set of measures is proposed to help retailers adapt and evolve their businesses. This will include measures, such as permitted development rights for:

- ‘Click and collect’ services within car parks;
- Introduction of new loading doors and ramps;
- Loading bays to increase by up to 20%;
- Increasing the size of mezzanines (beyond the current 200 sq. m permitted development).

Parking Standards

The Government has clarified that it supports the motorist and wants to see adequate parking for them. Therefore, it is removing its maximum parking standards. Instead, it will be down to local authorities to set their own parking levels, which will need to be justified through the Local Plan process.

Residential Extensions

The draft proposals seek to make permanent the extended permitted development rights for residential dwellings, which are currently due to expire in May 2016. As such householders will be able to erect a rear ground floor extension of up to 8 metres for a detached house and 6 metres for any other type of house (subject to caveats).

Other Changes

A raft of other planning changes are being consulted on including:

- A new permitted development right for launderettes, amusement arcades/centres, casinos and nightclubs to convert to residential use (C3);
- Making permanent the temporary permitted development rights which allow the change of use from A1 and A2 to residential use;
- Making permanent the permitted development rights to allow two flats above A1 and A2 uses;
- Making it easier for buildings and land to be used as temporary locations for commercial filming;
- Making it easier to install solar panels on the roofs of non-domestic buildings;
- Making permanent previous temporary permitted development levels for extensions to commercial buildings (e.g. 100 sq. m or 50% for A1, A2 and B1(a) uses and 200 sq. m or 50% for industrial or warehouse buildings);
- Making it more difficult for Councils to introduce ‘Article 4 Directions’ which withdraw permitted development rights;
- Improving the use of planning conditions, and speeding up the time it takes for Councils to discharge planning conditions;
- Speeding up applications for a neighbourhood area (including the preparation of Neighbourhood Plans and Orders) to be designated;
- Streamlining the statutory consultation arrangements on planning applications, including the referral of planning applications to the Secretary of State;
- Raising the thresholds for Environmental Impact Assessments;
- Improving the nationally significant infrastructure planning regime.

Contour Planning’s Thoughts!

This latest round of planning changes is further confirmation that the Government sees the development industry playing a key role in stabilising the economy and encouraging growth.

Whilst many of the draft changes will be welcomed by the development industry and town centre operators, there will clearly be implications for others. For instance, light industrial and storage and distribution businesses could find their unrestricted operations curbed by the introduction of adjoining residential properties. Whilst the Government is alive to this issue, thus far it is unable to provide meaningful advice on how this conflict could be managed. Instead, consultees are asked to provide their thoughts on suitable wording. Similarly the issue regarding the protection of strategically important office floorspace (from residential conversion) is also yet to be fleshed out.

On the face of it, many of the proposed measures appear to remove the red tape associated with seeking planning permission for the principle of a use. However, in reality the level of justification required for the Prior Approval process is tantamount to that required for a planning application! We therefore question how much red tape has been removed and to what extent these measures will ultimately speed up the planning process.

Finally, it is of note that the latest changes appear to include a fundamental shift in the planning system, with the apparent diluting of the ‘sustainable’ agenda. Whilst successive Governments have made great play in their desire to reduce reliance on the private car, all of this appears to have been undone in a single sentence: *“the Government supports the motorist and wants to see adequate parking for them”*. Such a simple statement could have significant repercussions for future planning decision making!

When the Government first announced its intention to streamline the planning system we were questioning the role of the planning consultant going forward. However, it would appear that the confusion bought about by the regular tweaks to the planning system, not to mention the myriad of hurdles to jump over with the Prior Approval process, may just keep us busy for a few more years to come!

Contour Planning is ready to help you understand how these changes could affect your business.

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