

Planning Reform: Supporting the High Street and increasing the delivery of new homes

14 January 2019

This is the consultation response from SAVE Britain's Heritage. It relates to Part 1 only. SAVE Britain's Heritage is at the forefront of national heritage conservation. We intervene to help historic buildings and places in serious danger of demolition or decay. We are a registered charity.

**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.**

**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.**

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

**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?**

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

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

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

**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 general comment regarding Permitted Development (PD) rights and change of use. It is our view that incremental changes to the PD system to allow various changes between uses on individual sites risks undermining the strategic role played by planning authorities and the policies set adopted in Local Plans. A wider borough and sometimes regional view is necessary to prevent, for example, the accumulation of clusters of uses (like takeaways and betting shops nears schools) or the lack of amenities and services (like housing developments on retail parks). Therefore we are open to the principle of flexibility between uses, but this should be done through the planning process and not through extending PD rights. Instead of incremental changes to the use class system, a wider review of the Use Class system should be undertaken.

**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?** We do not consider there is a role for a PD to provide additional self contained homes by extending certain premises upwards via PD. Applications like these, that will have major impacts on placemaking, design, structural issues regarding the existing premises, amenity and character of our streets and neighbourhoods should be assessed through the planning application process. While we welcome the exclusion of Conservation Areas and listed buildings from the proposal, in our view there are many streets and neighbourhoods across England that a) may not have been assessed for Conservation Area status - and are thus at risk from losing their distinctive character b) do not quite make the grade from such status but still have a strong character that would be harmed by these types of PD rights. This proposal may also affect the setting of listed buildings and conservation areas.

**Question 1.10: Do you think there is a role for local design codes to improve outcomes from the application of the proposed right?** We consider there is a role for local design codes, but these should be incorporated in the planning application system, not part of a PD rights policy.

**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?** We consider that neither of these approaches is a suitable approach to extending existing houses. In our view this proposal, via PD, risks serious unintended consequences such as random gap tooth development in differing styles and materials as individuals might or might not choose to implement the right. We are strongly opposed to this proposal, and take the view that it would not automatically enhance the streetscape. We consider this proposal runs counter to the principles of improving good design, sense of place and community - the stated aims of the government's recently established Building Better, Building Beautiful Commission.

**Question 1.12: Do you agree that there should be an overall limit of no more than 5 storeys above ground level once extended?** We consider that any proposal to extend properties by any number of storeys should be fully assessed through the planning system, so that all material considerations are taken into account - in particular design, and the impact of the extension the existing building and structural issues.

**Question 1.13: How do you think a permitted development right should address the impact where the ground is not level?** For reasons outlined above, we do not agree with PD rights in this instance.

**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?** For the reasons outlined above, we do not consider there should be a PD right for additional storeys on purpose built free standing blocks of flats. We are not against extension in principle, but that such

proposals, and associated issues such as impact of height (for example on adjacent listed buildings or conservation areas), amenity, overlooking, structure, access, amenity are all taken into account through the planning application process.

**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?** In our view, in many established high streets there is often already existing accommodation above shops - originally built for residential use - in 19th and early 20th century terraces. This space is often under used and should be brought into beneficial use before consideration of PD rights to extend upwards. These traditional high streets are often areas of considerable historic interest and character – including those not in Conservation Areas and without listed buildings. Again, we consider that any upwards extensions should be considered through the planning system, not through PD rights. This is to ensure that the character and sense of place of these streetscenes is retained and enhanced.

**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 extend upwards to create additional new homes?**  
No, for the reasons above.

**Question 1.17: Do you agree that a permitted development right should allow the local authority to consider the extent of the works proposed?**  
We consider that the extent of works proposed should be assessed under existing planning application system, not PD rights.

**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?**  
As above, all of these considerations should be assessed under planning permission system, rather than PD rights.

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

**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?**  
This should be addressed under planning permission route, not PD rights.

**Question 1.21: Do you agree that the permitted development right for public call boxes (telephone kiosks) should be removed?**  
No comment

**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?**  
No comment

**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?** No comment

**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 - we do not agree. Storage or distribution sites are often in areas not suitable for residential accommodation - due to noisy adjoining uses, lack of public transport and amenities. All of these potential issues should be assessed through the planning application system as and when proposals for conversion arise.

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

No - larger extensions should be assessed under the planning application process. We have been alerted to many badly designed extensions, which detract from the character of neighbourhoods and the wider street scene, that would ordinarily have been improved if they had been subject to robust assessment under a full planning application.

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

N/A

**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?**

We are concerned that unlisted historic commercial buildings would be particularly vulnerable from this proposal. It is well known that large areas of England remain under surveyed in terms of listed buildings, and conservation areas, and this is particularly true of commercial buildings. We are concerned that any proposal involving demolition should be assessed through the planning application process - so that all material considerations – including heritage, townscape and design are addressed.

**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?**

That PD rights are not implemented for this type of development, and that all material considerations are taken into account through the planning application process.

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

General comment: We consider that this proposed blanket introduction of PD rights for extensions and demolition at local level risks a wide and serious dilution of the planning permission system in England. Officers should be encouraged to implement the adopted Local Plan and the policies that go with it, rather than abandoning it. The changes proposed via this policy on PD rights would be widespread and far reaching, and should remain under the control of the planning authority, who can use their authority and expertise to lessen unwanted impacts, improve design, enhance quality etc through expertise, and application of conditions and other controls. This proposal risks lessening the importance of the professionalism and expertise of planners and design officers in local authorities, and the important strategic role they play. It also risks reducing income (in terms of application fees) for LPAs further at a time when many are under financial stress. Rolling out PD rights to such an extent should be re-thought.