

Planning reform: supporting the high street and increasing the delivery of new homes

Below is a summary of our online response [to the consultation](#) looking at new permitted development rights on building upwards on houses and blocks of flats up to five storeys, a new permitted development right for the demolition of commercial buildings and the canal and rivers trust listed building consent order.

Part 1. Permitted development rights and use classes

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 laundrettes to change to office use (B1)? Please give your reasons.

No as changing to office use in thriving historic high streets will mean that historic shop details are likely to be lost. A fall in rental prices of historic shops will help enable new business to start up. Enabling permitted development to office use will keep prices for space higher than they would otherwise be. Shop rental prices will also be kept higher if there are fewer shops again meaning fewer new businesses can afford to start up.

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.

No. Permitted development to residential uses will have a detrimental impact on historic detailing of shop fronts as these are not suited to residential use. This often creates a negative effect on a parade of shops where one shop window is bricked up. This has negative effects on the entire setting and sends out a message of a failing high street that is self-fulfilling. Owners should be encouraged to rent out shops at lower prices to encourage business start-ups which are better suited to historic properties.

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

Yes. Assessment of whether heritage assets are or may be affected by the proposals followed by appropriate mitigation possibly including preservation in situ; non-designated archaeological remains of national importance are particularly at risk where permitted development is allowed.

This should consider the impact on historic shop fronts and the impact on the arrangement of a parade of shops as a whole. The amount of office space otherwise available (for example above shops).

Yes. Impact on historic shop fronts. Impact on the arrangement of a parade of shops as a whole. The amount of office space otherwise available (for example above shops).

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 .

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.

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?

No, we strongly oppose a new permitted development right for building up. It will have a substantial negative impact on the built environment. We are willing to supply examples of cases which have been granted planning permission which have had such a negative impact. It is odd for the Government to have created the 'Building Better, Building Beautiful' Commission and then propose removing local communities' ability to ensure that existing buildings are not made ugly.

We welcome the exclusion of conservation areas and listed buildings etc. However there is still a key omission in relation to locally listed buildings which could be the very best buildings in an area yet are not unusual enough to be nationally listed. Furthermore we are concerned that owners will not always know whether the site contains a scheduled monument.

We are concerned that many historic buildings (the vast majority of which will not be listed or in a conservation area) will not have deep enough foundations to support multiple extra storeys. Many historic buildings have shallow foundations and will require extra support. A collapse could have devastating impacts on owners and neighbours.

Although the rationale of the right is to provide 'new homes' much building on top of existing buildings will not necessarily provide new homes. The permitted development right should only apply where new homes are created that truly intend to address the housing crisis.

If the policy is approved, then retrospective planning permission where there has been building up in a conservation area or on a listed building should be refused as a matter of course. This will discourage people to extend first then check later.

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

No, design codes will not be strong enough tools to promote good design. Even without permitted development there are many examples of awful upwards extensions which have a negative impact on the surrounding built environment and residents' amenity. Design codes would be helpful to ensure the uniform and consistent design via planning permission. However, a design code is better than no guidance at all.

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?

Though we do not support the permitted development right on balance A is better since there is no definition of 'locality' and this will be confusing - would a cottage near a block of flats be able to add four storeys?

However, both ideas are seriously flawed. What happens when a terrace abuts a church spire or a mill or a factory with many storeys? There is need for serious consideration of such impacts which is why permitted development is not appropriate.

There should also be a requirement to extend neighbour's chimneys above the new roof line so that they can continue to work. Many historic chimneys have been converted to flues outlets etc and need a flow of air to work.

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

No there should be an overall limit, but it should be 1 extra storey overall. 5 storeys is a relatively rare height and extending a 2 storey house to 5 storeys would more than double its height. This is likely to cause foundation problems and would look extremely odd.

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

Where there is a drop in ground level of more than 1.5 meters within a 5 meter radius of the property the right should not apply. Such complex situations need to have full planning permission. As above 1.3 there should be assessment of the impact on heritage assets particularly buried archaeological remains – the permitted development right should not apply to sensitive areas.

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?

This is a more sensible permitted development right than for terraced housing, as this would at least create new homes. However blocks of older flats may be just 2/3 storeys high. Adding 5 storeys to these will not only look disjointed but could have a huge impact and over shadowing effect on other local domestic properties. Homeowners should have the opportunity to object to this.

Most flats will be relatively new in heritage terms so are unlikely to, as yet, be listed. Upwards extension could destroy their architectural quality and prevent them ever being listed. This will mean that some of the best architectural heritage of the 20th century is significantly harmed. There should be a public consultation period for such plans so that the public can object and the 20th century society could be notified of such plans if they were to harm architecturally significant unlisted buildings.

Presumably the extension of blocks of flats upwards will be done by large organisations. It is surprising therefore to suggest that they cannot comply with the planning process to ensure good design. The need to provide homes is not so urgent that planning should simply be side stepped. Government could speed up the process by providing more resource.

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?

We do not agree that the proposed permitted development right is suitable for any building. It is important to retain the control of planning permission for safety and aesthetic reasons above. However, again any new right must actually create new homes and not just create larger homes at the expense of their neighbour's ability to comment.

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.

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 absolutely vital.

Again here there is the issue of safety re foundations of Georgian, Victorian and early 20th century buildings. There must be a strong mechanism to ensure that the building can take the storeys proposed. Similarly an extension of a 2 storey block of flats to a seven storey block of flats could have significant implications for fire safety and evacuation. How will this be properly considered under permitted development rights. Will owners of existing Victorian flats have retrospective fire proofing measures inserted against their wishes? Who will pay?

However, thought must be given where buildings are in multiple ownership. For example a terraced house divided into three flats with the top flat wanting to extend upwards 3 storeys. This is bound to have negative effects on the other flats. Will the top flat owner be able to strengthen the walls and foundations of the other flats against their will? Potentially damaging their property? What compensation will be payable? Will the other flat owners have to go through expensive court processes if their houses collapse? Will insurance be required?

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?

Such matters should be considered in a full planning application. As the Grenfell tragedy has shown the residents of blocks of flats may have a better understanding of the issues than owners or local authorities. It is therefore important that residents have the opportunity to comment in a full planning application since these changes could have a major negative impact on their homes and quality of life. With the reduced funding and staff that many local authorities now have they do not always have the resource to have officers scrutinise applications in detail. Being able to raise objections with councillors is often very useful.

We note that para 1.26 states that 'we expect prior approval to be granted where the design is in keeping with the existing design of the building'. This is so vague and subjective as to be meaningless. This urgently needs clarification.

If the permitted development right is created including prior approval would be positive. However, given that a fee would be charged it does seem that simply applying for full planning permission is the better option. This is especially the case given the changes to the NPPF to support building up.

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

Yes although a building might not be listed or in a conservation area etc it might adjoin one so a low rise two storey block of flats next to a grade 1 listed building might suddenly have 5 storeys' put on top of it seriously harming the setting of the grade 1 building by looming over it – even though the change is outside the listed building's curtilage.

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 should not be permitted as in most cases this will provide no new homes which the Government has said to be the rationale for building up. It is likely to have complicated impacts on neighbouring properties and cause overshadowing issues.

Adding a storey plus roof means that the roof can then be converted under existing permitted development rights - adding in effect two storeys.

However, if it were to go ahead, the impact on heritage assets should be assessed (including setting) and provision should be made for appropriate mitigation including preservation in situ of significant assets.

It created the right should be limited to allowing this where there are already buildings with higher facades on either side of a building and it is a simple levelling up. The proposal should also require extensions to extend neighbour's chimneys which as previously stated may have flues' vents. This should not be allowed in the setting of listed buildings.

In a pair of matching semi detached houses it should not be allowed unless both build upwards otherwise it will destroy the architectural integrity of the composition. If it is done in a terrace any houses wishing to build up should have to do at the same time. Otherwise it will create a 'dog's dinner' of slightly different materials and styles. It is likely that allowing such a right will undermine architectural integrity as well e.g. one house in the middle of an otherwise uniform terrace.

If this permitted right is created the existing rights for loft conversion should be revisited to ensure that it only applies to mid terraced buildings. There are many examples of where semi-detached buildings and end of terraces have been blighted by bad loft conversions that are highly visible. This is especially the case on corners. At the very least the permitted development right should be removed where a house is on a corner and is highly visible. We can provide evidence of the problem if desired.

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

Yes.

The Government should go further and also remove the permitted development right for satellite dishes which have blighted the built environment since they are no longer necessary as programmes are received via the internet. See: <https://www.which.co.uk/news/2018/01/sky-tv-announces-satellite-dish-will-no-longer-be-required/>

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.

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. This will negatively impact conservation areas and listed and locally listed buildings which are not dwelling houses.

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 this has the potential to harm industrial heritage.

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

No. This is leading to loss of substantial parts of gardens which are important for settings of heritage buildings and have archaeological impacts. There are also important ecological impacts. In fact elsewhere in this consultation the Government uses protecting gardens as a justification for its building up policy.

The consultation states at 1.43 that the right does not apply in Article 2(3) land. However, this does not include Listed Buildings and Scheduled Monuments

[<http://www.legislation.gov.uk/uksi/2015/596/schedule/1/made>]. It will be important to include these designated heritage assets in the full list of exemptions from any extensions to PD rights.

The majority of archaeological sites (95%+) are not protected by designation as scheduled monuments, even those which are of national importance (as is recognised by the NPPF, paragraph 196, footnote 63). The absence of a planning application for development means that it is not possible to ensure that the impact of the proposed permitted developments on the significance of heritage assets is assessed and, if appropriate, mitigated. These proposed extensions to PD rights do not therefore allow Government policy as set out in the NPPF to be implemented.

Many town and villages are situated on older settlement sites, of medieval, Anglo-Saxon and/or Roman origin. In these intensively used urban areas the implications of development on below ground archaeological remains needs to be assessed and, if adverse, this impact needs to be mitigated, in many cases by archaeological investigation and recording. Recent survey work has identified examples where proposed extensions have been reduced in size to the permitted development threshold in order to avoid addressing the archaeological implications of house extensions.

It is also unclear how the issue of the setting of heritage assets (included Listed Buildings, Scheduled Monuments or Conservation Areas) can be considered.

A six meter extension along a boundary has a significant impact on others so it is difficult to see why a full planning permission to allow neighbours the opportunity to properly engage is not seen as a positive. Given that a fee of £96 is proposed compared to a planning fee of £206, yet there is still substantial engagement required for prior approval, this will exacerbate the underfunding of planning departments while increasing the negative impacts on surrounding properties. Again this could be especially negative where the neighbouring property is for example locally listed.

If this permitted development right is made permanent, please review others i.e. the loft development right on corner plots mentioned above and the right for satellite dishes now that they are now unnecessary.

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

Yes – planning departments are already unfunded a fee should be charged for the work carried out. If a homeowner is able to build an expensive extension there are to pay the full planning fee. This is a fraction of the cost of the total build price and the expertise of planners should not be under-priced by Government. £206 would be much less than the cost of having the designs themselves drawn up. A higher fee promotes good design as people want to avoid paying to reapply.

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. This has the potential to see lots of industrial and commercial heritage lost, including buildings such as cinemas which are often of high architectural quality. It will also lead to the loss of context for any remaining listed industrial and commercial buildings. There is the potential for serious adverse impacts on undesignated below ground archaeological remains that may have survived the previous, less intensive site usage. A significant intensification of development involves greater below ground impact from foundations, services, access arrangements and other essential additions. There must be adequate safeguards to prevent such harm. This could include adding the impact on archaeology and the wider historic environment to the list of issues to be considered during a prior approval process; if significant impacts were to be identified then the proposal should be the subject of a planning application, which would allow all of the impacts to be properly considered.

Historic cinemas are some of the most architecturally interesting commercial buildings but today are used for many different purposes: commercial cinemas, bingo halls, evangelical churches, theatres, and community halls and meeting places. But historic cinemas always:

- Form part of the built heritage of the towns and suburbs where they are located
- Are greatly loved by their communities, and are part of their collective memory
- Provide a dignified space for community or entertainment uses which once lost, can never be regained

Some cinemas are statutorily listed, but most are not. Some are locally listed, but not all local authorities have devoted resources to preparing a Local List. Many community organisations seek to save their cinema building by gaining the status of 'Asset of Community Value' under the legislation. All proposals to redevelop cinema buildings, as with theatres and other entertainment venues, should require full, reasoned planning applications.

If contrary to our view this new right is created, the existing permitted development right allowing demolition of domestic buildings should be removed. This has seen lots of beautiful historic homes demolished. If the aim of this consultation is really to ensure new homes are created, then homes should not be able to be demolished without planning permission.

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?

There must be the ability for local authorities to refuse demolition if there are concerns on heritage grounds not just on the manner of the demolition as is the case with the existing permitted development right for demolition of houses.

Similarly there must be the ability for a local authority to refuse permission to demolish if a building is either in entertainment use, or has the potential to return to this. If the government implements this proposed 'reform', all entertainment and community buildings should be removed from the category of 'commercial buildings'. This would be in line with the 'Sui Generis' Use Class which applies to theatres to protect their use. The same should apply to public houses and music venues, which are under huge threat.

The context of proposed demolition and how far it damages the local and regional historical importance of an area must be considered- the character of even a listed building remaining could be jeopardised by indiscriminate demolition.

There should be public notices and people should be able to object.

If the new buildings under the permitted development do not need planning permission it will be impossible to assess the impact on surrounding heritage assets. We would urge the Government to abandon this proposal.

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

As outlined above the impact assessment must take account of impacts on locally listed buildings and non designated heritage assets, adjoining listed buildings and neighbours. It is difficult to see why consultation rights should be further weakened when there is already no right of appeal for objectors.

On the proposal for a permitted development right for the demolition of commercial buildings, this would threaten the viability of many buildings used for public gathering and entertainment. The end result would be homogenous towns dominated by intensive residential development without places for people to relax and socialise. This would be immensely damaging for the health and cohesion of our communities.

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?

The threats to community cohesion and the welfare of people with protected characteristics are particularly clear with respect to bingo halls. During the 1960s and 1970s hundreds of cinemas were converted to bingo halls, which are run by either the major chains of Mecca and Gala, or various independent operators.

Bingo has enormous social importance in providing a safe and welcoming social environment for older people, especially older women, who are a key category of people with protected characteristics. In a recent example (at Elephant & Castle, London) the majority of users were found to be older black women.

The bingo halls are often well located in town centres, which enables users to reach them by public transport. This would not be the case if a bingo hall is relocated out of town.

Bingo remains profitable, but the viability of many bingo halls could be threatened if it became easier to redevelop their valuable sites for residential schemes.

Part 2. Disposal of local authority land

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: a. remain at the current level? b. be increased? 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.

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.

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.

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?

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?

It seems to promote selling public land under value for private gain with little check on the ability to in fact promote social economic or environmental wellbeing.

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.

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 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?

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? Please give your reasons.

Given that the types of work covered are described as repair and maintenance it is hard to see why the extension of a waterway structure should be covered by the order.

Question 3.2: Do you agree that the safeguards included in the order are appropriate? Please give your reasons.

Yes however, perhaps Historic England should also have the power at (c) to direct that specific buildings are not covered by the order.

Question 3.3: Do you consider that any additional safeguards are required? Please provide details

Yes notice of the works should be published at the site with a link to the methodology giving the public an opportunity to 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?

Part 4. Part New town development corporations: Draft compulsory purchase guidance

Question 4.1: Do you have any comments on the draft guidance at Annex D?

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?