

Planning reform: supporting the high street and increasing the delivery of new homes (October 2018)

1. On 29th October 2018 the Ministry of Housing, Communities & Local Government published the consultation document 'Planning reform: supporting the high street and increasing the delivery of new homes'. The consultation period closes on 14th January 2019.
2. ***Aim of the Consultation***
 - 2.1 The government is consulting on proposals that are intended to '*allow greater change of use to support high streets to adapt and diversify, support extending existing buildings upwards to create additional homes, and speed up the delivery of new homes.*'
 - 2.2 The consultation includes separate proposals in respect of:
 - **Part 1:** new and amended permitted development (PD) rights and changes to use classes, including to support the regeneration of the high street and to extend existing buildings upwards to create new homes.
 - **Part 2:** the disposal of surplus local authority land - rationalising and updating the rules which govern disposal of public land at less than best value.
 - **Part 3:** a draft listed building consent order to support the work of the Canal & River Trust.
 - **Part 4:** draft guidance on the compulsory purchase powers of new town development corporations
3. ***Permitted Development Rights and Use Classes***
 - 3.1 The Consultation is seeking views on;

Allow greater change of use to support high streets to adapt and diversify
 - 3.2 The Consultation is proposing new PD rights to allow existing premises in typical high street uses to change to a wider range of uses, allowing more leisure and community uses such as gyms, libraries, health care and office use as well as homes. It is argued that PD rights for change from high street uses would provide a quicker more certain route to enable business to adapt and help town centres to remain vibrant.
 - 3.3 The Consultation is proposing a new national PD right to allow Use Classes¹ A1, A2, A5, betting shops, pay day loan shop and launderettes to change to B1. It is also proposing to allow Use Class A5 to change to C3, as is already

¹ Shops: A1, Financial and Professional Services: A2, Hot Food Takeaways: A5, Office Use: B1, Residential Use: C3.

the case with the other uses listed in this paragraph. PD rights for change from high street uses would be subject to prior approval by the local planning authority.

- 3.4 The Consultation is proposing to extend the existing PD right for the temporary change of Use Class² from A1, A2, A3, A5, B1, D1, D2, Betting Shops and Pay Day Loan Shops to change to A1, A2, A3 or B1. The current right allows premises to change use for up to 2 years, enabling new business start-ups to test the market and help ensure premises are not left empty. The Consultation proposes that these premises should also be allowed to change to certain community uses: public library, exhibition hall, museum, clinic or health centre. It is proposed to extend the period of the temporary use from 2 to 3 years.
- 3.5 The Consultation also requests views on potential options to review the approach to Use Classes A1, A2 and A3, including replacing with a single use class, or reclassifying to a broader definition of uses.

Allow certain building types in particular uses to extend upwards to create additional new homes

- 3.6 The Consultation is proposing a new PD right, subject to prior approval by the local planning authority (LPA), to allow additional storeys (height limits apply) to be built above certain buildings, in particular those in commercial or residential use, to provide additional, well designed, new homes to meet local housing need. The new PD right would not apply in certain designated areas e.g. conservation areas.
- 3.7 National planning policy indicates that previously developed land and buildings should be effectively used, including the airspace above existing buildings, to create new homes. It is the intention that this right would provide additional new homes which fit within the existing streetscape, make effective use of land for housing, boost housing density in areas of high demand such as our town centres and high streets, increase footfall and prevent garden-grabbing.

Remove the existing right that allows the installation of, and advertising on, new public call boxes

- 3.8 It is proposed that the placing of public call boxes would now benefit from the greater consideration of their impact on the local amenity as would any accompanying adverts.

Increased size limits for off-street electric vehicle charging points

- 3.9 The Government's commitment is that by 2050 nearly all cars and vans should be zero emission vehicles. To support its delivery the Consultation

² Shops: A1, Financial and Professional Services: A2, Restaurants and Cafes: A3, Hot Food Takeaways: A5, Offices: B1, Non-Residential Institutions: D1, Assembly and Leisure: D2, Shops: A1, Financial and Professional Services: A2, Restaurants and Cafes: A3.

proposes to increase the existing size limits for electric vehicle charging points (from 1.6m to 2.3m) located in off-street parking areas (but not within the curtilage of a dwellinghouse) to facilitate rapid charging.

Make permanent two time-limited rights

- 3.10 The Consultation proposes to make permanent two time-limited PD rights (change of use from storage or distribution to residential use, and for larger single storey rear extensions to houses) that will currently cease to have effect in 2019.

Explore the feasibility of a new right to allow for the demolition of existing commercial buildings and their redevelopment as residential

- 3.11 The Consultation is seeking views on whether it would be feasible for a PD right to be designed that could allow for the redevelopment of a commercial site to create new homes.

4. Disposal of Local Authority Land

- 4.1 The Consultation proposes to extend local LPAs freedoms to dispose of surplus land at less than best consideration without seeking consent from the Secretary of State (SoS), thereby supporting local development objectives.
- 4.2 The purpose of these proposals is to streamline the involvement of the SoS in the regime that governs disposal of land by LPAs at an undervalue, i.e. for less than best consideration. This is intended to give LPAs greater flexibility to dispose of public land at an undervalue where doing so is considered to deliver wider economic, social or environmental benefits. This may, for example, help support local community initiatives and facilitate regeneration projects that deliver new housing, including the provision of affordable housing.
- 4.3 The SoS has issued a general consent in relation to land held for purposes other than housing or planning. It allows LPAs to dispose of such land at an undervalue of less than £2 million without seeking a specific consent where they consider it will help secure improvement of the economic, social or environmental well-being of the area.
- 4.4 The SoSs power to issue a general consent for the disposal of land held for planning purposes has not yet been exercised, but this consultation invites responses on whether it should now be switched on.
- 4.5 Some recently formed combined authorities have been given the same powers to dispose of land held for planning purposes as LPAs and any proposals taken forward as a result of this consultation would also apply to those combined authorities.
- 4.6 The Consultation document suggests that the existing £2 million threshold for disposals of land held for purposes other than planning or housing, set in

2003, is out of date because of increases in the value of land. A new undervalue threshold of £5 million, or alternatively £10 million, is proposed which would provide LPAs with substantially more flexibility to dispose of land without the involvement of the SoS. Additionally, the Consultation seeks views on whether a new general consent should contain any financial threshold at all.

5. Canal & River Trust: Draft Listed Building Consent Order

- 5.1 The Consultation proposes a listed building consent order which will allow minor, routine works to the Canal & River Trust's listed waterway structures without the need for individual listed building consent applications.

6. New Town Development Corporations – Draft Compulsory Purchase Guidance

- 6.1 The Consultation is seeking views on draft guidance on the compulsory purchase order (CPO) powers of new town development corporations, providing additional clarity to those with an interest in proposed new settlements.
- 6.2 The draft guidance sets out substantive government policy on how new town development corporations' CPO powers are to be used, and the policy factors which Ministers will take into account when deciding whether to approve new town CPO orders, including:
- Orders will be considered on their individual merits.
 - New town development corporations' broad powers to acquire land and the specific statutory objects these powers serve.
 - The potential benefits of assembling land early in the process.
 - That new town development corporations may be justified in making a CPO order in advance of detailed proposals being developed and approved, given the scale and nature of new towns.
- 6.3 There are currently no new town development corporations within the Leeds City Region.