

APPENDIX 1

INDIVIDUAL EXECUTIVE MEMBER DECISION

Proposed response to proposed new permitted development right for the change of use from Commercial, Business and Service use to residential

Q1 Do you agree that there should be no size limit on the buildings that could benefit from the new permitted development right to change use from Commercial, Business and Service (Class E) to residential (C3)?

A – No. The lack of a size limit means that a number of large format retail units could be lost from town centres without requiring permission, significantly impacting upon the vitality and viability of town centres. Once lost, it would be extremely difficult to re-provide large retail uses back into centres. The loss of a large or an ‘anchor store’ makes centres much less attractive places to visit. This element of the proposal therefore may have the consequence of doing more harm than good to centres.

Q2.1 Do you agree that the right should not apply in areas of outstanding natural beauty, the Broads, National Parks, areas specified by the Secretary of State for the purposes of section 41(3) of the Wildlife and Countryside Act 1981, and World Heritage Sites?

No comments.

Q2.2 Do you agree that the right should apply in conservation areas?

A – No. A significant number of Class E uses are located within town centre Conservation Areas, designated because of their historic nature and their character and appearance. The character of a place is more than physical structures, it is a holistic appreciation of place. Unmanaged change carries significant risk of undermining the special character and the designation of the conservation area itself. The right would lead to future pressure for physical changes to buildings within CA's, undermining their characters.

Q2.3 Do you agree that, in conservation areas only, the right should allow for prior approval of the impact of the loss of ground floor use to residential?

A - See above. This should not apply in Conservation Areas.

Q3.1 Do you agree that in managing the impact of the proposal, the matters set out in paragraph 21 of the consultation document should be considered in a prior approval?

A - The matters which an LPA may consider under the prior approval exclude significant considerations which affect both the high street and commercial areas and the quality of accommodation provided to residents.

The proposed permitted development right is likely to lead to pepper potted and ad hoc conversions to residential uses along the high street. A continuous retail frontage is important in attracting shoppers to a high street and the fragmentation of the retail frontage is likely to lead a decrease in visitors and footfall, impacting their vitality and viability and compounding the issue of struggling high streets rather than helping them. It is significant that the consultation does not seek to protect primary retail frontages from conversion, so even the main retail offer in larger centres could be lost.

The Council does not agree to the change of use as proposed without a planning application to enable the Council to consider the impact of the scheme on vitality and viability. Regard must be had to a Council's adopted planning policies.

The converted units are not required to meet any of the LPA's adopted standards which seek to provide a decent standard of accommodation, such as those relating to the provision of amenity space or requiring minimum separation between buildings to ensure privacy etc. Without proper standards to ensure acceptable accommodation is provided, a number of homes provided through this mechanism are likely to provide substandard and undesirable homes.

Q3.2 Are there any other planning matters that should be considered?

A – Yes. The proposal doesn't fully consider the function of place. Whilst residential always has provided an important element in town centres and flats above shops etc are commonplace, the introduction of significant ground floor residential use, especially within established centres will be harmful to the vitality of these centres and undermine their ability to meet the general retail and service needs of their communities.

A significant number of specialist or marginally viable retail uses are likely to be lost as a result of the proposal. These are units along secondary frontages or smaller centres which could not afford higher rents. Removing the requirement for planning permission is likely to make many landlords look to residential given the higher returns available. In residential areas outside of the main centres, uses such as nurseries and day care centres as well as smaller retail units serving the local population, could also be lost.

Q4.1 Do you agree that the proposed new permitted development right to change use from Commercial, Business and Service (Class E) to residential (C3) should attract a fee per dwellinghouse?

Yes.

Q4.2 If you agree there should be a fee per dwelling house, should this be set at £96 per dwellinghouse?

They should be set at the same rate as the equivalent planning application. Although marketed as a 'light touch' approach, prior approvals have become increasingly complex to consider, particularly given the questionable drafting of some of the recent SI's, and can be comparable to a planning application in terms of time taken to consider them. The proposed fee per unit (£96) for each application is significantly less than the equivalent planning application (£462) and this represents a large loss of income for the Council when the work associated with dealing with them is not significantly less.

Q5 Do you have any other comments on the proposed right for the change of use from Commercial, Business and Service use class to residential?

No comments.

Q6.1 Do you think that the proposed right for the change of use from the Commercial, Business and Service use class to residential could impact on businesses, communities, or local planning authorities?

Yes – significant detrimental impact upon all three groups for the reasons above.

Q6.2 Do you think that the proposed right for the change of use from the Commercial, Business and Service use class to residential could give rise to any impacts on people who share a protected characteristic?

Many of the most vulnerable in the community, including some with protected characteristics, will be detrimentally impacted by the loss of accessible services and facilities that will result from this proposed permitted development right.

This page is intentionally left blank