

Planning Reform: Supporting the high street and increasing the delivery of new homes

Consultation response pro forma

Thank you for responding to the consultation. Online responses via Survey Monkey at <https://www.surveymonkey.co.uk/r/PlanCon18> are particularly welcomed. If you are responding by email or in writing, please reply using this pro forma, which should be read alongside the consultation document at <https://www.gov.uk/government/consultations/planning-reform-supporting-the-high-street-and-increasing-the-delivery-of-new-homes>. You are able to expand the comments box should you need more space. Required fields are indicated with an asterix(*). You may respond to one or more of the respective parts of the consultation.

The consultation document and consultation process have been planned to adhere to the Consultation Principles issued by the Cabinet Office. Information provided in response to this consultation, including personal data, may be published or disclosed in accordance with the access to information regimes. The Ministry of Housing, Communities and Local Government will process your personal data in accordance with the law and in the majority of circumstances this will mean that your personal data will not be disclosed to third parties. Further information is included at Annex A and a full privacy notice is included at Annex B.

The completed pro forma should be returned to: planningconsultation2018@communities.gov.uk

Or posted to:

Planning Consultation
Planning Development Management Division
Ministry of Housing, Communities and Local Government
3rd floor, North East
Fry Building
2 Marsham Street
London
SW1P 4DF

The consultation runs from 29 October 2018 and closes at 23.45 on 14 January 2019

Your details

First name*	Victoria
Family name (surname)*	Thomson

Title	Dr.
Address	4th Floor Cannon Bridge House, 25 Dowgate Hill
City/Town*	London
Postal Code*	EC4R 2YA
Telephone Number	
Email Address*	governmentadvice@HistoricEngland.org.uk

Are the views expressed on this consultation your own personal views or an official response from an organisation you represent?*

Organisational response

If you are responding on behalf of an organisation, please select the option which best describes your organisation.*

Other (please specify)

If you selected other, please state the type of organisation

Non-departmental public body

Please provide the name of the organisation (if applicable)

Historic England

Part 1: Permitted development rights and use classes

Allow greater change of use to support high streets to adapt and diversify

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)?

No

As noted in the consultation document, the revised NPPF seeks to 'ensure the vitality of our town centres by taking a positive approach to their growth, management and adaptation'. This positive approach is best delivered through the formulation and delivery of locally-appropriate strategies, via the plan-led system, rather than nationally-determined and necessarily 'one size fits all' permitted development solutions. Permitted development rights certainly have their uses, but further increases in their scope, as proposed in the consultation document, are likely to reduce the ability of communities to positively manage these important environments (and to meet identified local needs for specific facilities), and therefore come into conflict with wider government objectives for high streets and town centres. As noted in the call for proposals for the Future High Streets Fund, 'no two high streets are the same', and the 'visionary local leaders who understand what their local communities will need in the years to come' will not be able to fully develop or implement their visions if uses and the overall character of their areas can change to the degree proposed without active management. This is not to suggest that change per se should be restricted, rather that it should be positively managed through the planning system and other local tools – which themselves provide both developers and local communities with the certainty sought in the consultation document. High streets and town centres are very often historic in nature, and uncontrolled changes can affect their physical appearance and overall character, as well as reducing confidence in those directing regeneration and other funding to their improvement. The policies in the NPPF adequately support the broad shift in uses being proposed in the consultation document, in a managed way, and so the extension of PD rights is not believed to be necessary or justified.

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 select an answer from this drop down menu

Click here to enter text.

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

Please select an answer from this drop down menu

Click here to enter text.

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

The proposed uses are all appropriate town centre uses which would support town centre vitality and refine town centre character; their temporary implementation allows market testing without jeopardising the implementation of longer-term strategies.

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

No

Click here to enter text.

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

Please select an answer from this drop down menu

Click here to enter text.

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

Please select an answer from this drop down menu

No, for the reasons outlined in response to Q1.1, and noted in paragraph 1.12 of the consultation document.

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.

Please select an answer from this drop down menu

Click here to enter text.

A new permitted development right to support housing delivery by extending buildings upwards to create additional new homes

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

The revised NPPF already makes positive policy provision for such development, and in such a way that all the relevant issues (including heritage and design) can be appropriately considered, with explicit reference to the local context, whether through policy making or decision-taking, or, where appropriate, a local or neighbourhood development order put in place: a permitted development right (PDR) is simply not needed. The consultation document notes the very many significant obstacles to implementing the proposed PDR, and in doing so reflects the concerns which Historic England flagged in its response to the 2016 consultation on upwards extensions in London. Given the number, nature and extent of the obstacles to making such a PDR work at all, let alone in such a way as to be an improvement on the existing planning tools available, any benefits are likely to be significantly outweighed by the extent and complexity of the planning infrastructure needed to implement this proposal. That same complexity would render such a PDR much less attractive to those considering the proposals envisaged, too: the existing planning application route would provide much greater clarity and certainty for prospective developers. In Historic England's view, efforts would be better directed into encouraging wider, more proactive use of existing powers, promoting good design in any such developments, and identifying locations where it would be particularly appropriate. With regard to the current proposals, particular areas of concern to Historic England include the direct impact on the historic environment. Whilst the exclusion of Article 2(3) land, listed buildings (and their curtilage), and scheduled monuments is welcomed, this would not address the impact on the other designated and non-designated heritage assets and their setting, nor the general quality and character of the built environment. Any control over design introduced via design codes or prior approval mechanisms is unlikely to be able to take the nuances of heritage assets' significance into account to a satisfactory degree, especially given the broad range of uses and locations being considered for the PDR (one example of which being the suggestion that prior approval would be granted where a design was 'in keeping with the existing design of the building': replicating floors would still change overall proportions, and fail to reflect the changes in detailing which denote the function and status of different floors within an original coherent and cohesive design, e.g. in a Georgian terrace), with the result that there would be harm to the historic environment from both individual proposals and the cumulative effect of a number of proposals, and an associated failure to deliver sustainable development.

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

Please select an answer from this drop down menu

Click here to enter text.

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?

Please select an answer from this drop down menu

Click here to enter text.

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

Not sure

Historic England remains opposed in principle to this proposal, but, if it were to be implemented, a limit on additional storeys would be appropriate.

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

Click here to enter text.

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?

No

Click here to enter text.

Question 1.15: Do you agree that the premises in paragraph 1.21 of the consultation document would be suitable to include in a permitted development right to extend upwards to create additional new homes?

Please select an answer from this drop down menu

Click here to enter text.

Question 1.16: Are there other types of premises, such as those in paragraph 1.22 of the consultation document that would be suitable to include in a permitted development right to extend upwards to create additional new homes?

Please select an answer from this drop down menu

Click here to enter text.

Question 1.17: Do you agree that a permitted development right should allow the local authority to consider the extent of the works proposed?

Please select an answer from this drop down menu

Click here to enter text.

Question 1.18: Do you agree that in managing the impact of the proposal, the matters set out in paragraphs 1.25 -1.27 of the consultation document should be considered in a prior approval?

Please select an answer from this drop down menu

Click here to enter text.

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

Please select an answer from this drop down menu

Click here to enter text.

Question 1.20: Should a permitted development right also allow for the upward extension of a dwelling for the enlargement of an existing home?

Please select an answer from this drop down menu

If so, what considerations should apply?

Click here to enter text.

The permitted development right to install public call boxes, and associated advertisement consent

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

Yes

This proposal would increase control over the appearance, quality and functionality of the built and historic environment by limiting unnecessary street clutter. It also demonstrates a welcome acceptance of the value (and positive impact) of planning controls.

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

This proposal would increase control over the appearance and quality of the built and historic environment by limiting unnecessary visual intrusion and impact on amenity.

Increasing the height threshold for the permitted development right for electric vehicle charging points in areas used for off-street parking

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

Whilst increasing the provision of charging points for electrical vehicles is welcome in principle, allowing a larger upstand in advance of the technological advancements that would render this necessary appears premature, and might actually discourage innovation that would result in smaller facilities with reduced overall impact on the character and appearance of the built environment. Concerns about such impact are compounded by the fact that the current permitted development right (PDR) has limited regard to the historic environment, only requiring planning permission in respect of sites designated as scheduled monuments, or within the curtilage of a listed building: there is no reference to other Article 2(3) land or heritage assets (including conservation areas), or their setting. Further, the PDR allows one upstand for each parking space, which could lead to a proliferation of tall and visible structures.

Making permanent two time-limited permitted development rights

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?

Please select an answer from this drop down menu

Click here to enter text.

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

Please select an answer from this drop down menu

Click here to enter text.

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

Please select an answer from this drop down menu

Click here to enter text.

Supporting housing delivery by allowing for the demolition of commercial buildings and redevelopment as residential

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

As noted in response to Q1.1, increasing the scope of permitted development rights to this degree reduces the ability of communities to positively manage the appearance and operation of their local areas, and, given the existence of perfectly adequate planning tools to deliver this type of development (including NPPF policy which strongly supports the identification of sites for housing, alongside a requirement for high quality design and a regard for context), appears unnecessary. Subject to the definition of details to be dealt with via prior approvals, this proposal raises immediate concerns about the loss of employment land, the quality of the residential environment, the quality of the built environment generally, the impact on the historic environment (including the risk that locally listed structures will be lost, and the impact on the setting of heritage assets, and on buried archaeology, not assessed), and the absence of the developer contributions which would usually be obtained in relation to development of this sort. As noted in the consultation document, this proposal 'expands the current scope of permitted development

rights', and seems to require a disproportionate number of additional matters need to be addressed to enable it to 'operate effectively'. Given the complexity of the mechanisms required to enable it to function at all, the risks to both the built environment and wider NPPF objectives, and the existence of existing planning mechanisms to support the delivery of exactly this sort of development, but within a local strategy, it does not appear to be necessary or beneficial, and would needlessly undermine the plan-led system and the delivery of sustainable development.

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?

Click here to enter text.

Impact assessment

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

Please select an answer from this drop down menu

i. Allow greater change of use to support high streets to adapt and diversify

Click here to enter text.

ii. Introducing a new right to extend existing buildings upwards to create additional new homes

Click here to enter text.

iii. Removing permitted development rights and advertisement consent in respect of public call boxes (telephone kiosks)

Click here to enter text.

iv. Increasing the height limits for electric vehicle charging points in off-street parking spaces

Click here to enter text.

v. Making permanent the right for the change of use from storage to residential

Click here to enter text.

vi. Making permanent the right for larger extensions to dwellinghouses

Click here to enter text.

Public sector equality duty

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?

Please select an answer from this drop down menu

What evidence do you have on these matters?

Click here to enter text.

Is there anything that could be done to mitigate any impact identified?

Click here to enter text.

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 select an answer from this drop down menu

Please give your reasons.

Click here to enter text.

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 select an answer from this drop down menu

Please give your reasons.

Click here to enter text.

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 select an answer from this drop down menu

Please give your reasons.

Click here to enter text.

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 select an answer from this drop down menu

Please give your reasons.

Click here to enter text.

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?

Yes

These are appropriate and important criteria for the disposal of land, e.g. in relation to securing the on-going management of historic public parks and green spaces.

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?

Please select an answer from this drop down menu

Click here to enter text.

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 select an answer from this drop down menu

Please give your reasons.

Click here to enter text.

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.

Click here to enter text.

Public sector equality duty

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?

No

What evidence do you have on these matters?

Click here to enter text.

Is there anything that could be done to mitigate any impact identified?

Click here to enter text.

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?

Yes

Please give your reasons.

Historic England has worked closely with MHCLG and the Canal & River Trust on the development of these proposals, and is satisfied that they provide a valuable resource efficiency whilst maintaining an appropriate degree of protection.

Question 3.2: Do you agree that the safeguards mentioned included in the order are appropriate?

Yes

Please give your reasons.

As noted above, Historic England has worked closely with MHCLG and the Canal & River Trust on the development of these proposals. The proposed safeguards include the agreement of a methodology for the works covered by the Order: a draft methodology has been prepared and issued for public consultation.

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

No

Please provide details.

Click here to enter text.

Public sector equality duty

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?

No

What evidence do you have on these matters?

Click here to enter text.

Is there anything that could be done to mitigate any impact identified?

Click here to enter text.

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

Question 4.1: Do you have any comments on the draft text at Annex D of the consultation document?

No

Click here to enter text.

Public sector equality duty

Question 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?

No

What evidence do you have on these matters?

Click here to enter text.

Is there anything that could be done to mitigate any impact identified?

Click here to enter text.

About this consultation

This consultation document and consultation process have been planned to adhere to the Consultation Principles issued by the Cabinet Office.

Representative groups are asked to give a summary of the people and organisations they represent, and where relevant who else they have consulted in reaching their conclusions when they respond.

Information provided in response to this consultation, including personal data, may be published or disclosed in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 2018 (DPA), and the Environmental Information Regulations 2004).

If you want the information that you provide to be treated as confidential, please be aware that, as a public authority, the Department is bound by the Freedom of Information Act and may therefore be obliged to disclose all or some of the information you provide. In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Department.

The Ministry of Housing, Communities and Local Government will process your personal data in accordance with the law and in the majority of circumstances this will mean that your personal data will not be disclosed to third parties. A full privacy notice is included at Annex B.

Individual responses will not be acknowledged unless specifically requested.

Your opinions are valuable to us. Thank you for taking the time to read this document and respond.

Are you satisfied that this consultation has followed the Consultation Principles? If not or you have any other observations about how we can improve the process please contact us via the [complaints procedure](#).

Privacy notice

Personal data

The following is to explain your rights and give you the information you are entitled to under the Data Protection Act 2018.

Note that this section only refers to your personal data (your name address and anything that could be used to identify you personally) not the content of your response to the consultation.

1. The identity of the data controller and contact details of our Data Protection Officer

The Ministry of Housing, Communities and Local Government (MHCLG) is the data controller. The Data Protection Officer can be contacted at dataprotection@communities.gov.uk

2. Why we are collecting your personal data

Your personal data is being collected as an essential part of the consultation process, so that we can contact you regarding your response and for statistical purposes. We may also use it to contact you about related matters.

3. Our legal basis for processing your personal data

The Data Protection Act 2018 states that, as a government department, MHCLG may process personal data as necessary for the effective performance of a task carried out in the public interest, i.e. a consultation.

3. With whom we will be sharing your personal data

Your personal data will not be shared with any organisation outside of MHCLG.

4. For how long we will keep your personal data, or criteria used to determine the retention period.

Your personal data will be held for two years from the closure of the consultation.

5. Your rights, e.g. access, rectification, erasure

The data we are collecting is your personal data, and you have considerable say over what happens to it. You have the right:

- a. to see what data we have about you
- b. to ask us to stop using your data, but keep it on record
- c. to ask to have all or some of your data deleted or corrected
- d. to lodge a complaint with the independent Information Commissioner (ICO) if you think we are not handling your data fairly or in accordance with the law. You can contact the ICO at <https://ico.org.uk/>, or telephone 0303 123 1113.

- 6.** The Data you provide directly will be stored by Survey Monkey on their servers in the United States. We have taken all necessary precautions to ensure that your rights in terms of data protection will not be compromised by this.
- 7.** Your personal data will not be used for any automated decision making.
- 8.** Your personal data will moved from Survey Monkey 6 months from the date the consultation closes and stored in a secure government IT system.