

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

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Family name (surname)*	Gedling Borough Council

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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.*

Local authority (including National Parks, Broads Authority, the Greater London Authority and London Boroughs)

If you selected other, please state the type of organisation

Click here to enter text.

Please provide the name of the organisation (if applicable)

Gedling Borough Council

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)?

Not sure

Response made in conjunction with answer provided for question 1.3 which sets necessary prior approvals. It is considered that whilst some B1 uses may be appropriate in local retail centres, for example offices, other B1 uses such as light industry may be detrimental to the character of a local retail centre. We would recommend that if the proposal goes ahead the change of use is restricted to B1 (a) office uses.

In relation to A1 to B1 – the NPPF defines ‘retail’ and ‘offices’ and main town centre uses as such the principle of this type of conversion would be broadly acceptable.

As a general point and one pertinent to a number of questions in this consultation, the recently adopted Gedling Borough Part 2 Local Plan contains a policy that sets out maximum percentages for A2, A3, A4, A5 and Other uses within town and local centres which is considered to conform to the NPPF guidance in paragraph 85 to set out policies that make clear the range of uses permitted in primary shopping areas. This proposal and others within this consultation paper would lead to a loss of control potentially undermining the policy aim to protect the main retail function of primary shopping areas.

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)?

Not sure

Generally a C3 use is more desirable than an A5 use. However in cases where an A5 use is located within a local retail centre, a change of use to C3 may not be desirable and could have a permanently adverse impact on the character of that local retail centre. This would particularly be the case where the existing A5 use is in a prominent or central position within the local retail centre. It is also important to consider the design credentials of a proposed shop front conversion to residential use in local retail centres and the merits of controlling the loss of original shop front features that contribute to the overall street scene.

The recently adopted Gedling Borough Part 2 Local Plan includes specific policies to restrict the percentage of A5 uses within local centres. It also includes a specific policy to support the conversion of upper floors to residential use.

Suggest that if implemented, this permitted development right includes prior approval to assess on the impacts on designated local retail centres.

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

Yes

- (1) Impact on the retail character of the local retail centre.
- (2) Impact on the visual amenity of the local retail centre.
- (3) Impact on the amenity of nearby occupiers.

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 broadening to community uses would be consistent with the NPPF's definition of main town centre uses including 'health and fitness centres' and 'culture and tourism development', therefore there is existing policy support for this type of change of use.

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

Yes

Other D1 and D2 class uses such as community centres, religious institutions, gymnasiums and entertainment facilities are community uses that would generally be acceptable in local retail centres. The NPPF's definition of main town centre uses gives general policy support to many of these types of uses within town centres.

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

Yes

The rationale to allow sufficient time to establish a business seems sensible.

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

Simplify A1 use class

Permitted development rights already exist between A1, A2 and A3 uses in certain circumstances and changing between these uses is broadly acceptable in principle when considering the definition of main town centre uses in the NPPF. The Gedling Borough Part 2 Local Plan contains a policy that sets out maximum percentages for A2, A3, A4, A5 and Other uses within the primary shopping areas in the centres. The proposal to simplify A class uses would result in the Council having less control over the acceptable percentages of each A class use, as set out in its recently adopted policy. It is considered important to be able to control the range of uses that are acceptable in the primary retail area in order to protect the prime retail function and the viability and vitality of the town centre as a whole. More flexibility could be applied to the secondary shopping areas.

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. Simplify A1

Permitted development rights already exist between these uses and they are uses that are commonly expected in local retail centres. It is important that local planning policies are able to control non A1 uses in order to protect the retail function of the primary shopping area.

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?

Not sure

In relation to town centres, the Gedling Borough Part 2 Local Plan includes a policy in support of the use of upper floors for 'any purpose' provided (a) there is not unacceptable conflict in relation to rear servicing; (b) there is not unacceptable impact on neighbouring amenity and (c) appropriate provision for parking is made. These matters should be considered as part of prior notification. In relation to the extension of buildings upwards, the principle of making efficient use of land is supported; however the impact upon neighbouring amenity and retail character would need to be assessed in particular to ensure proposals are not unduly overlooking, overbearing or overshadowing all of which would be site specific matters. It would also be appropriate to ensure very poor designs would not be

acceptable as a result of the principle being acceptable. A concern is that such development undertaken under PD rights (which could be a substantial number of housing units in some centres) would not be required to make appropriate contributions to local infrastructure such as education or health provision.

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

Not sure

Yes – although resources and expertise to have these in place are limited. A period will be required to put these in place.

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?

a. Roofline of highest building in terrace

This would provide more certainty and ensure that upwards extensions have some symmetry in relation to the overall design of the terrace.

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

Unlikely that this would apply in Gedling Borough. An approach that restricts extensions to the roofline of the highest building in the terrace is supported.

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

Ground levels are a common issue in Gedling Borough – similar proposals at different topographies can have entirely different impacts therefore some flexibility is needed to assess these. The impact upon neighbouring amenity would need to be assessed in particular to ensure proposals are not unduly overlooking, overbearing or overshadowing all of which would be site specific matters

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?

Not sure

Different design/ constraints compared with a row of terraces. The number of additional stories that would be appropriate would be site specific.

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?

Not sure

Would it be more suitable to apply the proposed right to all buildings within a designated local retail centre, where intensified uses are particularly appropriate? Greater consideration would need to be given for upward extensions outside of local retail centres. It is important that the quality of design is of a high standard in order to protect the retail character of retail centres. There is a concern that such housing if developed under PD rights would not contribute towards the services and facilities needed to support the level of development.

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?

Not sure

Upward development on retail parks is not supported given that these sites are purpose built retail parks designed for the private car but not always with good public transport provision. They have not been designed from the outset to meet the amenity, accessibility, safety and inclusive development needs required for residential development. A potential concern is that the housing development could result in a poor quality of development and conflicts between vehicular movements parking and pedestrians and these types of proposals should be dealt with under full planning control. A further concern especially given the scale of such facilities would be the inability to secure appropriate developer contributions towards necessary supporting infrastructure to make the development acceptable in planning terms.

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 will ensure works proposed are appropriate to each specific case.

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?

Yes

Given that proposals would be for upwards extensions consideration of local amenity should take account of whether the proposal is unduly overlooking, overbearing or overshadowing.

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

Not sure

Applying existing prior approvals for C3 changes of use in addition to consideration of local amenity and design seem sensible.

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

No

If so, what considerations should apply?

Existing permitted development rights do not allow side or rear extensions over certain heights (i.e. 1 storey) therefore it would not be appropriate to give right to upwards extensions without planning consideration being given.

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

The rationale given seems sensible. This would give local authorities greater control over the impact of proposals on the street scene.

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

If the kiosks are already in place it would be difficult to refuse proposal to use these for advertisements as there is no material change to the form of the structure. Also operators would make the planning case for supporting economic growth which would have general policy support.

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?

Yes

Gedling Borough Council is supportive of electronic vehicle charging points and has prepared guidance for developers relating to this. Could rights include prior notification for charging points within the curtilage of a dwellinghouse in order to assess the impact upon amenity and character of neighbouring occupiers?

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?

Not sure

No response

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

Yes

Rationale seems sensible and prior notification remains in relation to protecting the amenity of adjoining neighbours.

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

Covers cost of processing application

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

This has the potential to undermine protected employment allocations and also the process for considering residential proposals. The principle of developing new dwellings on brownfield land and taking a positive approach to applications on employment land for homes provided this would not undermine key economic sectors is established in the NPPF. It is appropriate that the local planning authority is able to consider the full suite of planning considerations for residential developments of this type which would include the positive 'in principle' approach outlined in the NPPF and reflected in local planning policies. It is unclear how a permitted development right could ensure 'high quality' redevelopment which is effectively the role of a formal planning application. It is considered that whilst there may be a role for establishing the outline principle of residential development on a site, where this is not a protected employment site, the details of redevelopment should be determined through a formal planning application. A further concern especially given the scale of such facilities would be the inability to secure appropriate developer contributions towards necessary supporting infrastructure to make the development acceptable in planning terms.

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?

It is considered that such proposals should be the subject of a formal planning application to take into account the full range of potential planning issues.

Impact assessment

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

No

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

No response

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

No response

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

No response

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

No response

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

No response

vi. Making permanent the right for larger extensions to dwellinghouses

No response

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?

No

What evidence do you have on these matters?

No response

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

No response

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?

c. be removed completely

Please give your reasons.

Support the removal of the threshold to enable a more flexible approach to the disposal of local authority land and allow for local management and decision taking.

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)

c. Other

Please give your reasons.

Support the removal of the threshold.

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?

Yes

Please give your reasons.

Support principle of including a flexible approach to the disposal of local authority land and allow for local management and decision taking.

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?

e. All disposals

Please give your reasons.

Support the principle of not including a threshold.

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?

Not sure

Support principle of including a flexible approach to the disposal of local authority land and allow for local management and decision taking.

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?

No

No response

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.

Not applicable to Gedling Borough.

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.

Not applicable to Gedling Borough.

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?

Please select an answer from this drop down menu

What evidence do you have on these matters?

No response

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

No response

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 select an answer from this drop down menu

Please give your reasons.

No response

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

Please select an answer from this drop down menu

Please give your reasons.

No response

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

Please select an answer from this drop down menu

Please provide details.

No response

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?

Please select an answer from this drop down menu

What evidence do you have on these matters?

No response

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

No response

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?

Please select an answer from this drop down menu

No response

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?

Please select an answer from this drop down menu

What evidence do you have on these matters?

No response

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

No response

Annex A

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.