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Date: *2 October 2013*

NOTIFICATION OF PORTFOLIO DECISION(S)

On 2 October 2013, Cllr Vickers, the Planning and Transportation Portfolio Holder, made the following decision. Any member of the Council, who is not a Portfolio Holder, who considers that this decision should be reviewed should give notice to the Monitoring Officer (Grainne O'Rourke) (in writing or by e-mail) to be received **ON OR BY 5.15 P.M. ON WEDNESDAY, 9 OCTOBER 2013.**

Details of the documents the Portfolio Holder considered are attached.

DECISION:

To submit representations on behalf of New Forest District Council objecting to the relaxations of planning control set out in the DCLG consultation paper entitled "Greater Flexibilities for change of use".

REASON(S):

As set out in the report considered by the Portfolio Holder and the Planning Development Control Committee on 11 September 2013.

ANY ALTERNATIVE OPTIONS CONSIDERED AND REJECTED:

As set out in the report. The Planning Development Control Committee asked that the period for which empty shops should be marketed be increased to 12 months. This is incorporated in the response.

CONFLICTS OF INTEREST DECLARED:

None.

For Further Information Please Contact:

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PORTFOLIO HOLDER DECISION

NEW FOREST DISTRICT COUNCIL RESPONSE TO CONSULTATION FROM GOVERNMENT (DCLG) "GREATER FLEXIBILITIES FOR CHANGE OF USE"

1. BACKGROUND

1.1 Introduction

- 1.1.1 The Council has received a consultation from the Government (DCLG) entitled "Greater flexibilities for change of use". The document invites comments from anyone to be received by 15th October 2013.
- 1.1.2 Cllr Paul Vickers, the Planning and Transportation Portfolio Holder, requests the views of this Committee before he provides his report which will be the Council's formal response to this consultation.
- 1.1.3 This report contains an officer draft of a suggested response for the Committee to discuss, comment on or amend before it is considered by the Portfolio Holder.

2. CONSULTATIONS/IMPLICATIONS

2.1 The Government Proposals and Suggested Response

2.1.1 Creating New Homes from Old Shops.

2.1.2 "There is a real opportunity to support both the high streets and housing agendas by allowing change of use to housing of shops that are no longer viable".

2.1.2 The Government believe that some streets or individual shops will not survive the current challenges facing the retail sector. They say that it is important that action is taken to arrest the problems of decline and blight.

2.1.3 The proposal is to introduce a national permitted development right for change of use and physical works. This would allow A1 (shops) and A2 (financial and professional services) to change to a C3 residential use (including the associated physical development) without planning permission. This is subject to:-

- an upper size limit of 150 sqm²
- allowing conversion to a single dwellinghouse or a maximum of four flats but not a house in multiple occupation (HMO)
- it will not apply in Conservation Areas, National Parks or Areas of Outstanding Natural Beauty

2.1.4 It will be subject to a prior approval process to ensure

- that the design of physical development complies with local plan policies on design, material types and outlook.
- that account can be taken of potential impact of its loss on the economic health of a town centre, the need to maintain an adequate provision of essential local services such as post offices and the potential impact of the change of use on the local character of the area.

2.1.5 Consultation question 1) is:-

"Do you agree there should be permitted development rights, as proposed, for shops (A1) and financial and professional services (A2) to change of use to a dwellinghouse (A3) and to carry out building work connected with the change of use. How do you think the prior approval requirement should be worded in order to ensure that it is tightly defined and delivers maximum benefits?"

2.1.6 The suggested reply is:-

"No, New Forest District Council do not agree with this proposed change of use as permitted development. If adopted it is likely to hasten the demise of local shopping and the role of the High Street as the higher rents and site values for residential development encourage landlords to seek a change of use even if retail uses remain viable. A more sensible approach is to require local authorities in Local Plans to define core shopping areas where viable retail uses can and should be retained in the medium term which should be supported by economic analysis. In other areas which are not covered by the core shopping area designation there could be a presumption in favour of planning permission being granted for residential conversion. As an alternative any permitted change of use should only be allowed where a shop has been empty for say, 6 months, and there is evidence that it has been actively marketed to seek an alternative retail tenant".

2.2 The Place of Banks on our High Street

2.2.1 Banks and Building Societies are generally classed as A2 uses (financial and professional services), The Government thinks that they are a valued feature on our High Streets best suited to this location.

2.2.2 A2 (banks an/building societies) uses can change to A1 (retail) uses without needing planning permission but the same does not apply in reverse. The consultation is on whether retail uses should be able to change to bank or building society premises without needing planning permission. The Government think that whereas in the past banks and building societies used to look like offices now they have a retail-like approach to the design of their premises. They will consider an upper threshold on the size of premises to which the change could apply.

2.2.3 Consultation question no. 2) is:-

"Do you agree there should be permitted development rights for retail units (A1) to change banks and building societies?"

2.2.4 The suggested reply is:-

"No. There are numerous redundant A2 premises on the high street as banks and building societies contract their businesses in response to the banking crises and more people engaging in internet banking. These redundant premises are adequate for any newly emerging businesses and there is no need for further shops to be converted to these uses".

2.3 Re-use of existing redundant agricultural buildings for a dwelling house.

2.3.1 The Government has recently permitted the re-use of agricultural buildings for commercial purposes. They say that in the previous consultation many respondents highlighted the potential for redundant buildings to be converted to homes.

2.3.2 The Government think that this proposal could bring forward additional homes in rural communities. To be effective e some external alterations and limited physical development would also need to be treated as permitted development. The proposal is to:-

- allow up to 3 additional dwelling houses (which includes flats) to be converted on an agricultural unit which existed on 20 March 2013
- have an upper threshold of 150 sqm² for a single dwelling house
- enable the physical development necessary to allow the conversion, and where appropriate, the demolition and rebuild of the property on the same footprint
- include a prior approval regime for siting and design to ensure physical development complies with Local Plan policies. Also to require prior approval to consider transport and highway impact, noise impact, contamination and flooding risks
- allow these changes to apply in Conservation Areas, National Parks and Areas of Outstanding Natural Beauty

2.3.3 It is proposed that all agricultural units should have the same 3 dwelling house permitted development right. This recognises that the size of the unit does not necessarily relate to the number and suitability of buildings which it would be appropriate to convert. The consultation sets out that permitted development rights to build new agricultural buildings will be removed for 10 years when existing buildings are converted to residential uses under these provisions.

2.3.4 Consultation question no. 3) is:-

“Do you agree there should be permitted development rights, as proposed, for existing buildings used for agricultural purposes to change use to a dwelling house (C3) and to carry out building work connected with the change of use?”

2.3.5 The suggested reply is:-

“No, New Forest District Council strongly oppose this change. Protecting the character of the countryside has long been a principal aim of our planning system. Large functional agricultural buildings have often been built to ensure we have a viable agricultural industry but their location and scale is often unsuitable for residential development. Scattered residential properties will detrimentally affect the character of the countryside and this cannot be adequately mitigated by the prior approval regime which is proposed. All conversion of agricultural buildings to residential use should continue to require full planning permission and local planning authorities should be able to consider a full range of planning considerations to their suitability. The impact of this proposed change will be much greater than the commercial change already permitted”.

2.4 Supporting working families to fund childcare.

2.4.1 There is a strong demand for a greater number and range of nurseries providing childcare. The consultation is on a proposal to relax planning rules to allow offices (B1), hotels (C1), residential institutions (C2 / C2A) and assembly and leisure uses (D2) to change to nurseries (and for limited building works) without requiring planning permission. This would apply to registered early years childcare providers in non-domestic premises. It will cover care for children up to 5 years old.

2.4.2 There would be a prior approval regime which will cover transport and highways impact, noise and contamination risks, exactly as they currently apply to state funded schools.

2.4.3 Consultation question 4) is:-

“Do you agree that these should be permitted development rights, as proposed, to allow offices (B1), hotels (C1), residential institutions (C2), secure residential

institutions (C2A) and assembly and leisure (D2) to change to nurseries providing childcare and to carry out building work connected with the change of use?

2.4.4 The suggested response is:-

"No, New Forest District Council oppose this change. The main issue with nurseries, as with schools, is adequate provision for the dropping off and collection of children safely without causing undue problems on the highway network. Concerns also sometimes arise about noise in relation to residential premises. These issues should continue to be addressed through the full planning process and not a less efficient prior notification process which does not allow adequate time for neighbours and Parish Councils to be consulted".

2.5 Provision for children in rural areas.

2.5.1 Permitted development rights for agricultural buildings to be used for a range of commercial uses came into force on 30th May 2013. These uses did not include any changes to support education. The Government believe that it can be particularly difficult in rural areas to find local education provision and suitable buildings for new providers to convert to schools.

2.5.2 The proposed change is to allow agricultural buildings of up to 500 sqm² to be converted into schools. This would be subject to a prior approval regime which will cover noise, transport, flooding and contamination. The permitted development right would apply to more than one building on an agricultural unit but only up to 500 sqm² in total.

2.5.3 Consultation question 5) is:-

"Do you agree that there should be permitted development rights, as proposed, for buildings used for agricultural purposes to change use to new state schools or nurseries providing childcare and to carry out building work connected with the change of use?"

2.5.4 The suggested reply is:-

"No, it is essential that new educational buildings are appropriately located in relation to the populations they serve with adequate provision for dropping off and collecting children safely without causing undue problems on the highway network. These issues should continue to be addressed through the full planning process and not a less efficient prior notification process which does not allow adequate time for neighbours and Parish Councils to be consulted."

2.6 Benefits and impacts from the proposals.

2.6.1 Consultation question 6) is:-

"Do you have any comments and further evidence on the benefits and impacts of our proposals set out in the consultation?"

2.6.2 The suggested reply is:-

"Yes, New Forest District Council has the following additional comments to make:-

(1) This consultation is taking the relaxation of planning rules too far. If agreed a number of important and long established planning principles will be put at risk, namely the proper protection of town centres for retail purposes and the protection of the countryside from inappropriate development. Planning policies can be adjusted to take account of changing circumstances but changes should not be implemented via this hybrid system of permitted development and prior

notifications. In particular, prior notifications confuse the public and do not allow adequate time for proper consultation particularly with Parish Councils.

- (2) The effect of these changes will result in a significant number of developments not contributing to the costs of infrastructure because they will not attract Section 106 contributions. Adequate infrastructure is a key component of making new development acceptable to affected communities and that will not be possible under the proposed system.
- (3) The proposed changes will cause confusion and possible conflict with the provisions of the Conservation of Natural Habitats etc. Regulations. The New Forest District Council planning area is surrounded by these designations and development requiring planning permission is expected to mitigate any harmful effect it has on these areas. This either means that many of the proposals in this consultation paper will not classify as 'permitted development' because of possible harm to designated nature conservation sites or a legal agreement will be needed before they can go ahead. The Government need to give urgent attention to this issue and after clear advice to local planning authorities.

3. CONCLUSION

- 3.1 This consultation paper sets out a series of potentially damaging and ill considered measures which could harm important and long established planning principles. It is recommended that New Forest District Council object strongly as set out in the various sections of this report.

4. RECOMMENDATION

That the Planning and Transportation Portfolio Holder be requested to insert the answers included in this report in the Council's response to the consultation paper.

5. PORTFOLIO HOLDERS ENDORSEMENT

I agree that the answers included in the report be the Council's response to the Consultation Paper.

F P Vickers

Dated 2-10-13

Cllr P Vickers
Planning and Transportation Portfolio Holder

For further information contact:

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Date of notification of this Decision given -
2 October 2013

Last date for call-in - 2 October 2013

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