

NEW OPPORTUNITIES FOR SUSTAINABLE DEVELOPMENT AND GROWTH THROUGH THE REUSE OF EXISTING BUILDINGS: CONSULTATION

Comments by the London Forum of Amenity and Civic Societies

The London Forum of Amenity and Civic Societies (London Forum) is an umbrella organisation for over 130 resident, conservation, civic and community organisations and other affiliated bodies in Greater London, with an aggregate membership of over 100,000.

The aim of the London Forum is to protect and improve the quality of life of people living in, working in or visiting Greater London

Summary

The London Forum considers:

- **the conversion of hotels to housing without requiring consent for a change of use is ill-conceived. It is based on a problem in certain areas, such as seaside resorts. It is totally inappropriate in London and in other places where the local economy requires more not less hotel accommodation. Imposing a top-down change is inappropriate and unnecessary and in direct conflict with localism.**
- **this review could and should have provided the tools to deliver healthy, sustainable communities promoted by the Localism Act and the NPPF (paras 69/70) by giving local authorities the ability to prevent the unnecessary loss of valued facilities and services, such as pubs, and to plan positively for the provision of community facilities by ensuring a better distribution, such as for post offices. Pubs and post offices should be in a separate use class.**
- **the proposal to increase the freedom to expand business uses should not apply to offices (B1(a)) outside town centres as offices should be located in town centres or close to public transport interchanges; and**
- **similarly there is a need to separate betting shops from other high street uses to control their concentration. This is a major issue for many London Boroughs.**

The Government's proposals

The Government is proposing action in four areas:

- To create permitted development rights to assist change of use from existing buildings used for agricultural purposes to uses supporting rural growth
- To increase the thresholds for permitted development rights for change of use between B1 (business/office) and B8 (warehouse) classes and from B2 (industry) to B1 and B8.
- To introduce a permitted development right to allow the temporary use for two years, where the use is low impact, without the need for planning permission.
- To provide C1 (hotels, boarding and guest houses) permitted development rights to convert to C3 (dwelling houses) without the need for planning permission.
- To consider if any updates or amendments are needed to the existing descriptions within the use classes order.

What is the purpose in making changes to the Use Classes Order?

The Government's stated aim is to reform the planning system to support sustainable development, to ensure that the planning system is less bureaucratic and is more responsive to the changing demands of society and businesses by responding more effectively to market signals, where decisions are taken at the right level and where communities receive the economic benefits of wider growth.

These proposals and the need for other changes need to be judged in terms of whether the proposals would assist sustainable development, meeting not only the needs of business but also of communities. Put simply, it is time to modernise our approach to changes of use from limiting the distinction between uses on the basis of "environmental impact" to using the Use Classes Order as a tool to deliver sustainable development – not just for businesses, but also for the environment and for communities.

The London Forum considers that Use Classes Order should support the NPPF in delivering:

- **the right development in the right place, at the right time and of the right scale**, such as developing, retaining and enhancing town centre economic uses, including not only retail and leisure, but also offices and

health, education, public administration, libraries, etc which need such central locations that provide economies of agglomeration that support one another as well as infrastructure, such as public transport, which makes them accessible to all; and

- **benefits for the local economy and the local community**, which means retaining much-needed economic uses, such as small offices generally and medium and larger-scale offices in existing town centres and/or close to public transport interchanges; hotels and tourist facilities to support the local economy;
- **supports strong, sustainable and healthy communities,**

The consultation document also says that the changes proposed “offer an opportunity to contribute to sustainable development by making best use of the existing building that make up the fabric of our communities. These proposals will also help bring empty and redundant buildings back into productive use, promote brownfield regeneration, help build more homes, support our local high streets and secure jobs in the rural economy.”

Problems of “top-down” changes

The main problem with using the Use Classes Order to enable the market to take advantage of differentials in value between uses rather than deliver sustainable development, is that this is a crude tool which assumes that a top-down change which does not take account of the needs of local economies or local communities will produce the most sustainable results or reflect local objectives.

This one-size-fits-all approach **imposes** change which may precipitate impacts which would adversely affect the local or regional economy. It is clear that there has been lobbying to make these across-the-board changes, praying in aid some highly local circumstances, such as run-down boarding houses in declining seaside resorts, without understanding the likely impacts in areas where the economic sectors affected, whether hotels or, as previously suggested, offices, could be lost to the local economy.

Wholesale relaxation with the “safeguard” of using Article 4 Directions to “opt out” is a totally unrealistic proposal. Solving a local problem through general relaxation is the wrong way to do it, when local solutions are being encouraged. Where local relaxation is needed, it can be encouraged by local policies or even Local Development Orders. There should be no need for a change in secondary legislation just to reduce the cost of making an application for a few projects. This is a deeply-flawed approach and runs totally counter to localism.

The Proposals:

1. **To create permitted development rights to assist change of use from existing buildings used for agricultural purposes to uses supporting rural growth:**

No comment – this is not a London issue

2. **To increase the thresholds for permitted development rights for change of use between B1 (business/office) and B8 (warehouse) classes and from B2 (industry) to B1 and B8.**

The London Forum considers that the current thresholds are sufficient and do not need to be increased in London.

However, there is a problem with the current permitted change of B2 and B8 to B1, which should be limited to B1(c) light industry and **not** cover B1 (a) offices as these are acknowledged in the NPPF as town centre uses (see Glossary for “main town centre uses” and “edge-of-centre”). To allow change of use for up to 470sqm – which could accommodate up to 50 employees – would be contrary to NPPF policy for office uses (see paras 23 and 26).

3. **To introduce a permitted development right to allow the temporary use for two years, where the use is low impact, without the need for planning permission**

The London Forum, whilst welcoming some flexibility, would be concerned if this “freedom” were to result in the influx of uses that would not otherwise have been permitted and be used to circumvent the local planning authority’s policy for managing the mix. In any case, without an application the local planning authority has no opportunity to mitigate the impact of the proposal.

4. **To provide C1 (hotels, boarding and guest houses) permitted development rights to convert to C3 (dwelling houses) without the need for planning permission.**

The London Forum is strongly opposed to this an ill-conceived proposal. It is totally inappropriate to impose a top-down, across the board change in secondary legislation to encourage the conversion of holiday accommodation in run-down seaside resorts. The consultation recognises that there are already policies in these areas to enable a change of use.

What is the justification for doing it everywhere?

This change is totally inappropriate in London, but also many other areas of the country, where there is a strategic policy for **increasing** the amount of hotel accommodation. London requires a net additional 40,000 hotel rooms by 2031 and most of the London Boroughs need to contribute or at least maintain their supply to help the London and local economy.

Such a change in the Use Classes Order will not support the sustainable development objectives of the NPPF – it would **reduce** economic activity, reduce local jobs, reduce local diversity of activities, reduce local facilities and change the character of the community.

The suggestion that if hotels are to be retained local authorities should use Article 4 Directions is unsustainable, unworkable and unnecessary. The compensation implications in London would be extortionate. Instead of requiring authorities to “opt out” of this proposed change, the Government should recognise that this primarily a local problem which requires local solutions.

Top-down imposition of change through secondary legislation is the antithesis of localism.

This proposal should be abandoned.

- 5. To consider if any updates or amendments are needed to the existing descriptions within the use classes order.**

No comment

Further Proposals:

Making Pubs and Post Offices Separate Uses Classes

This change would complement the Government’s commitment in the Coalition Agreement to *“introduce new powers to help communities save local facilities and services threatened with closure.”*

In the House of Lords debate on the Localism Bill, members made clear that it is not who owns a pub but its use that matters. If the Government wishes to deliver the results desired in the NPPF (see below), the Government needs to do more than wills the ends – it must supply the means!

To deliver sustainable communities – now called Healthy Communities in the NPPF (paragraphs 69/70) – the Government sees the planning system playing an important role in facilitating social interaction and creating healthy, inclusive communities. Local planning authorities are urged to create a shared vision with their communities of the residential environment and facilities they wish to see. Planning policies and decisions should aim to achieve places which promote opportunities for meetings between members of the community who might not otherwise come into contact with each other.

To deliver the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:

- ⑥ **plan positively for the provision and use of shared space, community facilities (such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;**
- ⑥ **guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs;**
- ⑥ **ensure that established shops, facilities and services are able to develop and modernise in a way that is sustainable, and retained for the benefit of the community;** and
- ⑥ ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.

We **strongly support** this approach, but consider that the Government must provide the tools to do the job to allow local authorities both to plan positively for the provision of facilities, such as a local network of post offices, and to guard against the unnecessary loss of valued facilities, such as pubs.

We, therefore, urge the Government to enable local planning authorities to **deliver** sustainable communities by providing the tools. As the House of Lords debate on the Localism Bill highlighted it is not ownership but the use of buildings that matters. As long as both pubs and post offices can be lost by changes of use that do not require consent, valued facilities are being lost.

The London Forum proposes that public houses and post offices be made “sui generis” – put in class of their own.

Betting Offices

Finally, we **concerned** that the proliferation of betting offices is causing problems in a significant number of London Boroughs, and to control the cumulative impact of concentrations in High Streets.

Answers to Questions

Question 4

Do you agree that the size thresholds for change of use should be increased?

For most circumstances, especially in local economies in urban areas, such as London, where the main need may be for more premises for small firms, that the existing freedoms are either quite sufficient or cannot be utilised. The argument for a higher threshold may be irrelevant.

Question 5

If so, is 470m² the correct threshold, or should the increase in the limit be larger or more modest?

In London, and many urban areas, this would be more than enough or irrelevant.

Temporary Uses

Question 6

Do you think there should be permitted development rights to allow for the temporary use of buildings currently within the A, B1 and D1 and D2 use classes for a range of other specified uses for two years?

No – whilst in principle we welcome more flexibility, we are concerned that the freedom could be used to circumvent local policy seeking to manage the mix in the high street

Question 7

If you agree with the proposal what uses do you think should be allowed on a temporary basis?

Hotels to housing:

Question 8

Do you think there should be permitted development rights to allow hotels to change to residential use without the need for a planning permission?

No – Local policies and Local development orders should be used to encourage conversions - a national top-down approach is totally inappropriate and the concept of local “opt out” through Article 4 Directions would be convoluted, unworkable, extortionately expensive and unsustainable.

Question 9

Should thresholds and limitations be applied to reduce the potential impact of any permitted change of use?

No – the whole concept is flawed – see Q8 above

Question 10

Are there circumstances that would justify a prior approval process to allow the local authority to consider potential impacts?

Whilst there could be impacts, such as on parking, the whole concept should be rejected.

About you

i) Your details:

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

From organisation

iii) Please tick the box which best describes you or your organisation:

Name: **Michael Bach**
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Voluntary sector/charity: London-wide umbrella group for amenity and civic societies

iv) What is your main area of expertise or interest in this work?

- Planning policy/implementation

Would you be happy for us to contact you again in relation to this questionnaire?

Yes

ii) Questions

Please refer to the relevant parts of the consultation document for narrative relating to each question.

Agricultural Buildings:

Question 1: Do you think there should be permitted development rights for buildings used for agricultural purposes to change use to:

No - comment

Question 2: Should thresholds and limitations be applied to reduce the potential impact of any permitted change of use?

No comment

Question 3: Are there circumstances that would justify a prior approval process to allow the local planning authority to consider potential impacts?

No Comment

Increases in permitted development rights for business uses:

Question 4: Do you agree that the size thresholds for change of use should be increased?

No – this would not be necessary, feasible or appropriate in highly built-up areas, such as much of London. The freedom to change B2 and B8 to B1 should **not** include B1 (a) uses – which should be in town centres (see NPPF). There should certainly be no increase for these changes of use.

Question 5: If so, is 470m² the correct threshold, or should the increase in the limit be larger or more modest?

No - see above.

Temporary Uses:

Question 6: Do you think there should be permitted development rights to allow for the temporary use of buildings currently within the A, B1 and D1 and D2 use classes for a range of other specified uses for two years?

No

Question 7: If you agree with the proposal what uses do you think should be allowed on a temporary basis? Comments

Hotels to housing:

Question 8: Do you think there should be permitted development rights to allow hotels to change to residential use without the need for a planning permission?

No – this is both unnecessary and damaging to the London and local economy where we need to achieve a significant increase in hotel accommodation. Where local circumstances warrant more encouragement for change use this should be done using local plans and processes, rather than be imposed by Central Government.

Question 9: Should thresholds and limitations be applied to reduce the potential impact of any permitted change of use?

No – see Q8

Question 10: Are there circumstances that would justify a prior approval process to allow the local authority to consider potential impacts?

No – see Q8

Question 11: Are you aware of any updates or amendments needed to the descriptions currently included for the existing Use Classes?

Yes

Question 12: If yes, what is the amendment, and what is the justification?

Limit freedoms to change B2 and B8 to B1 just to B1(c) as B1 (a) offices are designated as town centre uses in the NPPF.

Question: Impact Assessment:

**Do you have any comments on the assumptions and analysis set out in the consultation stage Impact Assessment? (See Annex 1)
See also the further specific questions within that Impact Assessment**

The assessment often only considers the physical impact of development and omits consideration of the impact of the delivery of policy objectives or whether they undermine them. Examples include:

- Loss of hotels in areas where the policy is to secure an increase in provision
- Conversions that would create large new office units in inappropriate locations, such as outside town centres and more than 500m from a public transport interchange in urban areas as proposed in NPPF.

Where is the evidence that “opting out” of the national changes for hotels using Article 4 Directions is a viable or acceptable use of these powers?