

TECHNICAL CONSULTATION ON PERMITTED DEVELOPMENT RIGHTS

SUBMISSION BY LONDON FORUM OF AMENITY AND CIVIC SOCIETIES

London Forum is a charity established by the Civic Trust in 1988 to network, support, inform and represent civic and amenity societies and residents' associations within the London GLA boundary. We have feedback on Government consultations from over 130 societies across London which we use for our responses, as follows.

Q1. Do you have any comments on the proposed minor technical changes?

Yes

Please give your comments:

The addition of wine bars in Class AA is welcomed.

The existence now of two Schedules to the Use Classes Order is an unnecessary and confusing change.

The Class AA and Class AB limitations and conditions are barely sufficient to avoid harm to a locality by using permitted development rights for building upwards and may need to be strengthened following community representation to MHCLG if unsuitable developments occur.

Change of Use:

Class A

Q.2.a. Do you agree that there should be single Part 3 right to allow the change of use from:

- (m) casino (Classes C, K (part),
- (n) betting office (Classes C, E, F J (part), JA)
- (o) pay day loan shop (Classes C, E, F, J (part), JA)
- (r) hot food takeaway (Class A)

to the Commercial Business and Service use class?

No

The loss of those facilities would not be serious in communities and changing some of them may be beneficial.

However, para. 18 states that there would be no limitations or conditions. We do not think that is acceptable because a new Service use class could result in noise and other unacceptable disturbance for adjoining or nearby premises in use as homes or for other purposes.

We note the continued poor use of English by MHCLG in the consultation notes where a collective noun such as 'a number of' is coupled with the verb 'are' instead of the correct 'is'.

Q.2.b. If there is agreed to be a single right, do you agree that this single right should not be subject to any limitations, such as a size limit, or exclusions for listed buildings etc?

No

Please give your reasons:

These should be **subject to location** – some of these should be located in town centres, or even local centres, where new Class E uses would contribute to the vitality and viability of these centres.

Most of these uses are likely to be small in scale and in terms of traffic generation.

Q.2. c. If there is agreed to be a single right, do you agree that this single right should not be subject to conditions, such as matters for prior approval in respect of restaurants or other uses?

No

A different use class could result in noise and other unacceptable disturbance for adjoining or nearby premises in use as homes or for other purposes.

Q.2. d. Given the flexibility to move within the use Commercial, Business and Service use class, do you agree that any single consolidated right should not provide an exclusion in respect of offices in article 2 (3) land

No

Please give your reasons:

Some the proposed changes would change the character or appearance of a conservation area, producing “dead” shopfronts and a reduction of activity, which would reduce the vitality of a shopping area in a town centre and local centres.

Class B

We agree that Hot food takeaways should have rights to change use to restaurants and cafes

Class C

We agree that A1, A2. betting offices, payday loan shops and casinos should be able to change use to restaurants, but subject to a size limit of 150sqm

Class E

We agree that A2, Betting offices and payday loan shops should be able to change use to restaurants

Class F

We agree that betting offices and payday loan shops should be able to change use to A2

Class G

We agree that change of use from retail (A1) or A2, or betting offices or payday loan shops to a mix of that use with up to two flats

Q3. Do you agree that the existing Class G right of Part 3 should be broadened to allow for up to 2 flats above (mixed use) any premises in the Commercial, Business and Service use class?

No

Please give your reasons:

In main town centres, floors above ground floor may be more appropriate for former B1 uses, as well as housing.

Class H

Q.4. Do you agree that the Class H right of Part 3 be amended to allow change of use from 2 flats mixed use with Commercial, Business Service use to Commercial, Business Service use?

Don't know

Please give your reasons.

The proposal appears to allow homes in two flats to be converted to Commercial, Business Service use. The Government appears to be seeking more dwellings in town centres so why should existing ones be lost? This is a irrational and confusing suggestion.

Class I

Q.5. Do you agree that the Class I right of Part 3 for the change of use from industrial, or storage and distribution, to light industrial use is withdrawn?

Yes

Please give your reasons:

For the reasons given by MHCLG themselves in para 30 of the consultation.

Class J

Q6.a. Do you agree that permitted development rights are amended to no longer allow the change of use to uses from the former D2 Assembly and leisure use class?

Yes

Please give your reasons.

These uses should be sui generis and, therefore, require planning consent for change of use

Q.6.b. Do you agree that the Class J Part 3 right that provides for the change of use of retail uses, betting office or pay day loan shop to the former D2 assembly and leisure use class is withdrawn?

Yes

Please give your reasons.

Local authorities should remain in charge of such changes through planning applications because there may be adequate assembly and leisure facilities already.

Class K

Q.7. Do you agree that the Class K Part 3 right that provides for the change of use of casinos to the former D2 assembly and leisure use class is withdrawn?

Yes

Please give your reasons. ⁴

Casinos are currently sui generis and should remain so. Local authorities should remain in charge of such changes through planning applications because there may be adequate assembly and leisure facilities already.

Class M

Q.8.a. Do you agree that the Class M right of Part 3 be amended to continue to allow the change of use from a hot food takeaway, betting office, pay day loan shop, or launderette to residential C3 use?

Yes except launderettes

Please give your reasons

Paragraph 19 states “Launderettes can be a valued local service in some areas. It is therefore proposed to continue to allow for prior approval of the impact of change of use on the adequate provision of such local services.” London Forum agrees with that, especially in more deprived areas, where housing costs are high and/or there is not sufficient space for a washing machine or a space for drying clothes. Launderettes are a vital local service in inner city areas, especially in London.

Q.8.b. Do you agree that the Class M right of Part 3 should allow for prior approval on the adequate provision of local services as a launderette?

Yes, but....

Reasons:

However, we disagree that launderettes should be included. The harm to equalities far outweighs any benefits from additional office or housing needs in the locality

Class R

Q.9.a. Do you agree that the Class R right of Part 3 should be amended to expand the flexible use of agricultural buildings to include the Commercial Business and service use class?

Don't know

Q.9.b. Do you agree that the Class R right of Part 3 should be amended to no longer allow the flexible use of agricultural buildings for those uses within the former D2 assembly and leisure use class?

Don't know

Please give your reasons: **Not an issue in London**

Class S

Q.10. Do you agree that the Class S right of Part 3 is amended to allow only for the change of use of an agricultural building to a state funded school?

Don't know

Please give your reasons:

Not an issue in London

Class T

Q.11.a. Do you agree that the Class T right of Part 3 is amended to allow the change of use to a state funded school, and no longer allow the change of use to a registered nursery?

Yes

Please give your reasons.

The exclusion of a registered nursery is supported but not the permitted loss of any Commercial, Business and Service use class, some of which could be important for local communities.

Q.11. b. Do you agree that the Class T right of Part 3 be amended to additionally allow for the change of use from the Commercial, Business and Service use class to a state funded school?

No

Please give your reasons.

The proposed right is sufficiently wide, whilst extending this as proposed could involve the loss of valued uses and services that are part of the necessary social infrastructure. School sites should be brought forward by identifying suitable sites in the Local Plan.

Q.11.c. Do you agree that the Class T right of Part 3 be amended to no longer allow for the change of use from uses in the former D2 assembly and leisure use classes, such as cinemas and live music venues, and from the F2 use class?

Yes

Please give your reasons.

Both D2 assembly and leisure use classes and F2 use class uses require protection from market pressures from a right to change use to housing. Alternatively, the D2 use class uses, could remain sui generis.

Class F

Q.12. a. Do you agree that the Class C right of Part 4 be amended to no longer allow for the change of use from uses now within the Local Community (F2) use class?

Yes

Please give your reasons:

Uses in the Local Community (F2) use class need protection or, as the NPPF para 92(c) indicates, local planning authorities need to “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.”

Q12. b. Do you agree that the permitted development right is amended to no longer allow the change of use from uses within the former D2 Assembly and leisure use class, such as cinemas and live music venues?

Yes

Please give your reasons.

Agree that these uses should be sui generis, to require consent for change of use both to and from D2 Assembly and leisure uses, so as to protect them from further losses.

Class CA

Q.13. a. Do you agree that the Class CA right of Part 4 be amended to additionally allow for the change of use from vacant land within the Commercial, Business and Service use class

Yes

Q.13. b. Do you agree that the Class CA right of Part 4 be amended to no longer allow for the change of use from vacant land uses in the former D2 assembly and leisure use classes, such as cinemas and live music venues, and in the Local Community F2 use class?

Yes

Please give your reasons:

These uses need to be retained, and any change of use should require a planning application to test the appropriateness of such a change

Class D

Q.14. Do you agree that the Class D right of Part 4 is amended to allow the temporary change of use

From: the Commercial, Business and Service use class (E), and specified article 3 (6) uses: hot food takeaway (r), betting office (n) and pay day loan shop (o)

To: Another Commercial, Business and Service use class (E) use, or specified F1 Learning and non-residential institutions uses: display of art (b), museum (c), public library (d), public hall or exhibition hall (e)

Yes

Please give your reasons.

Temporary/pop-up uses can be a good alternative use of use of land and buildings, but with the proviso that it will revert to its previous use. There should be a size limit.

Q.15.a. Do you agree that a single Part 7 right, merging Classes A and F, allow for the extension or alteration of buildings in the Commercial Business and Service use class?

Yes

Q.15 b. Where a single right is introduced, do you further agree that the Part 7 right allow for ground floor extensions only: no higher than 4 metres, or within 2 metres of boundary?

Yes

Q.16.a. Do you agree that a single Part 7 right merges Classes E and G, and which is broadened to allow for hard surfaces for premises in the Commercial Business and Service use class?

No

Please give your reasons.

Hard surfaces may be necessary, but there should be a condition that they are coated with permeable medium and are drained according to sustainable urban drainage principles to avoid rain run-off leading to sewer overflows.

Q.16 b. Do you agree that the single Part 7 right also allow for hard surfaces for a public house, wine bar or other drinking establishments, drinking establishment with expanded food provision, and hot food takeaways listed in article 3 (6)?

No

Please give your reasons.

Hard surfaces may be necessary, but there should be a condition that they are coated with permeable medium and are drained according to sustainable urban drainage principles to avoid rain run-off leading to sewer overflows.

Q17. Do you have any further comments you wish to make?

Yes

Permitted development changes and the grouping of many use classes reduces the local authority's ability to control changes and achieve the outcomes necessary based on local circumstances and needs.

Therefore, all changes should be able to be considered against NPPF policies for sustainability and the supply of facilities, services, social infrastructure requirements and the type of homes to meet local needs. The Government seems to be moving away from those standards by these Use Class and permitted development policies which can cause harm.