

Proposed introduction of a broad new town centre use class

Michael Bach comments for London Forum of Amenity and Civic Societies on the Government's intentions and their implications

A blanket, one-size-fits-all approach as proposed does not work for anybody – run-down town centres where there is no real market may remain untouched, whilst centres where there is an active property market will change at the whim of individual property owners. Any suggestion that a free-for-all would be beneficial for our town and local centres is at best unproven. Perhaps, like the offices-to-housing permitted development rights, an impact assessment should be undertaken rather than a speculative assertion that it will be beneficial to town centres.

The idea of a mixed town centre use class for units smaller than 150sqm was floated before the 2005 Use Classes Order was published. An assessment of the likely impact was undertaken by Roger Tym and Partners (now part of Brett) looking at the potential impact on a range of sizes of centres in different parts of the country. This revealed the quite unstartling conclusion that district and local centres in places that had an active market would experience the displacement of A1 retail uses by A2 and A3 uses. Fortunately, this proposal was not adopted, but subsequent changes to permitted development has meant that A2 and A3 uses have increased, as well as quasi-A3 coffee shops, even displacing retail in primary retail frontages.

There is one safeguard proposed against a total free-for-all – the PM's "Build, Build, Build" speech says that "pubs, libraries, village shops and other types of uses essential to the lifeblood of communities will not be covered by these flexibilities". So, what might these be? The NPPF Section 8: Promoting Healthy and safer communities (paras 91-92) clearly indicates some of the candidates "by planning positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship" need protection in order "to guard against the unnecessary loss of valued facilities, particularly where this would reduce the community's ability to meet its day-to-day needs" .

This would suggest that planning for more successful town and local centres needs to be tailored to local circumstances. Leaving it to the entirely to the market is the very opposite to a strategy. There seems to be a major tension between on one hand the NPPF and other Government initiatives to use the planning system positively to regenerate town centres and the current initiative to the proposed "total flexibility". The bottom line seems to be should the future of our town centres be curated by a local inclusive town centre strategy or do we leave it entirely to the market. Further exemptions might be helpful, but ultimately only a locally-driven strategy is the answer.

Michael Bach - London Forum of Amenity and Civic Societies 10th July 2020

An article follows on the proposed changes in the Planning magazine:-

The opportunities and threats presented by Jenrick's broad new town centre use class

9 July 2020 by Ben Kochan - Planning

Housing secretary Robert Jenrick has announced proposals to introduce a “broad” new use class as part of a package of measures to revitalise town centres. However, some commentators have warned that the move could have unintended consequences.

In a letter to MPs at the end of June, Jenrick said that he intended "to simplify the current system of use classes in England."

Central to these proposals was "to create a new broad category of 'commercial, business and service' uses which will allow commercial, retail and leisure uses greater freedom to adapt to changing circumstances," according to the letter.

Jenrick said that these planning changes sat alongside the package of measures announced by the Prime Minister Boris Johnson "to drive economic recovery, get Britain building again, and start an infrastructure revolution."

Jenrick's proposals build on a permitted development right introduced in May 2019 which allowed change of use of some retail uses to offices. The government has promised to introduce the latest set of changes to the use class system by the start of Parliament's summer recess at the end of July.

Giving their reaction to the latest announcements, commentators told *Planning* that the nature of retailing is changing rapidly and the planning system can currently be an impediment to premises adapting to accommodate such change.

However, they also emphasised the need for town centre management, so that proposed uses are compatible and the range of shops and activities is diverse.

Dominic Curran, property policy advisor at industry body the British Retail Consortium (BRC), suggested that the new use class "could help stores adapt their space for delivery centres and pick up and collect facilities" which are "all part of the current retailing model."

Ian Fletcher, director of policy at property lobby group the British Property Federation (BPF), suggested that "the new use class could help smaller businesses like nail bars that want to turn over some or all of their space to a coffee bar".

He said that the new use class "would probably be used more in smaller centres rather than help the large vacant shops in town centres."

Meanwhile, Mike Kiely, chairman of the Planning Officers Society, which represents public sector planners, said that town centres "require careful management, rather than the relaxation in planning controls".

"Planning does need to be flexible, but a broad use class could have undesirable consequences," he said.

"As new uses come into the high street, individual shops could be left isolated," said Kiely. "Town centres need to provide a coherent offer".

Steve Norris, national head of planning at consultancy Lambert Smith Hampton, echoed this concern. "There is the potential loss of viable employment uses that add to the diversity and economy of our town centres", he said.

Michael Bach, planning chair at the London Forum of Civic and Amenity Societies, raised concerns that facilities valued by local communities, would be endangered if their change of use was made easier.

"Robert Jenrick suggests in his letter to MPs that pubs and theatres could be excluded from the use class, but there are many more facilities that contribute to the vitality of a community that might be lost," said Bach. "These include village shops and local cafes".

Bach also pointed out that active street frontages could be lost as more commercially valuable uses take over.

"There could be a greater proliferation of gyms taking over ground floor shop units, if planning permission is not required," he said.

Jeremy Hinds, planning director at consultancy Savills, questioned whether the new use class would replace the existing retail classes or if it would sit alongside them.

"It is important that the existing retail use classes remain," he said.

"With the growth of new housing in town centres, councils need to be able to manage the uses around those developments," he explained.

Ben Wrighton, head of planning at consultancy Turley's London office, suggested that councils could zone their town centres in order to manage the proposed changes.

"They could limit the new use class to only the core areas where there is less housing," he said.

"This would be part of the local plan discussions and councils would need to collect evidence to support such a policy," said Wrighton.