

# RIBBLE VALLEY BOROUGH COUNCIL

## REPORT TO PLANNING & DEVELOPMENT COMMITTEE

Agenda Item No.

meeting date: THURSDAY, 7 NOVEMBER 2013  
 title: CONSULTATION DOCUMENT – EXTENDING PERMITTED DEVELOPMENT RIGHTS FOR HOMEOWNERS AND BUSINESSES  
 submitted by: JOHN HEAP – DIRECTOR OF COMMUNITY SERVICES  
 principal author: JOHN MACHOLC – HEAD OF PLANNING SERVICES

### 1 PURPOSE

- 1.1 To inform Committee in relation to the Consultation Document published in August 2013 relating to greater flexibilities for change of use.
- 1.2 Members will be aware that there have been significant changes in legislation to allow more permitted development rights to free up certain uses from requiring planning permission. This consultation document would promote further relaxations in relation to residential and commercial development.
- 1.3 Relevance to the Council's ambitions and priorities:
- Community Objectives - }
  - Corporate Priorities - } Economic Growth is the key objective/priority of the Council.
  - Other Considerations - }

### 2 BACKGROUND

- 2.1 The consultation document was published in August 2013 and the closing date for responses was 15 October 2013. It was not possible to take a report to Committee but the delegation procedures authorises the Head of Planning Services to submit comments. The document includes a list of questions in which consultees and interested parties are invited to comment.
- 2.2 There are five main elements of the consultation document:
- To create a permitted development right to assist change of use and the associated physical works from an existing building used as a small shop or provider of professional/financial services (A1 and A2 uses) to residential use (C3);
  - To create a permitted development right to enable retail use (A1) to change to a bank or a building society;
  - To create a permitted development right to assist change of use and the associated physical works from existing buildings used for agricultural purposes to change to residential use (C3);
  - To extend the permitted development rights for premises used as offices (B1), hotels (C1), residential (C2 and C2A), non-residential institutions (D1), and

leisure and assembly (D2) to change use to a state funded school, to also be able to change to nurseries providing childcare; and

- To create a permitted development right to allow a building used for agricultural purposes of up to 500m<sup>2</sup> to be used as a new state funded school or nursery providing childcare.

2.3 The report considers that the changes proposed in this consultation document will help make better use of existing buildings, support rural communities and high streets, provide new housing and contribute to the provision of childcare for working families.

### 3 ISSUES

3.1 The proposals in the document continue the momentum of previous changes advocated in May 2013.

#### New homes from shops

3.2 In relation to creating new homes from old shops it is suggested any new permitted right should be subject to various limitations that include:

- apply to A1 (shops) and A2 (financial and professional services);
- have an upper threshold of 150m<sup>2</sup>;
- allow conversion to a single dwelling house or a maximum of four flats, but not a small HMO;
- enable the external modifications sufficient to allow for the conversion to residential use;
- not apply in article 1(5) land as set out in the General Permitted Development Order (i.e. Conservation Areas, National Parks, Areas of Outstanding Natural Beauty, the Broads and World Heritage sites);
- be subject to a prior approval for design to ensure that physical development complies with local plan policies on design, material types and outlook;
- be subject to a prior approval allowing account to be taken of the potential impact of its loss on the economic health of the town centre.

3.3 I am of the opinion even with the safeguard in relation the economic health there is a strong likelihood of the loss of community shops. Any relaxation ought to have regard to the need for marketing properties to see if there is a viable commercial option. It is essential that Conservation Areas are protected to minimise any design consequences of the proposed changes and I am pleased to see that this would appear to be the case in this category.

#### Financial services to shops

3.4 The proposal is to allow shops to become banks or building societies without the need for permission only. Historically, the restriction existed in part to protect and ensure a lively and attractive street frontage as it was considered that office-like frontages were considered to break the retail character of the area. I am of the opinion that subject to the safeguard that this would only relate to banks and building societies which I consider to be an appropriate town centre use this change would not result in a significant impact.

### Redundant agricultural buildings to dwellings

3.5 During a previous consultation an issue was raised which highlighted the potential for redundant buildings to be converted into homes. I accept that this proposal could bring forward additional homes in rural communities and I note the guidance in relation to sustainability but I am still considered about the implications regarding sustainability and in particular on the more isolated barns as well as how to judge sustainability. The suggested change does incorporate various caveats but I believe the landscape including Areas of Outstanding Natural Beauty in the case of Ribble Valley would be irrevocably harmed. The report refers to redundant buildings but the NPPF no longer emphasises that this is a consideration in determining planning applications so there would appear to be some conflict between the two documents. If the Council has to assess whether a building is redundant there would be a financial cost as there is no in house expertise to assess redundancy.

The proposed permitted development right would have the following restrictions:

- allow up to 3 additional dwelling houses (which includes flats) to be converted on an agricultural unit which existed at the time that the intention to consult was announced in the Budget Statement of 20 March 2013;
- have an upper threshold of 150m<sup>2</sup> for a single dwelling house;
- enable the physical development necessary to allow for the conversion, and where appropriate the demolition and rebuild, of the property on the same footprint;
- include prior approval for siting and design to ensure physical development complies with local plan policies on design, materials and outlook;
- include prior approval for transport and highways impact, noise impact, contamination and flooding risks to ensure that change of use takes place only in sustainable locations;
- apply to agricultural buildings constructed prior to announcement of the proposal to consult in the Budget Statement of 20 March 2013;

3.6 In relation to redundancy issues the proposal recommends that in future an owner will be able to choose to exercise either the existing permitted right to construct a new agricultural building or the new right for conversion of an agricultural building to a dwelling house. Where the new right is exercised the owner will only be able to exercise the permitted development for construction of a new agricultural building once a period of 10 years has elapsed. This recognises that it is only where the agricultural buildings are genuinely redundant that it is appropriate to grant a permitted development right to allow for the change of use. In addition an owner will not be able to exercise the new right if they used the existing permitted development right to construct a new agricultural building on or after this consultation paper was published. I accept that this goes some way in reducing the risk of creating a redundant building.

### Change of use to Childcare and permitted development rights.

3.7 The proposal is to replicate the permitted development rights for state funded schools to childcare nurseries. This would allow offices (B1), hotels (C1); residential institutions (C2); secure residential institutions (C2A) and assembly and leisure (D2) to change use to nurseries providing childcare and carry out limited building works, as allowed for schools under Part 32 of the General Permitted Development Order, connected with the change of use. The permitted development rights will only to registered early years

childcare providers in non domestic premises. I have concerns regarding the permitted developments being included as some nurseries are located in close proximity to dwellings and an extension within the remit of Part 32 may result in an un-neighbourly impact.

#### Change of use of agricultural buildings to educational purposes.

3.8 The permitted development rights for agricultural buildings to be used for a range of commercial uses came into force on 30 May. However they did not include any changes to support education so this proposal would allow agricultural permitted development rights to bring forward provisions for allowing change of use to state-funded schools as well as nurseries providing childcare. Although I see the benefits of extending these class orders I do not envisage that many agricultural buildings will be promoted for educational purposes within the borough.

#### 4 RISK ASSESSMENT

4.1 The approval of this report may have the following implications:

- Resources - This report is a consultation document and therefore there are no direct resource implications. If the suggested changes are implemented it is considered that there would be limited impact on resources as a result.
- Technical, Environmental and Legal – None identified
- Political - None identified.
- Reputation – None identified.
- Equality & Diversity – None identified.

#### 5 **RECOMMENDED THAT COMMITTEE**

5.1 Note and endorse the consultation response submitted by the Head of Planning Services.

JOHN MACHOLC  
HEAD OF PLANNING SERVICES

JOHN HEAP  
DIRECTOR OF COMMUNITY SERVICES

#### BACKGROUND PAPERS

1 CONSULTATION DOCUMENT – Greater flexibilities for change of use August 2013

For further information please ask for John Macholc, extension 4502



## Department for Communities and Local Government

### **Consultation questions - response form**

We are seeking your views to the following questions on the proposals to support sustainable development and growth through encouraging the reuse of empty and redundant existing buildings where the original use was no longer required or appropriate.

### How to respond:

**The closing date for responses is 15 October 2013**

A response form is available on the DCLG website, and can also be submitted via Survey Monkey at:

<https://www.surveymonkey.com/s/NHXVK66>

Responses should be sent preferably by email:

Email responses to: [Changeofuse.planning@communities.gsi.gov.uk](mailto:Changeofuse.planning@communities.gsi.gov.uk)

Written responses can also be sent to:

Saima Williams  
Consultation Team (Greater flexibilities to change use)  
Planning Development Management Division  
Department for Communities and Local Government  
1/J3, Eland House  
Bressenden Place  
London SW1E 5DU

About you

i) Your details:

Name:	John Macholc
Position:	Head of planning Services
Name of organisation (if applicable):	Ribble Valley Borough Council
Address:	Church Walk Clitheroe Lancashire BB7 2RA
Email:	John.macholc@ribblevalley.gov.uk
Telephone number:	01200414502

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

Organisational response

Personal views

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

District Council

Metropolitan district council

London borough council

Unitary authority

County council/county borough council

Parish /community council

Non-Departmental Public Body (NDPB)

Planner

Professional trade association

Land owner

Private developer/house builder

- Developer association
- Residents association
- Voluntary sector/charity
- Other

(please comment):	
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iv) What is your main area of expertise or interest in this work (please tick one box)?

- Chief Executive
- Planner
- Developer
- Surveyor
- Member of professional or trade association
- Councillor
- Planning policy/implementation
- Environmental protection
- Other

(please comment):	
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Would you be happy for us to contact you again in relation to this questionnaire?

Yes  No

**ii) Questions**

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

**Question 1: Do you agree there should be permitted development rights, as proposed, for shops (A1) and financial and professional services (A2) to change use to a dwelling house (C3) 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?**

Yes  No

Comments

I consider that the possible damage to the visual amenity using permitted development rights could be significant once the initial change has been granted under either the prior approval or permitted change

**Question 2: Do you agree there should be permitted development rights for retail units (A1) to change use to banks and building societies?**

Yes  No

Comments

**Question 3: 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?**

Yes  No

Comments

Despite the possible control regarding sustainability issues I have strong reservations in relation to design and sustainability issues. Also many conversion policies are “exceptions” and have regard to structural conditions. The ability to allow rebuilds would be contrary to existing policies at local level Concern that if approved there would be insufficient control in Areas of Outstanding Natural Beauty,. Also even with an element of design control the issue of defining cartilages and the erection of out buildings have not been considered in this consultation document

**Question 4: Do you agree that there 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 use to nurseries proving childcare, and to carry out building work connected with the change of use?**

Yes  No

Comments

Welcome the greater flexibility but do have concerns that many offices and hotels may be located in areas that have inadequate servicing and parking arrangement which would be necessary for nurseries due to the specific nature of the business.

**Question 5: Do you agree there should be permitted development rights, as proposed, for buildings used for agricultural purposes to change use to new state funded schools and nurseries providing childcare and to carry out building work connected with the change of use?**

Yes  No   
Comments

**Question 6: Do you have any comments and further evidence on the benefits and impact of our proposals set out in the consultation?**

Yes  No   
Comments

**Thank you for your comments.**

# Consultation criteria

## About this consultation

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 information, may be published or disclosed in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000, the Data Protection Act 1998 and the Environmental Information Regulations 2004). If you want the information that you provide to be treated as confidential, please be aware that under the Freedom of Information Act 2000, there is a statutory code of practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence. 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 Department for Communities and Local Government will process your personal data in accordance with the Data Protection Act 1998 and in the majority of circumstances this will mean that your personal data will not be disclosed to third parties. 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.

If you have any queries regarding the consultation process, please contact:

DCLG Consultation Co-ordinator  
Zone 6/H10 Eland House  
London  
SW1E 5DU

email: [consultationcoordinator@communities.gsi.gov.uk](mailto:consultationcoordinator@communities.gsi.gov.uk)