



Rob Bennett
Chairman

Thames Gateway Kent Partnership
F34, Innovation Centre Medway
Maidstone Road
Chatham
Kent
ME5 9FD

Rt Hon James Brokenshire MP
Secretary of State for Housing, Communities
and Local Government
2 Marsham Street
London
SW1P 4DF

By email to:
planningconsultation2018@communities.gov.uk

Email: c/o matthew.norwell@thamesgateway-Kent.org.uk

13th January 2019

Dear Secretary of State

PLANNING REFORM CONSULTATION

I am pleased to attach the Thames Gateway Kent Partnership's response to your Ministry's consultation on "Planning Reform: Supporting the high street and increasing the delivery of new homes".

The planning system provides for a wide range of permitted development, but sets limits on permitted development rights to ensure appropriate checks and balances exist to prevent adverse impacts or encroachment upon the rights of others. The cumulative extension of permitted development rights by Government, and making permanent certain PDRs introduced on a temporary basis might, in ideal circumstances, allow welcome new flexibilities and a lighter regulatory touch to encourage positive and sustainable development. But in reality the true impact of PDRs has not been properly evaluated. The exercise of these rights can have unintended negative consequences and undermine the very policy objectives used to justify their introduction. Rather than adding to planning authorities' toolkit to promote sustainable development and growth, they are disempowering.

There are some proposals to welcome in this consultation paper, and we share the Government's desire to help town centres across the country to re-invent themselves to meet communities' changing needs now and into the future. However it is TGKP's contention that most of these proposals would actually undermine planning authorities' efforts to facilitate the adaptation and revival of high streets and town centres, and thereby defeat the policy objectives behind the consultation. We do not believe that the planning system is proving a major barrier to well-grounded proposals for changes of use to enable redundant premises to be brought back into productive use. More radical proposals, such as extending to airspace above existing premises, raise complex issues that cannot properly be considered through a prior approval process and should be subject to normal planning controls that enable their merits to be properly assessed.

With some minor exceptions, therefore, we would strongly urge the Government to discard the proposals in this consultation paper. Before undertaking any further extension of permitted development rights we would urge the Government to commission a truly comprehensive and independent review of permitted development rights and the Use Classes Order, including evaluation of the full socio-economic impact of other changes made over the past few years. That

could then inform more strategic and longer-term thinking about how these planning instruments can best support the development of places that are fit for the 21st century.

Kind regards

A handwritten signature in black ink, appearing to read 'Rob Bennett', with a stylized flourish at the end.

Rob Bennett
Chairman, Thames Gateway Kent Partnership

Planning Reform: Supporting the high street and increasing the delivery of new homes

Consultation response pro forma

Thank you for responding to the consultation. Online responses via Survey Monkey at <https://www.surveymonkey.co.uk/r/PlanCon18> are particularly welcomed. If you are responding by email or in writing, please reply using this pro forma, which should be read alongside the consultation document at <https://www.gov.uk/government/consultations/planning-reform-supporting-the-high-street-and-increasing-the-delivery-of-new-homes>. You are able to expand the comments box should you need more space. Required fields are indicated with an asterix(*). You may respond to one or more of the respective parts of the consultation.

The consultation document and consultation process have been planned to adhere to the Consultation Principles issued by the Cabinet Office. Information provided in response to this consultation, including personal data, may be published or disclosed in accordance with the access to information regimes. The Ministry of Housing, Communities and Local Government will process your personal data in accordance with the law and in the majority of circumstances this will mean that your personal data will not be disclosed to third parties. Further information is included at Annex A and a full privacy notice is included at Annex B.

The completed pro forma should be returned to:
planningconsultation2018@communities.gov.uk

Or posted to:

Planning Consultation
Planning Development Management Division
Ministry of Housing, Communities and Local Government
3rd floor, North East
Fry Building
2 Marsham Street
London
SW1P 4DF

The consultation runs from 29 October 2018 and closes at 23.45 on 14 January 2019

Your details

| | |
|------------------------|---|
| First name* | Richard |
| Family name (surname)* | Longman |
| Title | Dr |
| Address | Innovation Centre Medway, Maidstone Road |
| City/Town* | Chatham |
| Postal Code* | ME5 9FD |
| Telephone Number | 01634 337270 |
| Email Address* | Richard.longman@thamesgateway-kent.org.uk |

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

Organisational response

If you are responding on behalf of an organisation, please select the option which best describes your organisation.*

Other (please specify)

If you selected other, please state the type of organisation

Public-Private Partnership

Please provide the name of the organisation (if applicable)

Thames Gateway Kent Partnership



The Thames Gateway Kent Partnership is a public-private partnership, established since 2001, promoting sustainable economic-led growth and regeneration in North Kent.

The top priorities in our *Plan for Growth 2014-20* are:

- Delivering growth in key locations
- Attracting and retaining investment
- Focusing on quality
- Supporting businesses – growth key industry sectors
- Supporting businesses – increasing innovation, enterprise and creativity
- Improving skills, qualifications and employability

www.tgkp.org

Contact: Richard Longman (01634 337270; Richard.longman@thamesgateway-kent.org.uk)

Part 1: Permitted development rights and use classes

Allow greater change of use to support high streets to adapt and diversify

Question 1.1: Do you agree that there should be a new permitted development right to allow shops (A1) financial and professional services (A2), hot food takeaways (A5), betting shops, pay day loan shop and launderettes to change to office use (B1)? Please give your reasons.

Not sure.

There could be both pros and cons to this proposal. On the one hand, enabling change to office use could stimulate economic activity and promote a more mixed economy in high street locations. On the other hand, in designated or protected retail areas, the loss of active frontage as a consequence of conversion from A(1) or A(2) uses to offices (B1) could undermine rather than support the vitality and viability of retail centres.

It should be noted that whilst conversion of offices to residential under PDRs has made a significant, and in some areas disproportionate, contribution to net new dwellings, the loss of office space and associated business activity in our town centres has impacted negatively upon high street vibrancy, not least by reducing the daytime customer base for local retailers.

Experience with existing PDRs (e.g. for office to residential conversion) is that these do not provide a mechanism to differentiate on the basis of quality. This has meant loss of good quality (grade A) office stock as well as lower quality, with negative consequence for the local business base and employment. We are concerned that the latest proposals would share this shortcoming, resulting in loss of better quality retail accommodation.

Given that there are existing permitted development rights which allow changes from B1 to C3 (residential use), the current proposals could subsequently lead to retail areas being lost to housing unless it is stipulated that there is no onward permitted development change to residential use.

We suggest:

- The proposed new PDRs should not apply in designated or protected retail areas.
- Since betting shops do not generally have an active frontage it may be acceptable to introduce permitted development rights for their change to office (B1) use.
- In locations away from designated/protected retail centres the proposed new PDRs may be acceptable but the Government should consider a floor space limit (e.g. up to 150m²).
- The Government should give general consideration to the question of how to safeguard better quality business accommodation from being lost to other uses where there is evidence of continuing market demand for such accommodation.
- Permitted development rights should be limited to one change of use: where shops etc. have been converted to B1 office use, any subsequent proposed conversion to residential should require a normal planning application.

Question 1.2: Do you agree that there should be a new permitted development right to allow hot food takeaways (A5) to change to residential use (C3)? Please give your reasons.

Not sure.

We do not support a blanket PDR to allow hot food takeaways (A5) to change to residential use. This could have a negative impact on the night-time economy and lead to inactive frontages in key footfall areas.

Within designated or protected retail centres this PDR could lead to residential uses that are not suited to the location and, depending on the size of the unit, to the provision of small, sub-standard

residential units. There could also be public realm and parking issues. These conflict with the aims of the NPPF to achieve good design and a high standard of amenity.

Allowing such a change could be acceptable outside retail centres, subject to the size of the unit enabling at least minimum space standards (as set out in the Nationally Described Space Standards, <https://www.gov.uk/government/publications/technical-housing-standards-nationally-described-space-standard>) to be achieved and other amenity issues being addressed satisfactorily.

Question 1.3: Are there any specific matters that should be considered for prior approval to change to office use?

As commented in response to question 1.1, the rights should not apply in designated retail areas. Should this proposal be progressed, any prior approval should take into account impacts on the retail centre and include assessment for parking and general amenity requirements.

In relation to changes to office use, premises converted under this PDR should have no subsequent permitted development right to change to C3 (residential use). Any such subsequent change should be subject to a full planning application.

Question 1.4: Do you agree that the permitted development right for the temporary change of use of the premises listed in paragraph 1.9 (shops, financial and professional services, restaurants and cafes, hot food takeaways, offices, non-residential institutions, assembly and leisure uses, betting shops and pay day loan shops) should allow change to a public library, exhibition hall, museum, clinic or health centre?

Yes – we agree with this proposal.

Question 1.5: Are there other community uses to which temporary change of use should be allowed?

Yes.

We would like to see encouragement of co-working spaces (which might predominantly classify as B1 use though they might have incidental A3 uses), which can be an appropriate temporary or 'meanwhile' use by providing workspace for entrepreneurs and start-up enterprises. This may not require any change to the PDR regime, but the policy narrative could usefully provide some specific reference to such uses.

Question 1.6: Do you agree that the temporary change of use should be extended from 2 years to 3 years?

Yes.

This would give longer for new business start-ups to get established, test the market and help ensure premises are not left empty.

Question 1.7: Would changes to certain of the A use classes be helpful in supporting high streets?

Not sure.

We agree that a single use class covering A1, A2 and A3 uses could be helpful in providing flexibility, particularly for businesses that provide a mix of uses (e.g. retail and café). However, a downside to this approach would be the reduction in authorities' powers to ensure a balance of uses within the area in question. There may also be unintended consequences e.g. by undermining the restrictions that usually apply to out-of-centre retail parks in order to protect town centres. These implications will need to be carefully considered in framing any change.

Question 1.8: If so, which would be the most suitable approach:

- a) that the A1 use class should be simplified to ensure it captures current and future retail models; or,

b) that the A1, A2 and A3 use classes should be merged to create a single use class? Please give your reasons.

We would favour option (b) subject to the observations made in response to question 1.7. In the interests of high street vitality, there should be a requirement that such premises provide a shop window or otherwise active frontage.

Question 1.9: Do you think there is a role for a permitted development right to provide additional self-contained homes by extending certain premises upwards?

No.

We do not support this proposal.

This carries a high risk of encouraging provision of sub-standard residential units with insufficient consideration given to the amenity and living conditions for future residents, occupiers of adjacent premises, waste storage, parking provision etc. We are concerned that it could lead to concentrations of poor quality development with consequential effects on the character of certain areas. There could also be negative impacts on listed buildings that may be pepper-potted around town centres which are not conservation areas. This conflicts with the aims of the NPPF to achieve good design and a high standard of amenity.

We consider that such development proposals should be the subject of a full planning application to ensure that high quality development is achieved and full attention is given to relevant considerations including amenity, parking, space and design standards, physical and community infrastructure implications and impact on neighbouring premises.

Question 1.10: Do you think there is a role for local design codes to improve outcomes from the application of the proposed right?

The phrasing of the question implies acknowledgement of the risk that the outcomes from allowing the proposed right would be sub-optimal. As stated in response to Q1.9, we consider that a full planning application should be required in these cases. We do not consider that local design codes would be a sufficient mechanism to secure optimal outcomes. Whilst it might be generally desirable that local planning authorities adopt local design codes through the appropriate processes, relying upon them for these purposes does not offer sufficient assurance of good planning and growth. In the first instance, this would shift the burden of preparing such codes onto local planning authorities without there being any indication that compensatory funding would be provided. This would potentially create a resource issue for local planning authorities. Second, design codes alone would be unlikely to have regulatory force, therefore securing compliance would be at best challenging. Third, design codes alone would not address the full range of issues, including those identified in response to Q1.9, which ought to be considered in determining whether certain development should be permitted.

Question 1.11: Which is the more suitable approach to a new permitted development right:

- a) that it allows premises to extend up to the roofline of the highest building in a terrace; or
- b) that it allows building up to the prevailing roof height in the locality?

Neither option suggested is without serious drawbacks. Some buildings have been purposely designed to be taller to either promote a street, a junction or corner or to act as a focal point. Disrupting that could lead to poor urban design and 'legibility'. Equally, there may be inappropriate existing buildings in the street-scape that jar with the established grain and this permitted right would then allow an automatic right to extend upwards in principle and potentially change the whole character of the street/area in a detrimental manner. Either proposal could undermine good urban design and lead to sterile rather than vibrant streetscapes.

We therefore do not consider that development in airspace above existing premises should be allowed under PDRs. Such proposals should instead be taken through the normal planning application process to ensure proposals can be considered on their merits and take full account of, and enhance, the character of existing areas.

We concur with paragraph 1.14 of the consultation paper that such a PDR should not be available within Conservation Areas and other protected designations since this would undermine the protection and enhancement of these areas.

Question 1.12: Do you agree that there should be an overall limit of no more than 5 storeys above ground level once extended?

Consistent with our response to Q1.11, we do not consider that such development should be covered by PDRs, but that these should continue to be subject to full planning applications so that all aspects can be fully considered.

It should be recognised that five storeys' height could more than double the size of accommodation above street-level commercial premises in a typical retail parade. This could deliver valuable additional housing, but raises no fewer issues – and possibly more – than would arise with a new development proposal and should therefore be covered by a full planning application.

If the Government nonetheless decides to implement this PDR it should only apply within defined town centres (and subject to the exclusions listed in paragraph 1.14 of the consultation document). The height limit should be a maximum of 5 storeys or the prevailing roof height in the locality, whichever is the lower. Prior approvals in such cases would need to take into consideration overshadowing and loss of privacy. Where these were likely to be impacted, a planning application should be required.

Question 1.13: How do you think a permitted development right should address the impact where the ground is not level?

Our response is the same as for Q1.12.

Question 1.14: Do you agree that, separately, there should be a right for additional storeys on purpose built free standing blocks of flats? If so, how many storeys should be allowed?

No.

We do not support this proposal.

It should be noted that not all councils will have policies on High Rise developments or have the studies undertaken to determine where in their area would be the best locations for such high rise proposals. The cumulative impacts of several storeys on a free-standing block of flats could be very significant, including on views/vistas and impacts on heritage assets which it is unlikely the prior approval route would be capable of addressing. This conflicts with the aims of the NPPF to achieve good design and a high standard of amenity.

We consider that such proposals should require full planning applications to ensure that these impacts can be identified, assessed and addressed. This would additionally help ensure high quality development is achieved which meets suitable amenity, parking, space and design standards, does not adversely impact on neighbouring premises and existing residents (if any) within the block, and any implications for local physical and community infrastructure.

There are also issues that are best considered at the planning stage rather than relying purely on building control procedures. For example, existing blocks of flats up to five storeys high are not required to have lifts, but anything above this height would require lift(s) and may require additional

means of escape in the event of a fire. These are design issues which should properly be considered in the first instance through the planning process.

Question 1.15: Do you agree that the premises in paragraph 1.21 (shops, financial and professional services, restaurants and cafes, betting shops, pay day loan shops and launderettes) would be suitable to include in a permitted development right to extend upwards to create additional new homes?

No.

We do not agree with this proposal for reasons as set out in our response to Q1.9. It should be noted that restaurants, cafés, launderettes etc. can have amenity impacts on residential accommodation above (e.g. as a consequence of opening hours, deliveries, noise, fumes), which should appropriately be addressed through a planning application to ensure the necessary mitigations are in place.

Question 1.16: Are there other types of premises, such as those in paragraph 1.22 (health centres, community and leisure uses) that would be suitable to include in a permitted development right to extend upwards to create additional new homes?

No.

Out of town retail parks with a mix of shopping and leisure uses would rarely be suitable for upward extensions to provide additional homes, when factors such as their location relative to other amenities such as schools, healthcare facilities and other local amenities are taken into consideration. We suggest that allowing such upward extensions as permitted development would be inappropriate and not conducive to NPPF objectives of high quality and sustainable development. See also our response to Q1.9.

Question 1.17: Do you agree that a permitted development right should allow the local authority to consider the extent of the works proposed?

The range of issues that would need to be considered for works to construct or install additional storeys to a building is so extensive that these would more appropriately be dealt with through a planning application. Apart from policy and sustainable development considerations, the prior notification process (and associated fee structure) provides insufficient resource for local planning authorities to carry out the assessment required without compromising other planning functions.

If the Government decides to create this right, local planning authorities should be able to consider the extent of the works proposed. But we remain of the view that this PDR should not be created.

Question 1.18: Do you agree that in managing the impact of the proposal, the matters set out in paragraphs 1.25 -1.27 (flooding, contamination risks, transport and highways, the impact of additional new homes on existing occupiers and businesses and vice versa, design, siting, appearance, impact on the amenity and character of the area) should be considered in a prior approval?

The range of proposed issues is so extensive that the assessment would almost mirror that of a planning application, but without providing local planning authorities with the resources, through fee income, to do justice to the process of consideration that would be involved.

The approach suggested in paragraph 1.26 is unsatisfactory and possibly in conflict with the NPPF. If an existing building proposed to be extended upwards is of poor design quality and uses inferior materials, then to replicate this on an upward extension “in keeping with the existing design” surely cannot be considered a good outcome warranting prior approval.

The prior approval process also provides no greater flexibility for changes to be made after work starts so, in the event that a scheme needs modification the process delivers no reduction in workload nor greater certainty for either developers or the local planning authority.

We therefore reiterate our view that the PDRs proposed in this section (extending upwards) should not be created. However, if the Government proceeds with this proposal, and subject to the point above about flaws in the approach in paragraph 1.26, the matters set out in paragraphs 1.25-1.27 should indeed be considered.

Question 1.19: Are there any other planning matters that should be considered?

As stated in response to Q1.18, we do not consider this PDR should be created. However, if the Government proceeds with it then, additionally, the following should be considered:

- impact on the vitality and viability of a shopping centre, in the case of town centre changes of use;
- the size of the unit, if the proposed change is to residential;
- provision of parking, where new residential units are proposed;
- provision for storage and collection of waste;
- impacts on heritage assets (including vistas);
- impacts on landscape and biodiversity.

Question 1.20: Should a permitted development right also allow for the upward extension of a dwelling for the enlargement of an existing home? If so, what considerations should apply?

No.

This is primarily a local rather than strategic matter. But the addition of storeys to existing properties under permitted development is likely to result in significant amenity issues for adjoining occupiers without the broad policy justification of creating any additional dwelling units. In the context of avoiding situations where large extensions have unintended adverse consequences, including on neighbour amenity, we do not consider that this PDR should be extended or made permanent.

Question 1.21: Do you agree that the permitted development right for public call boxes (telephone kiosks) should be removed?

Yes.

We are content with this proposal.

Question 1.22: Do you agree that deemed consent which allows an advertisement to be placed on a single side of a telephone kiosk should be removed?

Yes.

We are content with this proposal.

Question 1.23: Do you agree the proposed increased height limit for an electrical vehicle charging point upstand in an off-street parking space that is not within the curtilage of a dwelling-house?

Yes.

We are content with this proposal provided appropriate safeguards are in place regarding the amenity of the neighbourhood and consideration of exceptions in the case of listed buildings or conservation areas.

Question 1.24: Do you agree that the existing time-limited permitted development right for change of use from storage or distribution to residential is made permanent?

No.

TGKP has consistently objected to Government policy proposals that would result in the loss of valuable employment and commercial sites. There is an ongoing mismatch between supply and demand for good quality industrial space in Kent & Medway, particularly for light industrial uses. Supply of both office and industrial space in North Kent is coming under additional pressure as businesses are driven out of London by conversion of employment space to residential use, particularly under PDRs. These, probably unintended, consequences of the Government's desire to increase housing supply are skewing markets and undermining sustainable town planning. Decisions about the allocation of land for storage and distribution and, separately, for residential uses should be made through the local plan process, consistent with the NPPF, and not through PDRs.

We suggest that it would only be in exceptional circumstances that buildings which are no longer fit for purpose for storage and distribution, or for which there is no longer commercial market demand, would be obvious candidates for conversion to residential use. We note that in the latest published data

(https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/756098/Live_Table_123.xls) only 328 dwellings (or 0.15% of net additional dwellings) created in 2017/18 across the whole of England were through conversion of storage or light industrial uses, two years after the temporary PDR was created. This pales into insignificance compared with the loss of office space through conversion to residential, which is itself a vexed issue where the housing gains do not always outweigh the economic and social disbenefits of the developments. Whilst this indicates that not a lot of storage and distribution space has been converted, nor has this been a significant contributor towards net new housing stock and does not justify blanket permission through PDRs. The exceptional nature of such instances argues for case-by-case consideration through planning applications.

Change of use from storage and distribution to residential is also likely to lead to the provision of homes in locations less suited to residential use and with inadequate consideration given to the amenity and living conditions for future residents, occupiers of adjacent premises, waste storage, parking provision etc. We are concerned that it could lead to concentrations of poor quality development with consequent effects of the character of certain areas.

We consider that such proposals should be subject to a planning application to ensure that all relevant factors are considered and that high quality and sustainable development is achieved. We therefore object to the proposal to make this right permanent and suggest that it should instead be withdrawn.

Question 1.25: Do you agree that the time-limited permitted development right for larger extensions to dwelling-houses is made permanent?

No.

See response to Q1.20.

Question 1.26: Do you agree that a fee should be charged for a prior approval application for a larger extension to a dwelling-house?

In reality, the resources required to determine a prior approval application are virtually identical to those required for a full householder application. In this instance, a fee equivalent to a householder planning application would be appropriate to cover the costs incurred by authorities. However, the introduction of further prior approvals creates a two tier system that is confusing for all involved and does not simplify the process – see our response to Q1.29.

Question 1.27: Do you support a permitted development right for the high quality redevelopment of commercial sites, including demolition and replacement build as residential, which retained the existing developer contributions?

No.

The permitted development route is not an assured way of securing high quality development. It could also undermine local plan objectives to secure a sustainable balance of residential and employment / commercial development in appropriate locations.

As indicated in response to earlier questions, we are concerned this could result in the loss of valuable employment land, particularly for light industrial uses where demand for quality space generally outstrips supply. This would conflict with the aims of the NPPF for local plans to make provision for such uses. The differentiation in values between commercial and residential values (per square foot) is generally such that this would be exploited by developers to deliver higher profits from residential development without regard for the wider local economic consequences of loss of employment and other commercial space. Creating this right risks enabling the provision of sub-standard residential units in areas that are not suitable for housing with inadequate consideration given to the amenity or living conditions for future residents, impacts on occupiers of adjacent premises, and other normal planning matters.

Were this right to be created, the range of issues that would need to be considered through a prior approval process would be so extensive that it would essentially be no different from a planning application. We therefore consider that such proposals should require planning permission to ensure that high quality development is achieved which meets suitable amenity, space and design standards and does not adversely impact on neighbouring premises.

The Local Plan is the appropriate route for determining at the local level the best location of and balance between housing and employment uses. The proposed permitted development rights would undermine Local Plans, which have been arrived at through a process of evidence assessment, consultation and public examination.

The reference to securing “existing developer contributions” introduces the potentially confusing situation where development would not require planning permission yet the developer would be expected to negotiate s.106 contributions (in the absence of a CIL scheme, or possibly in addition). This would create an additional planning tier, providing neither certainty nor helping pace of decision-making and delivery; it is also unclear how this would be accommodated within the current time limits for prior approvals. We do not therefore support this proposal.

Question 1.28: What considerations would be important in framing any future right for the demolition of commercial buildings and their redevelopment as residential to ensure that it brings the most sites forward for redevelopment?

As indicated in response to Q1.27 we do not consider that this right should be created. There are potential issues of flood risk, contamination, infrastructure provision, transport impacts, air quality, parking (including provision for electric vehicles and bicycles), design, overshadowing, overlooking, waste storage, landscaping, internal and external space standards etc. All these issues are considered under the current planning application system and it is right that these and other relevant matters should be properly addressed and assessed.

In trying to address the situation where former employment land is genuinely redundant, or situations where local planning authorities hang on to employment land allocations that are never likely to be realised, we suggest it would be more appropriate to place the emphasis on modelling positive policies in plans (and in the NPPF) encouraging alternative uses of redundant commercial buildings, including residential redevelopment, where there is evidence to demonstrate that further commercial use is unlikely to be realised.

Question 1.29: Do you have any comments on the impact of any of the measures?

- i. Allow greater change of use to support high streets to adapt and diversify
- ii. Introducing a new right to extend existing buildings upwards to create additional new homes

- iii. Removing permitted development rights and advertisement consent in respect of public call boxes (telephone kiosks)
- iv. Increasing the height limits for electric vehicle charging points in off-street parking spaces
- v. Making permanent the right for the change of use from storage to residential
- vi. Making permanent the right for larger extensions to dwelling houses

Further extension of permitted development rights seems driven less by evidence than by flawed hypothesis, and our fear is that this could ultimately be counter-productive. As set out in our response to consultation on the draft National Planning Policy Framework in May 2018, TGKP has consistently argued against extension of permitted development rights and instead called upon the Government to conduct an independent review of PDRs, and consult on ways of addressing their negative impacts whilst retaining the key benefits that they can offer. To our knowledge the Government has not commissioned such a review. But we note that the Raynsford Review “Planning 2020” commissioned by the TCPA and published in November 2018, recommends seven immediate actions “*which could begin our journey to an effective and fair planning system*”, the first of which is “*End the commitment to extend permitted development to the demolition and rebuilding of office and commercial buildings, and return powers over permitted development to local government*” (p117). We wholly concur with that recommendation.

Fundamentally, Ministers want increased supply of housing: so does this Partnership, provided new housing is sustainable and supported by appropriate infrastructure and other necessary development, particularly for employment. A key consideration in looking at impact of changes proposed is therefore what effect it has upon attitudes towards growth and new development, and whether it helps foster a positive environment or the opposite.

The default position for many people is resistance to growth that is seen to present some sort of threat or unknown and potentially adverse impacts. Such perceived threats may be quite broad – for instance, the impact of additional households on already strained infrastructure, education provision, healthcare services, access to local jobs, parking and traffic congestion – or very specific, such as intrusion upon privacy, loss of light, additional noise, etc.

To create a positive environment for growth, people need reassurance: first, that they have the opportunity to shape the planning regime that applies to the area around them, i.e. the local plan; and second, that development proposals will undergo democratically accountable due process to ensure conformity with the local plan and will contribute towards sustainable development objectives – or put another way, supporting good growth and making places better.

Extension of permitted development rights projects a narrative about bypassing normal planning rules. That generates mistrust which is not conducive to pro-growth attitudes amongst the general public or their representatives. Some of these proposals – particularly regarding demolition or conversion of commercial premises – create perverse incentives for developers to pursue profit regardless of the impact on local communities or businesses, or on the wider economy.

These risks have to be considered alongside any benefits permitted development rights may deliver and it is our judgement that in these proposals, with some limited exceptions, the Government oversteps the point at which risks are justified by benefits. Those risks can be mitigated, and positive outcomes achieved, by application of the usual planning consent processes. We would therefore argue strongly that the emphasis of Government intervention should be in creating a positive policy framework, and requiring local planning authorities to do likewise, rather than introducing PDRs that could fundamentally damage rather than enhance the character of town centres, and undermine local plans through loss of much-needed commercial and employment spaces.

The lighter touch, deregulatory aspects of PDRs and prior approval processes may be appropriate where the assessment of planning implications is limited and straightforward or where it involves assessing compliance against a comprehensive planning document (such as a Local Development Order) designed to incentivise certain types of development within a defined locality. But where the scope of issues to be assessed is similar to those that would arise with a normal planning application we would argue that it is the latter process that should be followed.

The housing white paper (Fixing our broken housing market) helpfully provided for an uplift in planning fees to enable local authorities to invest in building the capacity of their planning departments. But the proposals in this paper face in the opposite direction, mostly involving a mismatch between the work involved in administering more complicated prior approval processes and the fee income that would be forthcoming to cover the costs. This does not make sense and is more likely to compromise than support efficient planning services.

In summary, we support the removal of permitted development rights and advertisement consent in respect of public call boxes (iii) and allowing an increase in the height limits for electric vehicle charging points in off-street parking spaces (except within the curtilage of listed buildings) (iv). There could be benefits in allowing some changes of use to support high streets to adapt and diversify (i) in some circumstances, as long as the uses allow the vitality and viability of designated or protected retail centres to be retained, and do not confer PDRs for onward change (e.g. A1 to B1 then B1 to C3 uses).

We do not support the proposals to extend permitted development rights to allow the creation of new homes by upward extensions (ii), allow for larger extensions to dwelling-houses (vi) or to make permanent PDRs for conversion of storage and distribution to residential (v). Nor do we support the proposed creation of new PDRs for demolition and redevelopment of commercial premises to residential. These proposals could seriously constrain councils' ability to achieve high quality residential development adequately supported by sufficient infrastructure and to drive forward a positive growth agenda that carries public support. The Government has created a new National Planning Policy Framework and other measures to encourage plan-led growth. It should not undermine these by extending permitted development rights that fly in the face of what the planning system is designed to deliver.

Question 1.30: Do you have any views about the implications of our proposed changes on people with protected characteristics as defined in the Equality Act 2010? What evidence do you have on these matters? Is there anything that could be done to mitigate any impact identified?

The emphasis on creating new housing above existing premises (both commercial and residential) could discriminate against people with limited mobility unless suitable access arrangements and assistance (for example, lifts) are incorporated into the designs. Where people are dependent upon local shops and amenities, for reasons of restricted mobility or lack of access to personal or public transport, the loss of such local amenities through conversion to residential use may be detrimental. This could particularly impact upon older people who are more likely to have mobility issues.

TGKP is not responding to Parts 2-4 of this consultation.