



PORTFOLIO HOLDER DECISION NOTICE

INDIVIDUAL DECISION BY THE PORTFOLIO HOLDER FOR BUILT ENVIRONMENT

TOPIC – GOVERNMENT CONSULTATION: “GREATER FLEXIBILITIES FOR CHANGE OF USE”

PROCEDURAL INFORMATION

The Access to Information Procedure Rules – Part 4, Section 22 of the Council’s Constitution provides for a decision to be made by an individual member of Cabinet.

In accordance with the Procedure Rules, the Chief Operating Officer, the Chief Executive and the Chief Finance Officer are consulted together with Chairman and Vice Chairman of The Overview and Scrutiny Committee and any other relevant overview and scrutiny committee. In addition, all Members are notified.

If five or more Members from those informed so request, the Leader may require the matter to be referred to Cabinet for determination.

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SUMMARY

The 2013 Budget announced the Government’s intention to consult on allowing further flexibilities between planning use classes to support change of use from agricultural and retail uses to residential. The document, “*Greater flexibilities for change of use*”, was published in August 2013.

www.gov.uk/government/consultations/greater-flexibilities-for-change-of-use

The draft proposals cover permitted development (PD) rights to allow shops and existing buildings used for agricultural purposes of up to 150 sq m to change to residential use. It proposes a PD right to allow retail uses to change to banks and building societies only. It also enables premises used as offices, hotels, residential and non-residential institutions, and leisure and assembly to be able to change use to nurseries providing childcare; and agricultural buildings of up to 500 sq m to be used as a new state funded school or a nursery providing childcare.

The Government’s intention is to bring forward the changes, subject to this consultation, for April 2014.

The recommended responses of the City Council are set out in Appendix 1 to this report. Concerns centre on conflicts with guidance set out in the National Planning

Policy Framework (NPPF), as well as the Council's own policies in the Winchester District Local Plan Part 1: Joint Core Strategy.

DECISION

That the Portfolio Holder for Built Environment authorises the recommended responses to the consultation, as detailed in Appendix 1.

REASON FOR THE DECISION AND OTHER ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

Responses to the consultation need to be submitted to the Department for Communities and Local Government (CLG) by 15th October 2013. The only other option is not to respond. This would deny the Council the opportunity to make the CLG aware of its concerns.

RESOURCE IMPLICATIONS

If the legislation is introduced it may result in fewer planning applications, unless a prior notification process is introduced. Either way, it may mean a reduction in some fee income, which would need to be considered later.

CONSULTATION UNDERTAKEN ON THE DECISION

The proposed response has been prepared in consultation with the Council's Development Management Team and the Portfolio Holder for the Built Environment.

FURTHER ALTERNATIVE OPTIONS CONSIDERED AND REJECTED FOLLOWING PUBLICATION OF THE DRAFT PORTFOLIO HOLDER DECISION NOTICE

None.

DECLARATION OF INTERESTS BY THE DECISION MAKER OR A MEMBER OR OFFICER CONSULTED

None.

DISPENSATION GRANTED BY THE STANDARDS COMMITTEE

None.

Approved by: (signature)

Date of Decision: 10.10.13

Councillor Victoria Weston – Portfolio Holder for Built Environment

APPENDIX 1

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?

Response

No. Policies to restrict the loss of A1 shops in town centres, particularly at ground floor level in primary shopping areas, are a long-established means of protecting the vitality and viability of centres. The proposal to permit the change of use to residential would dilute retail and commercial frontages, materially weaken this level of control and, furthermore, be contrary to the NPPF's 'town centre first' approach to retail planning. Whilst it is acknowledged that shop vacancy rates in some town centres is high, and greater flexibility may be beneficial in such places, this is not universally the case and in Winchester vacancy rates are relatively low (7.1%, September 2011). In places like Winchester the effect of extending PD rights is likely to have a detrimental impact. Furthermore allowing residential development to take place as PD will result in the creation of new housing which will not be required to make any contributions towards local infrastructure improvements and affordable housing provision.

Question 2

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

Response

No. A2 financial service uses, such as banks and building societies, have long been recognised as necessary elements in a successful mix of town centre uses and which contribute the vitality and viability of centres. In that respect, responsible and progressive Local Planning Authorities already have effective policies relating to such changes of use which are designed to maintain an appropriate mix of different town centre uses, so the proposed change is likely to make little difference to development management practices. Extending PD rights as proposed could detrimentally impact on the balance of town centres uses.

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?

Response

No. The proposal runs contrary to long-established national and local planning policies (endorsed by the NPPF) which restrict residential development in the countryside to that necessary only for agriculture, forestry, horticulture, or other *bona fide* rural enterprise, including small scale tourism. Local Plans are required to meet an authority's objectively assessed housing needs in sustainable locations within or well-related to existing towns and villages. The proposal is not justified in terms of meeting identified need in sustainable locations, and conflicts with existing policies to protect the countryside from inappropriate and unnecessary development. Furthermore, allowing residential development to take place as PD will create new housing which will not be required to make any contributions towards local infrastructure improvements and affordable housing provision. There is also a risk that by making residential changes of use PD no consideration will be given to the impact of such conversions on biodiversity and the historic value of older structures.

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 providing childcare and to carry out building work connected with the change of use?

Response

Yes, provided that the nurseries are in sustainable locations which reduce the need to travel by car; have access to existing services and facilities, including public transport; and safeguard the amenities of any neighbouring housing.

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 or nurseries providing childcare and to carry out building work connected with the change of use?

Response

No. It is unlikely that such opportunities for new schools/nurseries will arise in sustainable locations which could reduce the need to travel by car; would have access to existing services and facilities, including public transport; and would safeguard the amenities of any neighbouring housing.

Question 6

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

Response

The overall effect of these proposals is considered to be very harmful in terms of promoting sustainable development and the vitality and viability of town centres and ensuring that development is directed to accessible locations rather than rural sites which are potentially remote from facilities, services and public transport.

They would also have a detrimental effect on the countryside by allowing piecemeal development outside settlement boundaries without the necessary planning considerations, contrary to local planning policies and village design statements. This proposal will fail to ensure that the identity of each settlement is conserved taking into account key historic characteristics and local features. It is also important for residential development to mitigate its impact by contributing to local infrastructure improvements and provision of affordable housing. Permitted development in rural areas will not support such contributions, whether by S106 planning obligations or the Community Infrastructure Levy.

The modest economic benefits that may result from extended permitted development rights do not outweigh the material harm that would be caused, particularly by those proposals relating to changes of use to residential, and runs contrary to the principles set out in the NPPF as well as Local Planning Policy.