

READING BOROUGH COUNCIL

REPORT BY THE EXECUTIVE DIRECTOR OF ECONOMIC GROWTH & NEIGHBOURHOOD SERVICES

TO:	PLANNING APPLICATIONS COMMITTEE		
DATE:	28 APRIL 2021		
TITLE:	CHANGES TO PERMITTED DEVELOPMENT RIGHTS		
SERVICE:	PLANNING	WARDS:	BOROUGHWIDE
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1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 This report advises Committee of recent changes to permitted development rights introduced by the Town and Country Planning (General Permitted Development etc.) (England) (Amendment) Order 2021, which came into force on 21st April. The permitted development rights particularly affected are changes from commercial use to residential, and extension of schools, colleges, universities, hospitals and prisons, although there are also more minor amendments to existing rights.

2. RECOMMENDED ACTION

- 2.1 That Committee note the report.

3. THE BACKGROUND

- 3.1 The current General Permitted Development Order 2015 (as amended) grants planning permission to many different types of development or uses of land. These are set out in Schedule 2 of the Order, and include certain changes of use (Part 3) or non-domestic extensions and alterations (Part 7).
- 3.2 There are a number of existing permitted development rights (PDR) for changes of use between commercial uses and residential uses. Of perhaps the highest profile has been the right to change from offices to residential (class O) without planning permission, introduced in 2013, which requires instead a much more light-touch 'prior approval' process where only a very limited number of factors can be taken into account. There are also other related PDR for changes of use to residential, from A1 retail and A2 financial and professional (class M) and B1c light industrial (class PA). New use classes were introduced in August 2020, as reported to Committee on 12th August 2020 (Minute 34 refers). Use class E ('commercial') covers uses such as offices and light industrial (formerly B1), most retail (formerly A1) and financial and professional (formerly A2), along with a number of others. This meant that the existing PDR needed to be replaced. The transitional arrangements mean that the existing PDR from those now replaced use classes to change to residential continue to apply up until 31st July 2021.

- 3.3 There are also existing PDR for non-domestic alterations and extensions. Class M of Part 7 gives permission for extensions to schools, colleges, universities and hospitals. There are a number of caveats, most significantly a maximum extension of 25% of the existing gross floorspace or 250 sq m (for schools) or 100 sq m (for the other uses), whichever is the lesser.
- 3.4 A Government consultation began in December 2020 on ‘Supporting housing delivery and public service infrastructure’. This proposed making the following changes to the planning system:
- A new permitted development right to change commercial uses under use class E into residential;
 - Changes to simplify and streamline the process for new and extended public service infrastructure, including hospitals, schools, further education colleges and prisons; and
 - Consolidation and simplification of some existing permitted development rights.
- 3.5 A Council response to the consultation was agreed by Policy Committee on 18th January 2021 (Minute 88 refers).

4. THE CHANGES

- 4.1 The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) Order 2021 was laid before Parliament on 31st March 2021. It amends the General Permitted Development Order 2015. Other than where specified, it comes into force on 21st April. It enacts some, but not all, of the proposals in the consultation.

Changes of use from commercial to residential

- 4.2 The Order inserts a new Class MA into Part 3 of Schedule 2. This gives permission for a change of use from Class E (commercial, business and service) to a use falling within Class C3 (dwellinghouses), subject to the need to make an application for prior approval. This will come into effect on 1st August, the day after existing PDR are removed.
- 4.3 To make use of the PDR, a building must have been continuously vacant for three months immediately prior to the application for prior approval. The building must also have been within a commercial, business and service use for two years prior to the application. The floorspace of the existing building changing its use should also not exceed 1,500 sq m.
- 4.4 There are certain areas within which the PDR will not apply, for instance National Parks and World Heritage Sites. The exclusions which are relevant to Reading are listed buildings or their curtilage, scheduled monuments and safety hazard areas. Although the consultation considered the issue of conservation areas, these are not included as exclusions.
- 4.5 The list of matters that can be considered in whether to grant prior approval is more extensive than was the case for changes from office to residential. It includes transport, contamination, flood risk, noise impacts on the occupiers, provision of adequate natural light and impacts on the occupiers as a result of introduction into important areas for industrial and storage and distribution. Within conservation areas only, the Council may also consider the impact of changes to the ground floor on the character and sustainability of the conservation area. Finally, if the use to

be changed is a nursery or health centre, the Council may also consider the impact on the local provision of services. As a result of previous changes to PDR, developments will also need to comply with the nationally described space standards.

- 4.6 The changes introduced are therefore more limited than the PDR that previously applied to offices, for instance because no size limit previously applied to offices. However, the changes would be significantly more permissive than the previous PDR for retail and financial and professional. Safeguards around protecting important local shopping areas have been removed, and the size limit has increased tenfold. The changes also bring a number of other uses never previously covered by PDR for changes to residential, such as food and drink and many leisure and community uses.
- 4.7 There have been some changes since the consultation, including on matters which the Council raised. A size limit was not proposed at all in the consultation, for instance. The requirement to consider the local provision of medical services and nurseries has also been introduced, as has the requirement to consider impacts from nearby storage and distribution, both of which were raised by the Council.

Extension and alteration of schools, colleges, universities, hospitals and prisons

- 4.8 The existing PDR for extension and alterations to schools, colleges, universities and hospitals have been significantly expanded. Of greatest significance is that expansion by 25% of existing footprint or 250 sq m is permitted, whichever is the greater (rather than, as previously, whichever is the lesser). Therefore, whereas previously 250 sq m (for schools) or 100 sq m (for other uses) was an absolute cap, this new PDR could see very significant extensions taking place that have considerable impacts. The changes also increase the allowable height from 5m to 6m (unless within 10m of a boundary). The whole PDR have also been extended to include prisons.
- 4.9 In the case of universities, an application for prior approval will be required. The Council can only consider transport and highways impacts, design and external appearance and heritage and archaeology.
- 4.10 In the case of schools, a condition of the PDR is that a travel plan must be submitted within six months of completion if the development would exceed the school's published admissions number.
- 4.11 As set out above, significant expansion of existing facilities could be permitted under this new PDR. Of particular concern may be the scope to extend universities, particularly as the Reading Borough Local Plan, in policy OU1, seeks to ensure that such development only takes place where it is supported by any necessary expansion in student accommodation.

Other alterations

- 4.12 Changes are made to PDR for demolition to exclude demolition of statues, memorials and monuments that have been in place for 10 years or more, other than where listed or a scheduled monument, within cemeteries or the grounds of a place of worship, within the grounds of a museum or art gallery, or within the curtilage of a dwellinghouse.

4.13 There are also changes to allow operational buildings within ports or inland water transport facilities, subject to prior consultation with the local authority.

4.13 The Order also provides a number of minor or consequential alterations to permitted development.

5. CONTRIBUTION TO STRATEGIC AIMS

5.1 The operation of the planning system in Reading contributes to the following priorities in the Corporate Plan 2018-21:

- Securing the economic success of Reading;
- Improving access to decent housing to meet local needs;
- Keeping Reading's environment clean, green and safe;
- Promoting great education, leisure and cultural opportunities for people in Reading.

5.2 The changes resulting from the Order may have impacts on the ability of planning to continue to meet those priorities.

6. ENVIRONMENTAL AND CLIMATE IMPLICATIONS

6.1 The climate implications of allowing for more extensive changes of use between uses are mixed. It can encourage the retention and reuse of buildings that may otherwise have been redeveloped, which reduces the emissions and other environmental effects associated with the development process. However, in the long term, it can often be more difficult to achieve high sustainability standards in existing buildings as opposed to newly developed buildings.

6.2 In terms of expanding permitted development rights for public service infrastructure, this will mean that more development is able to take place without complying with the sustainability standards in our Local Plan. Development will instead rely on what is set out in the Building Regulations. This may mean that development has lower levels of performance. It may also allow for the loss of green areas and vegetation without the need for planning permission.

7. COMMUNITY ENGAGEMENT AND INFORMATION

7.1 The effect of the proposals in the consultation will be to reduce opportunities for community engagement in the planning process. There is no scope for the public to give their views on the merits of prior approval applications where permitted development rights exist, other than for the prescribed matters.

8. EQUALITY IMPACT ASSESSMENT

8.1 There will not be any significant adverse impacts on specific groups due to race, gender, disability, sexual orientation, age or religious belief as a result of this report. The Council's view, as set out in its response to the consultation agreed by Policy Committee on 18th January 2021 (Minute 88 refers) is that the changes themselves will have an adverse impact on older people or people with disabilities through leading to the loss of local facilities in a location where they can be easily accessed.

9. LEGAL IMPLICATIONS

- 9.1 These changes have been made by the Town and Country Planning (General Permitted Development etc.) (England) (Amendment) Order 2021. This Order amends the Town and Country Planning (General Permitted Development) (England) Order 2015 (also known as the 'GPDO'). It also makes amendments to the Town and Country Planning (Use Classes) Order 1987 and the Town and Country Planning (Compensation) (England) Regulations 2015.
- 9.2 There may be other restrictions on the use of land (such as charters or covenants) so interested parties will need to seek their own legal advice before exercising any change of use or implementing changes. For prior approval applications legal advice is sometimes needed to verify that a property meets the criteria for benefitting from the approval being applied for.

10. FINANCIAL IMPLICATIONS

- 10.1 The expansion of permitted development rights will have financial implications for the Council. It has been estimated that, since the introduction of the office to residential permitted development right in 2013, had the resulting developments come forward by the planning application route, they could have delivered over £5.2 million in Section 106 contributions up to 31st March 2020, in particular for affordable housing. Whilst the implications of the new permitted development right are unlikely to be in that order as many of these uses already benefit from such rights, the expansion of permitted development rights will nevertheless miss additional opportunities to secure Section 106 funding.
- 10.2 In addition, the office to residential permitted development right has meant that the Council has lost out on around £1.2 million in application fees. Prior approval fees are due to be increased, to £100 per dwellinghouse, but this will still be significantly below application fees.

11. BACKGROUND PAPERS

- 11.1 Town and Country Planning (General Permitted Development etc.) (England) (Amendment) Order 2021.
- 11.2 Reading Borough Council response to the consultation on 'Supporting housing delivery and public service infrastructure', within Policy Committee report for 18th January 2021.