

# Planning Applications Committee

06 September 2023



**Reading**  
Borough Council

Working better with you

<b>Title</b>	CONSULTATION ON PLANNING PERMITTED DEVELOPMENT RIGHTS
<b>Purpose of the report</b>	To make a decision
<b>Report status</b>	Public report
<b>Report author</b>	Julie Williams, Development Manager (Planning & Building Control)
<b>Lead councillor</b>	Councillor Micky Leng, Lead Councillor for Planning and Assets
<b>Corporate priority</b>	Inclusive Economy
<b>Recommendations</b>	The Committee is asked: 1. To note the report and agree that officers should compile responses on topics of relevance to Reading in consultation with the Lead Councillor and the Chair of PAC.

## 1. Purpose of report

- 1.1 To advise Committee about a current consultation by the Government on changes to permitted development rights. [Permitted development rights](#).
- 1.2 The consultation paper seeks responses to 88 questions. Therefore, the Officer comments provided below are concentrated on those proposals most pertinent to Reading. Appendix 1 shares with you the questions. The deadline for responding is 25 September 2023.
- 1.3 Officers have not had time, at the time of writing this report, to conclude on what our responses should be to the questions posed on the topics of most relevance to Reading. I am therefore seeking Committee's agreement for officers to share recommended responses with the Lead Councillor and the Chair of PAC before submitting.

## 2. Background

- 2.1 The current consultation proposes changes to the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended. It covers the following areas:
  - changes to certain permitted development rights that allow for some commercial buildings to change to dwellinghouses - Class MA – Use Class E to residential – also Class M & N
  - changes to certain permitted development rights that allow easier agricultural diversification and development on agricultural units – Class Q.& Class R
  - changes to certain permitted development rights that allow for non-domestic extensions and the erection of new industrial and warehouse buildings

- changes to the permitted development right that allows for the temporary use of land to allow markets to operate for more days
- changes to the existing permitted development right that allows for the erection, extension or alteration of schools, colleges, universities, hospitals, and closed prisons to also apply to open prisons
- the application of local design codes to certain permitted development rights

### **3. Proposed changes**

#### **3.1 Changes to certain permitted development rights that allow for the change of use to dwellinghouses. Class MA – Use Class E to residential.**

3.1.1. A new permitted development right (Class MA of Part 3) came into effect in August 2021 to provide for the change of use of premises, such as shops, restaurants, offices, gyms and some light industrial uses in the Commercial, Business and Service use class (Use Class E) to residential. The right to change is subject to certain limitations and conditions following consideration of noise from commercial premises on new residents and flood risk. It also limits the change to premises measuring up to 1,500 square metres.

3.1.2 The proposal is to increase the floorspace space limit to 3,000 square metres or even to do away with a floorspace limit. For context the consultation paper estimates that 1,500 square metres is capable of yielding 20 new dwellings. The justification for the proposed change is to provide greater flexibility for owners and support housing delivery,

3.1.3 It is also proposed to remove the requirement for the property to be empty for 3 months before application. Finally, while currently Class MA applies in a conservation area (subject to an assessment) but not in AONB, National Parks etc, the proposal is to allow conversions in AONB and National Parks, but not in World Heritage Sites.

3.1.4 Views are also sought on allowing changes of use from hotels to residential use (Class C1 to C3) to be permitted development. The proposal is to allow the change of use of hotels, boarding houses or guest houses to dwellinghouses through permitted development rights. This could either be delivered through an expansion to the Commercial, Business and Service uses to dwellinghouse right (Class MA of Part 3) or through the creation of a new right.

3.1.5 Finally, it is proposed to change Class M and N of Part 3, which allow certain other high street and town centre uses to change use to residential. Class M allows the change of use of hot food takeaways, betting offices, pay day loan shops and launderettes to dwellinghouses. Class N allows the change of use of amusement arcades and centres and casinos to dwellinghouses. Both rights are subject to a floorspace limit which allows up to 150 square metres to change use to residential. It is proposed that the floorspace limits are either doubled to 300 square metres or removed.

3.1.6 However, as it is claimed that launderettes can provide a valuable community service in certain areas it is proposed that the existing right (Class M of Part 3) no longer applies to launderettes.

#### **3.2 Changes to certain permitted development rights that allow agricultural diversification and development on agricultural units.**

- 3.2.1 All sorts of changes proposed to make it easier for commercial diversification in rural areas with the benefits claimed that this would support farm diversification and local communities by making effective use of existing buildings and reducing the pressure for new development on greenfield land. It includes changing the existing permitted development right (Class Q of Part 3) which allows agricultural buildings to change to residential use. Originally introduced in 2014, the right was expanded in 2018 to increase the number of homes permitted and to encourage the development of smaller homes for rural workers. The consultation seeks views on amendments that would allow more homes to be delivered through the right.
- 3.3 Changes to certain permitted development rights that allow for non-domestic extensions and the erection of new industrial and warehouse buildings.
- 3.3.1 The Commercial, Business and Service use class (Class E) covers a range of uses commonly found on the high street including shops, restaurants, offices, gyms, and light industrial buildings. An existing permitted development right, under Class A of Part 7, allows for the extension or alteration to a Commercial, Business and Service establishment. The original right was amended in 2021 to recognise and encompass the broader range of uses now in that use class and is subject to a number of limitations and conditions which vary dependent on the site location. The consultation seeks views on changing the current floorspace limit from 50% or 100 square metres of floorspace (whichever is the lesser) to 100% or 200 square metres of floorspace (whichever is the lesser).
- 3.4 Changes to the permitted development right that allows for the temporary use of land to allow markets to operate for more days. (Class B of Part 4)
- 3.4.1 Current permitted development rights allow for the temporary use of land for any purpose for up to 28 days per calendar year, of which up to 14 days can be used for markets, motor car and motorcycle racing (under Class B of Part 4). The right allows for the provision of moveable structures on the land relating to the permitted use. It is important to note that this permitted development right does not remove the need to gain a license to hold a market. The proposal is to increase the limit on the number of days that the permitted development right can be used for the purposes of holding a market to 28 days per calendar year to bring it in line with other uses permitted under the right, or a different number and views are invited on what this might be.
- 3.5 Changes to the existing permitted development right that allows for the erection, extension or alteration of schools, colleges, universities, hospitals, and closed prisons to also apply to open prisons.
- 3.5.1 The existing permitted development right which allows for the erection, extension, or alteration of schools, hospitals etc was amended in 2021 to additionally apply to prisons with a closed perimeter (Category A - C prisons). To support the necessary increase in capacity, it is now proposed to amend further this right (Class M of Part 7) to apply to open prisons (Category D sites).
- 3.6 The application of local design codes to certain permitted development rights.
- 3.6.1 The National Planning Policy Framework was updated in July 2021 to strengthen the emphasis on beauty, place-making and good design. There is an expectation that local

planning authorities should prepare design codes and guides consistent with the principles set out in the National Design Guide and National Model Design Code, and which reflect local character and design preferences.

- 3.6.2 The Levelling Up and Regeneration Bill is seeking to introduce a duty for all local councils to produce a design code, either as part of their local plan or as a supplementary plan to give design codes significant weight when planning applications are determined. Apparently in recognition of the often poor quality development that arises through developers using permitted development the consultation seek opinion on rights the applying local design codes to certain permitted development rights to provide more local influence to local authorities on the design of new homes in their area.
- 3.6.3 The idea is that prior approval for design and external appearance could be replaced by consideration of the locally adopted design code. This could apply to, for example, the rights to extend existing buildings upwards and the change of use from commercial buildings to residential. Views on how best to achieve this objective are sought.

#### **4. Officer comment**

- 4.1 There are a lot of changes proposed and opinion sought – too many for officers to be able to fully assess given the timing of the consultation coming out on 25 July.
- 4.2 Officers can confirm that in many cases permitted development rights make sense as they allow owners to make best use of their property through minor changes of use or works without having the additional expense and time of seeking planning approval and this frees up officer time to concentrate on matters of wider public interest.
- 4.3 However, Officers at Reading consider that additional residential development and changes of use for commercial properties on large sites are of wider public interest with implications that go beyond the site boundary. Therefore, these proposed developments should be the subject of public consultation and careful consideration of relevant implications against adopted planning policies for the Local Planning Authority area before approval is given.
- 4.3 As an authority we do not refuse many applications. Instead, with intervention by officers to secure policy compliant development we can usually enable most schemes to be improved so approval can be granted and the developer gains a better scheme.
- 4.4 Councillors will be aware of the Article 4 Direction recently introduced to restrict the MA permitted development right allowing commercial uses in use class E to convert to residential. The proposed further relaxations are therefore concerning in terms of the number of new sites that would become eligible for conversion with little regard to adopted policies. The extent of the Direction was justified after careful consideration of the applicability of the existing conditions of prior approval, so for instance certain buildings were excluded from the direction on the basis that they could not be converted due to exceeding the size limits. Therefore, these proposed changes would likely have the effect of making additional buildings eligible for conversion that are not covered by the Direction.

## **5. Contribution to strategic aims**

- 5.1 New development that meets adopted policy requirements and the consideration of applications for prior approval and planning permission contribute to creating a healthy environment with thriving communities and helps the economy within the Borough, identified as the themes of the Council's Corporate Plan.

## **6. Community engagement**

- 6.1 Statutory consultation takes place on planning applications but less so on applications for prior approval. The Council's website also allows the public to view information submitted and comments on planning applications and applications for prior approval.

## **7. Equality impact assessment**

- 7.1 Under the Equality Act 2010, Section 149, a public authority must, in the exercise of its functions, have due regard to the need to:
- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
  - advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
  - foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 7.2 In terms of the key equalities protected characteristics, it is considered that the proposed changes described in the consultation would not have adverse impacts.

## **8. Environmental and climate implications**

- 8.1 The Council declared a Climate Emergency at its meeting on 26 February 2019 (Minute 48 refers).
- 8.2 The Planning & Building Control and Planning Policy Services play a key part in mitigating impacts and adapting building techniques using adopted policies to encourage developers to build and use properties responsibly, making efficient use of land, using sustainable materials and building methods. Developments coming forward through prior approval will need to meet current building control standards, which include energy efficiency and performance.

## **9. Legal implications**

- 9.1 There are no legal implications arising from the proposals in the consultation, albeit that taking on board the number of changes proposed and criteria will be a challenge to read in the General Development Procedure Order, which would have to be amended yet again.

## **10. Financial Implications**

- 10.1 There are no direct financial implications arising from this report although we welcome the commitment in the Levelling Up and Regeneration Bill to increase application fees which will help to better resource the planning service.

Appendix 1 – Questions Officers propose to respond to

Q.1 Do you agree that prior approvals for design or external appearance in existing permitted development rights should be replaced by consideration of design codes where they are in place locally?

- a) Yes
- b) No
- c) Don't know

Please give your reasons.

Q.3 Do you agree that the permitted development right for the change of use from the Commercial, Business and Service use class (Use Class E) to residential (Class MA of Part 3), should be amended to either:

- a) Double the floorspace that can change use to 3,000 square metres
- b) Remove the limit on the amount of floorspace that can change use
- c) No change
- d) Don't know

Please give your reasons.

Q.4 Do you agree that the permitted development right (Class MA of Part 3) should be amended to remove the requirement that the premises must be vacant for at least three continuous months immediately prior to the date of the application for prior approval?

- a) Yes
- b) No
- c) Don't know

Please give your reasons.

Q.6 Do you think the prior approval that allows for the local consideration of the impacts of the change of use of the ground floor in conservation areas on the character or sustainability of the conservation is working well in practice?

- a) Yes
- b) No
- c) Don't know

Please give your reasons.

If no, please explain why you don't think the prior approval works in practice?

Q.7 Do you agree that permitted development rights should support the change of use of hotels, boarding houses or guest houses (Use Class C1) to dwellinghouses?

- a) Yes
- b) No
- c) Don't know

Please give your reasons.

Q.8 Are there any safeguards or specific matters that should be considered if the change of use of hotels, boarding houses or guest houses (Use Class C1) to dwellinghouses was supported through permitted development rights?

- a) Yes
- b) No
- c) Don't know

Please give your reasons.

If yes, please specify.

Q. 11 Do you agree that the right for the change of use from hot food takeaways, betting offices, pay day loan shops and launderettes (Class M of Part 3) is amended to:

- a) Double the floorspace that can change use to 300 square metres
- b) Remove the limit on the amount of floorspace that can change use
- c) No change
- d) Don't know

Please give your reasons.

Q.12 Do you agree that the existing right (Class M of Part 3) is amended to no longer apply to launderettes?

- a) Yes
- b) No
- c) Don't know

Please give your reasons

Q. 13 Do you agree that the right for the change of use from amusement arcades and centres, and casinos (Class N of Part 3) is amended to:

- a) Double the floorspace that can change use to 300 square metres
- b) Remove the limit on the amount of floorspace that can change use
- c) No change
- d) Don't know

Please give your reasons.

Q.16 Do you think that the permitted development right for the change of use from hot food takeaways, betting offices, pay day loan shops and launderette (Class M of Part 3) should apply in other article 2(3) land?

- a) Yes
- b) No
- c) Don't know

Please give your reasons.

Q.17 Do you think that the permitted development right for the change of use of amusement arcade or centre, or casino (Class N of Part 3) should apply in other excluded article 2(3) land?

- a) Yes
- b) No
- c) Don't know

Please give your reasons.

Q.20 Do you agree that the right (Class G of Part 3) is expanded to allow for mixed use residential above other existing uses?

- a) Yes
- b) No
- c) Don't know

Please give your reasons.

If yes, please say which uses the right might apply to and give your reasons.

Q.21 Do you agree that the number of flats that may be delivered under the right (Class G of Part 3) is doubled from two to four?

- a) Yes
- b) No
- c) Don't know

Please give your reasons.

Q.57 Do you agree that the maximum floorspace limit for the extension or alteration to a Commercial, Business and Service establishment on non-protected land is increased to either 200 square metres or a 100% increase over the original building, whichever is lesser?

- a) Yes
- b) No
- c) Don't know

Please give your reasons.

Q.58 Do you agree that the maximum floorspace of a new industrial and/or warehousing building on non-protected land permitted under the Part 7 Class H permitted development right be amended to 400 square metres?

- a) Yes
- b) No
- c) Don't know

Please give your reasons.

Q.59 Do you agree that the maximum floorspace of a new industrial and/or warehousing extension on non-protected land be increased to either 1,500 square metres or a 75% increase over the original building, whichever is lesser.

- a) Yes
- b) No
- c) Don't know

Please give your reasons.

Q.61 Do you agree that the permitted development right for the temporary use of land should be amended so that markets can operate either:

- a) 28 days per calendar year (in line with other uses permitted under the right)
- b) A different number of days per calendar year
- c) No change
- d) Don't know

Please give your reasons. If you have chosen a different number of days per calendar year, please specify what number of days the right should provide for?