

Government Technical Consultation Executive Summary

The following is a summary of what officers consider to be the most significant proposals in the Government's 'Technical Consultation on Planning' and officers' proposed responses.

Gov. Proposal – To make the make the permitted development (PD) rights that allow offices to convert to residential use permanent. To abolish the exemptions from this PD right and instead allow local authorities to consider the 'potential impact of the significant loss of the most strategically important office accommodation' (question 2.5, p8).

And – To allow buildings in light industrial (B1c) and storage and distribution (B8) uses to convert to residential use under PD (question 2.1, p5).

Summary of response – officers recommend that the Council lodges an objection to this proposal. It weakens the ability of local authorities to allocate and protect the employment land necessary to sustain and grow local economies. The response refers to the concerns of the Kent and Medway Federation of Small Businesses expressed to the Council when the Government previously consulted on these proposals. The Government sees the proposal as tackling underused commercial buildings but there is no test proposed to consider whether the building is underused. There is a proposed 'prior approval' test to consider the impact of the loss of offices on the local economy but there is insufficient detail to determine whether or not this will be effective. We suggest that the prior approval process is not the appropriate mechanism to consider this but that if Government is minded to introduce the proposal then a further round of consultation on the exact test is necessary. We suggest that an impact assessment of the existing office to residential permitted development rights trial is needed before a permanent change to allow this is made. Allowing these changes of use through permitted development will remove the Council's ability to seek affordable housing through these proposals. If the Government wants to give more support for changes from under-occupied commercial buildings to residential then it is suggested that it should update the NPPF to do this in order that the issues can be properly considered through the development management process.

Gov. Proposal – To make PD rights that allow larger residential extensions permanent (single storey 4-8m for detached properties and 3-6m for any other property) (question 2.7, p10).

Summary of response – officers recommend that the Council opposes this proposal. The prior approval process does not allow for the views of all interested parties to be considered (for example town and parish councils). Extensions of these sizes are often disproportionate to existing dwellings and, therefore inappropriate in the Green Belt. It is

queried whether the PD rights save householders money given that the main expense is getting plans drawn up, which they still need to do for building regs approval.

Gov. Proposal – *To allow applicants to serve notice on the local authority for ‘deemed discharge’ of planning conditions if it fails to discharge a condition within 6 weeks. Following a notice being served, the local authority would have a further 2 weeks to determine whether the condition has been discharged. If it does not, the condition will be deemed to have been discharged (question 3.1, p18).*

Summary of response – The Council follows the Government’s recently published guidance on the use of conditions. It is important for Local Planning Authorities to have the appropriate time to assess the details submitted under these conditions. This sometimes requires consideration by external bodies, such as ecologists, archaeologists or the Environment Agency. There is a risk that through assuming a deemed consent a developer will undertake work in breach of other legislation.

Gov. Proposal – *To introduce a limit of 10 weeks for local authorities to decide whether a neighbourhood plan area is appropriate. Within this 10 weeks the local authority would need to undertake a 6 week consultation (question 1.1, p1).*

Summary of response – This is unnecessary as the town and parish councils can undertake much background work on plans before areas are formally designated. It is more efficient to consult on neighbourhood areas alongside other consultations. SDC’s experience is that where there are changes to parish boundaries proposed (as in Shoreham / Badgers Mount) this can require more careful consideration and negotiation, which takes more time.

Gov. Proposal – *To remove a requirement for town and parish councils to consult for a minimum of 6 weeks prior to submission of a neighbourhood plan to the local planning authority and to replace this with a test at examination to consider the ‘nature and adequacy of consultation’ (question 1.6, p2 and 1.10, p3).*

Summary of response – This will give greater flexibility to town and parish councils to decide how they consult when preparing neighbourhood plans. This is supported.

Gov. Proposal – *To widen the A1 use class (shops) to include financial and professional services (A2 uses), such as banks, estate agents, employment agencies and solicitors so that shops could change to these uses without the need for planning permission. Betting shops and payday loan shops would remain in A2 use (question 2.8, p12).*

Summary of response - this isn’t supported on the basis that it could undermine the range of uses in town centres by allowing more estate agents, solicitors offices and banks in main shopping areas of town centres. Because it may lead to greater competition and higher rents for smaller retail units, the proposal may have an adverse

impact on small and independent retailers. Appropriate policies that allow flexibility but seek to retain shopping 'cores' of town centres are considered more appropriate.

Other significant proposals

Government Proposal	Proposed Response
Allow laundrettes, amusement arcades/centres, casinos and nightclubs to change use to residential (C3)	Recognise that many of these changes would have little impact in Sevenoaks District but laundrettes may be seen as a valued local service.
Allow shops, financial services, laundrettes, amusement arcades/centres, casinos and nightclubs to change use to residential (C3)	Object. Loss of a high number of shops in particular could undermine town centres. Appropriate policies, with flexibility, are needed instead.
Allow shops, financial services, laundrettes, amusement arcades/centres, casinos and nightclubs to change use to assembly and leisure uses (D2)	Object. Loss of a high number of shops in particular could undermine town centres. Appropriate policies, with flexibility, are needed instead.
Support larger mezzanine floors in shops	Support in town centres
Strengthening parking policies to tackle on street parking	Agree but response notes that changes need to be made to the NPPF
PD for solar panels on commercial properties	Support subject to conditions restricting protrusion beyond roof slope, glare and distance to a neighbouring property
PD for larger extensions for shops, financial and professional services, offices, industrial and warehouse buildings	Concern that this is proposed without any assessment of the impact of the existing trial period.
Compensation to be paid by the local authority where an Article 4 direction removes PD rights	Object. Article 4 directions are necessary in some circumstances to prevent inappropriate developments under PD.
Requirement to share draft conditions with applicants before a decision is made	Object. This could lead to delays for Councils and developers in issuing decisions and make additional work. Current informal processes to achieve the same goals are considered preferable.
Local authorities to be required to justify the use of pre-commencement conditions	This is already required by national guidance.
Statutory consultees having the flexibility not to be consulted on an application where technical issues were resolved at pre-app stage.	Object. It is appropriate that all issues are considered together formally through an application and that this is done so in the context of public consultation.