

**LOCAL PLAN COMMITTEE
29 JANUARY 2019**

REPORT OF THE CORPORATE DIRECTOR (PLANNING & REGENERATION SERVICES)

PLANNING REFORM: SUPPORTING THE HIGH STREET AND INCREASING THE DELIVERY OF NEW HOMES CONSULTATION RESPONSE

Report prepared by William Fuller

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

To inform the Local Plan Committee of the implications of the Government's new Planning Reform paper.

EXECUTIVE SUMMARY

The Government published its 'Planning Reform: Supporting the High Street and Increasing the Delivery of New Homes' consultation between the 29 October 2018 and 14 January 2019. The consultation was open to all public and private bodies and members of the public.

The consultation included separate proposals in respect of:

- Part 1: new and amended permitted development rights and changes to use classes, including to support the regeneration of the high street and to extend existing buildings upwards to create new homes.
- Part 2: the disposal of surplus local authority land - rationalising and updating the rules which govern disposal of public land at less than best value.
- Part 3: a draft listed building consent order to support the work of the Canal & River Trust.
- Part 4: draft guidance on the compulsory purchase powers of new town development corporations.

Part 1: Permitted development rights and use classes

The Government is seeking views on new permitted development rights to allow greater flexibility for change of use; use the airspace above existing buildings for additional new homes and extensions; remove the right to install new public call boxes and the associated advertising consent; and increase the height threshold for the installation of off-street electric vehicle charging points. They also propose to make permanent other existing time-limited rights, and to make an update to the Use Classes Order to reflect changing high streets and make them more resilient.

Part 2: Disposal of local authority land

There are well established consent procedures in place where local authorities seek to dispose of surplus land at less than best consideration. The Government is proposing to extend local authorities' freedoms to do so without seeking consent from the Secretary of State, thereby providing greater flexibility to dispose of surplus land in support of local development objectives.

Part 3: Canal & River Trust: Draft listed building consent order

The Government is proposing to make the first listed building consent order which will allow minor, routine works to the Canal & River Trust's listed waterway structures without the need for individual

listed building consent applications. This will remove unnecessary applications from the system while ensuring that appropriate protection for listed buildings and their settings is maintained.

Part 4: New town development corporations: Draft compulsory purchase guidance

Finally, the Government is seeking views on draft guidance on the compulsory purchase powers of new town development corporations. It sets out, amongst other things, the factors which Ministers will take into account when deciding whether or not to confirm new town compulsory purchase orders. This is intended to provide additional clarity to those with an interest in proposed new settlements, including promoters, investors, infrastructure providers, landowners and local communities.

The deadline to respond to the Government's consultation fell between two Local Plan Committee cycles. In preparing a response Officers consulted internally and with the North Essex Authorities. Due to the time allowed for these consultees to respond, action had to be taken prior to seeking a decision from the Local Plan Committee. Given this tight time turnaround, Officers consulted with Councillor Stock OBE in his capacity as Leader of the Council and the Chairman of the Local Plan Committee to agree the draft response for submission, with the matter being reported to the Committee thereafter.

RECOMMENDATION

That the Local Plan Committee notes the content of this report which includes the consultation response which was previously the subject of consultation with an agreement by the Chairman of this Committee. The report was submitted to Government on the 14th January 2019.

PART 2 – IMPLICATIONS OF THE DECISION

DELIVERING PRIORITIES

The preparation of a new Local Plan is a high priority for the Council. It is also the goal of government for local planning authorities to deliver sustainable development and coordinated provision of housing, jobs and infrastructure whilst protecting and enhancing the natural and built environment. The delivery of new housing is a key element of the Local Plan and the new NPPF has implications for this.

RESOURCES AND RISK

The draft response to the consultation proposals was prepared by the Council's planning team within the agreed 'LDF Budget'.

Risks: Should the Council choose not to respond to the consultation document, we would have no formal input into the changes to permitted development rights and other high street activities as proposed by the Government.

LEGAL

The National Planning Policy Framework (NPPF) requires Local Plans to be based on adequate, up-to-date and relevant evidence about the economic, social and environmental characteristics

and prospects of the area.

OTHER IMPLICATIONS

Area or Ward affected: All wards.

PART 3 – SUPPORTING INFORMATION

The 'Planning Reform: Supporting the High Street and Increasing the Delivery of New Homes' sets out a number proposed changes to the planning system. These fall into four broad areas:

- Part 1: new and amended permitted development rights and changes to use classes, including to support the regeneration of the high street and to extend existing buildings upwards to create new homes.
- Part 2: the disposal of surplus local authority land - rationalising and updating the rules which govern disposal of public land at less than best value.
- Part 3: a draft listed building consent order to support the work of the Canal & River Trust.
- Part 4: draft guidance on the compulsory purchase powers of new town development corporations.

Introduction

In recent years and in the last ten years specifically, town centres have seen a decline in prosperity and draw for the public throughout the UK. Drivers for this principally revolve around the emergence of internet shopping and the economic down turn. Locally, in recent months our District has seen this decline first hand. With the closure of major retailers in the District's biggest town and issues around antisocial behaviour, Tendring is well placed to comment on the proposed town centre changes detailed in this consultation. This Council has already set up a Working Party to look at the issues facing Clacton Town Centre and the relaxation of planning rules to enable a more flexible range of uses, enabling town centres to change from purely shopping destinations to offer a more of a rounded experience.

Part 1: Permitted development rights and use classes

In this consultation the Government was considering allowing a number of 'A' use classes (and others) to change to office use without planning permission. Your officers did not agree with this as an approach as it would not promote an active frontage within our streets.

New permitted development rights were also proposed to allow takeaways to change to residential under prior approval rather than full planning permission. We were asked to consider what matters for consideration would be contained within the prior approval application. Broadly we agreed but location and parking would need to be carefully considered.

Councils are asked if a number of now temporary permitted changes of use should allow change to a public library, exhibition hall, museum, clinic or health centre and any other uses. We were also asked if these temporary uses should extend from 2 years to 3.

Whilst we do agree with the proposed uses listed in paragraph 1.9, we consider that this could go further. We consider that there should not be temporary uses at all. Town centres need to be flexible and not constrained by short term use changes. It is also considered that temporary uses do not ensure sufficient certainty and can be complicated to monitor from a planning standpoint. Officers also considered that nurseries/child care, escape rooms, indoor sports uses (such as court games) and other 'D' uses have the potential to gain a temporary use. Officers considered that the change from 2 years to 3 would be acceptable.

We were asked to consider changes to the 'A' use classes. Should the A1 use class be simplified to ensure it captures future retail models; or, should the A1, A2 and A3 use classes be merged to create a single use class?

Officers considered that merging the use classes could give greater flexibility.

Councils were asked to consider the possibility of town centre properties being allowed to extend upwards under permitted development to allow new homes. We were asked if local design codes could help with this. Questions were also asked about defining the height that might be allowed. This could be no higher than the highest part of a terrace or to suit the prevailing character of an area. If the more broad approach is taken we were asked if there should be a maximum height of no more than five storeys. We were also asked to consider how uneven ground would be addressed.

Whilst officers could see there may be some scope for this, impact on heritage assets was raised as a concern. It was considered that design codes could help but these should be at an area rather than District level to give detail. As far as height is concerned, officers considered that buildings should be extended no higher than the highest part of that particular terrace. We further considered that the maximum height of five storeys would be suitable if the more broad approach was taken, however we considered this approach to be too lenient and vague. With regard to uneven ground we considered that taking a measurement from the highest ground level may be appropriate.

We were asked whether blocks of flats should have a new right to allow additional storeys on them and how many storeys these should be. We were also asked if other premises should have this same right. These uses could include: C3 residential premises, those A class and sui generis high street uses that can already change use to housing under a permitted development right (shops (A1), financial and professional services (A2), restaurants and cafes (A3), betting shops, pay day loan shops and launderettes), offices (B1 (a)), and buildings in mixed use within these uses. Councils were also asked if any other uses would be suitable.

Officers considered that no additional storeys would be acceptable.

The consultation asks if local authorities should assess the above mentioned permitted development rights as prior approval applications and what matters should be covered in such an application. We were asked if anything not suggested by the Government should be included within the prior approval application.

We agreed that the permitted development mentioned above should be assessed by local authorities as prior approval applications and that those matters suggested by the Government should be included. These being: matters such as flooding and contamination risks, transport and highways and the impact on existing occupiers and businesses, design, siting and appearance and its impact on the amenity and character of the area will all be considered.

Councils were also asked if a right should exist to allow dwellings to extend upwards without planning permission. We did not agree with this.

We were asked if we thought that the right of allowing public call boxes to be erected and adverts to be installed on them without consent should be withdrawn. We were also asked to consider the increase in height of electric charging points for electric vehicles. Officers agreed with this.

It was proposed that the temporary right for changes of use from storage and distribution to dwellings and the larger extensions to dwellings both be made permanent. We were asked to consider a fee for these new applications. Officers considered these changes to be acceptable.

We were asked if we supported a right for development of commercial sites including the demolition and re-build as dwellings and if so, what conditions should be attached to the prior notification application.

Officers did not agree with this approach principally due to the significant loss of employment land that this might allow. Whilst we did not agree in principle with this approach, officers did consider that the existing use, its scale and local policy guidance should all be considered at prior notification stage.

Part 2 - Disposal of Local Authority Land

We are asked if we think that the threshold for the existing general consent for the disposal of land held for purposes other than planning or housing at undervalue should:

- a. remain at the current level
- b. be increased
- c. be removed completely

We considered that an increased threshold would reflect increased land values and allow local authorities more flexibility.

We were further asked If we consider it should be increased, did we think the new threshold should be:

- a. £5 million or less
- b. £10 million or less
- c. other threshold (please state level)

We considered that £5 million should be sufficient to reflect increased land values and allow local authorities more flexibility.

We were asked if we agreed that the Secretary of State should issue a new general consent for the disposal of land held for planning purposes?

We had no comment on this.

We were asked if we thought that any new general consent should apply to:

- a. disposals at an undervalue of £2 million or less
- b. disposals at an undervalue of £5 million or less
- c. disposals at an undervalue of £10 million or less
- d. disposals at some other undervalue threshold? (please state level)
- e. all disposals regardless of the undervalue?

We considered that the above would reflect increased land values and allow local authorities more flexibility.

The Government asked if we agreed that the economic, social or environmental well-being criteria which apply to the existing general consent should also apply to any new general consent for the disposal of land held for planning purposes?

We agreed that it is.

Part 3: Canal and River Trust: Draft Listed Building Consent Order

No Comment

Part 4: New Town Development Corporations: Draft Compulsory Purchase Guidance

Please see separate joint response from the North Essex Authorities at Appendix B of this report

APPENDICES

Appendix A – The Council’s consultation response in full

Appendix B - Joint North Essex Authority Response to Consultation Question 4 on New Town Development Corporations, Draft Compulsory Purchase Guidance

Appendix C - Planning Reform: Supporting the High Street and Increasing the Delivery of New Homes

Appendix A

Introduction

In recent years and in the last ten years specifically, town centres have seen a decline in prosperity and draw for the public throughout the UK. Drivers for this principally revolve around the emergence of internet shopping and the economic down turn. Locally, in recent months our District has seen this decline first hand. With the closure of major retailers in the District's biggest town and issues around antisocial behaviour, Tendring is well placed to comment on the proposed town centre changes detailed in this consultation. This Council has already set up a Working Party to look at the issues facing Clacton Town Centre and the relaxation of planning rules to enable a more flexible range of uses, enabling town centres to change from purely shopping destinations to offer a more of a rounded experience.

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.

TDC Response: What is being proposed here is a generalised relaxation of the Permitted Development (PD) rights in town centres in order to allow more flexibility in these areas.

This council does not agree in principle. We do not want to promote 'dead frontages' - where there is no ground floor activity - in main town/village centres. This Council would however support the continued and proposed changes of use to A1/A3/A4 and D uses within the town centre. It is further considered that there is a need to retain 'active experience frontages'. Furthermore, there is no particular evidence that this Council is restricting town centre proposals that would benefit the offer in town. Nationally the uncontrolled spread of betting shops into High Streets was seen as less than helpful to the character of some places.

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.

TDC Response: It is considered that this appears logical. It is however also considered that these new dwellings should be suitably located to avoid a clash of uses where a new dwelling may be set amidst business uses.

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

TDC Response: It is considered that parking should be included. It is worth noting that shop front changes and adverts already need consent from Local Planning Authorities..

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 should allow change to a public library, exhibition hall, museum, clinic or health centre?

TDC Response: Paragraph 1.9 states:

We are also interested in views on greater flexibility for temporary and community uses on the high street. We are proposing to extend the existing permitted development right for the temporary change of use from shops (A1) financial and professional services (A2), restaurants and cafes (A3), hot food takeaways (A5), offices (B1), non-residential institutions (D1), assembly and leisure

uses (D2), betting shops and pay day loan shops to change to shops (A1) financial and professional services (A2), restaurants and cafes (A3) or offices (B1). The current right allows premises to change use for up to 2 years, enabling new business start-ups to test the market and help ensure premises are not left empty. To further support flexibility, we propose that these premises should also be allowed to change to certain community uses: public library, exhibition hall, museum, clinic or health centre. In addition, to allow sufficient time to establish a business we propose to extend the period of the temporary use from 2 years to 3 years.

Whilst we do agree with the proposed uses listed in paragraph 1.9, we consider that this could go further. We consider that there shouldn't be temporary uses at all. Town centres need to be flexible and not constrained by short term use changes. It is also considered that temporary uses do not ensure sufficient certainty and can be complicated to monitor from a planning standpoint.

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

TDC Response: With our comments to Question 1.4 in mind above, we consider that nurseries/child care, escape rooms, indoor sports uses (such as court games) and other 'D' uses have the potential to gain a temporary use..

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

TDC Response: With our comments to Question 1.4 in mind above, we consider that whilst the change from 2 to 3 years could be beneficial in bringing certainty to landowners, businesses and developers, temporary change of use permissions should be abandoned for the reasons given at Question 4.

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

TDC Response: Whilst in principle we agree with this statement, we do consider that A5 uses may be unacceptable due to their potential impact on residential amenity. A uses mixing A1, A2 and A3 would appear to be appropriate however.

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.

TDC Response: It is considered that option B is more suitable as this allows greater flexibility.

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?

TDC Response: Whilst there is some possibility here, the site in question would have to not be within a conservation areas, be a (or within the curtilage of a) listed building or scheduled monument. Careful consideration would also need to be given to the height of adjacent buildings.

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

TDC Response: The publication of design codes appears to be an appropriate response. These however should be area codes rather than district wide. Consideration will need to be given to who will produce these codes.

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?

TDC Response: It is considered that option B is too vague. Option A allows greater control and the potential for less impact.

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

TDC Response: Agree – not necessary as agree to restrict to overall height of terrace.

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

TDC Response: If this is to be the approach taken, then measurements should be taken from the highest point of ground level.

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?

TDC Response: No additional right is recommended. It is important to retain control.

Question 1.15: Do you agree that the premises in paragraph 1.21 would be suitable to include in a permitted development right to extend upwards to create additional new homes?

TDC Response: Paragraph 1.21 states:

We propose that upward extensions should be permitted on premises in a range of uses that are compatible with C3 residential use. These could include existing C3 residential premises, those A class and sui generis high street uses that can already change use to housing under a permitted development right (shops (A1), financial and professional services (A2), restaurants and cafes (A3), betting shops, pay day loan shops and launderettes), offices (B1 (a)), and buildings in mixed use within these uses.

C3 uses may be acceptable. However, no building should be higher than existing terraces. Noise sensitive uses should also be given careful consideration.

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

TDC Response: Paragraph 1.22 states:

We want to explore whether there may also be other buildings whose use is compatible with the introduction of new homes. Given they are usually located in residential areas or high streets, would premises such as health centres and buildings used for community and leisure purposes be suitable for inclusion in the permitted development right? Out of town retail parks with a mix of shopping and leisure uses may also be suitable for upward extensions to provide additional homes.

Additional housing could be appropriate on top of other uses, but as noted above, the existing system is considered adequate to assess the merits of each proposal.

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

TDC Response: Yes, if the system is implemented. It is noted, however, that prior approval applications require significant amounts of staff time without providing either sufficient fee income or the ability of the Council to impose conditions and obligations. The change would accordingly represent a retrograde step.

Question 1.18: Do you agree that in managing the impact of the proposal, the matters set out in paragraphs 1.25 -1.27 should be considered in a prior approval?

TDC Response: Paragraphs 1.25 – 1.27 state:

Prior approval allows for the consideration by the local planning authority of the impacts of the permitted development right at the local level and can cover a range of matters that need further assessment and mitigation. We propose applying those prior approvals that have already proved beneficial in permitted development rights for change to residential use. These would include matters such as flooding and contamination risks, transport and highways and the impact of additional new homes on existing occupiers and businesses, especially those that create noise and odours which may be a statutory nuisance. Prior approval would apply the “agent of change” principle, set out in paragraph 182 of the National Planning Policy Framework, to ensure the introduction of housing could be integrated effectively with existing business and community uses, and to consider mitigation measures for the potential impacts on new residents and existing businesses. The prior approval would also assess the impacts of any works external to the building and within the curtilage, including fire escapes.

Prior approval would consider the design, siting and appearance of the upward extension and its impact on the amenity and character of the area, taking account of the form of neighbouring properties. This may include considering whether the proposed development is of good design, adds to the overall quality of the area over its lifetime, is visually attractive as a result of good architecture, responds to the local character and history of the area and maintains a strong sense of place, as set out in paragraph 127 of the National Planning Policy Framework. We expect prior approval on design to be granted where the design is in keeping with the existing design of the building.

Prior approval would also consider the impact of the development on the amenity of neighbouring premises, for example, from obscuring existing windows, reducing access to light or resulting in unacceptable impact on neighbours’ privacy from overlooking. It would also consider measures to

mitigate these impacts, and enable the neighbours, including owners and occupiers of premises impacted, to comment on the proposal.

Yes, if the system is implemented. It is noted, however, that prior approval applications require significant amounts of staff time without providing either sufficient fee income or the ability of the Council to impose conditions and obligations. The change would accordingly represent a retrograde step.

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

TDC Response: *No. The planning application already allows all material considerations to be taken into account.*

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?

TDC Response: *No, the architectural integrity of the built environment and amenity of adjacent residents would be compromised.*

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

TDC Response: Yes agreed

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?

TDC Response: Yes agreed

Question 23: Do you agree the proposed increased height limit for an electric vehicle charging point upstand in an off-street parking space that is not within the curtilage of a dwellinghouse?

TDC Response: Given the Government's commitment to increase the usage of zero emission vehicles and to cut fuel costs, they want all cars and vans to be zero emission by 2050. Existing PD rights allow the installation of an upstand to recharge electric vehicles up to 1.6m in height in an area legally used for off-street parking. However, recent improvements to technology could require a larger unit than is currently allowed under PD.

The plans put forward are therefore to increase the PD height limit to no greater than 2.3 metres. To protect neighbouring amenities and an areas character, it is not proposed to increase this height within the curtilage of a dwelling house.

Whilst the Council has not received a considerable amount of planning applications for the installation of electric charging points, it is considered that these kinds of application will only increase in time.

Given that the changes proposed do not include charging points within the curtilage of a dwelling house, it seems unlikely that the proposed increase in height, which itself is minimal, would result in any significant harm to neighbouring properties. The charging points themselves are not visually

attractive but can be relatively low-key additions. Therefore, it is considered that no major concerns would be raised from this Council.

Question 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?

TDC Response: In 2015 the change of use from storage and distribution to residential was introduced for three years – this was then extended by a further year in April 2018. PD rights currently allows up to 500sqm of floor space in use as storage and distribution in March 2014, which had been that use for four years, to change to residential. Under the prior approval approach, we are still able to assess transport and highways, contamination, air quality, noise of the development, and flooding.

Given the need for more housing nationally, this method is considered to play a role in supporting housing delivery and making effective use of buildings, and it is therefore proposed to make this prior approval permanent.

Given that there will be no changes to the existing conditions, and that there are a number of factors that still need to be overcome for this change of use to be permitted, The Council do not feel this being made permanent will have a damaging effect, whilst it will also help TDC in maintaining its housing delivery.

Question 25: Do you agree that the time-limited permitted development right for larger extensions to dwelling houses is made permanent?

TDC Response: No comments

Question 26: Do you agree that a fee should be charged for a prior approval application for a larger extension to a dwelling house?

TDC Response: In 2013, it was introduced that a single storey rear extension up to 8m in length for detached properties and up to 6m length for semi-detached/terraced properties was permitted development subject to consultation with neighbours on amenity. This has proved popular, with 22,400 in 2017/18 alone. It is therefore proposed to make this permanent. However, currently there is no fee attached to this despite local authorities having to consult and determine the applications. It is therefore proposed a fee of £96 is introduced, which is in line with other prior approval application fees.

Given how popular this type of application has proved to be, it seems sensible to make this permanent. However, consideration may also be given to making this fully permitted development. That being said, whilst TDC generally receive very few neighbour responses a potential 8m deep extension could be too large to be acceptable without any consideration by the local authority on neighbouring amenities.

It would appear that there is potentially a great deal of work involved with these types of applications at validation stage. Therefore, that the applicant currently does not pay a fee is inconsistent. However, given that once the application moves on to the Case Officer there is generally less work involved than a standard planning application for an extension, a fee

approximately half of a full application seems appropriate. Therefore £96, or possibly slightly more, is acceptable.

Question 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?

TDC Response: The Council does not support a permitted development right for the redevelopment of existing commercial sites as residential, and consider that the existing requirement for a planning application is appropriate for this category of development given the potential significant impacts, including the loss of a potential job creation opportunity, arising from the change of use and new built form. Many of the recent new industrial units have been built in older commercial estates where residential land values have not been obtainable. If this becomes an option for land owners it is difficult to see where traditional business units will be built.

Question 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?

TDC Response: Currently there are permitted development rights to convert commercial units into residential; however these rights only allow for the reuse of existing buildings. There is an argument that the full potential of a building or site is therefore not realised, where the applicant may be encouraged to change use rather than redevelop the site. It is therefore suggested that permitted development rights are extended to allow for the demolition and replacement of these properties.

At this stage, the scope of properties that could fall under these new rights is under review – it could focus purely on smaller sites, those redeveloped sites of a particular size or density, the sites existing use. Given that these works could be completed as permitted development, there is also the question of how developer contributions are acquired.

Whilst the idea to fulfil the potential of buildings is sound in theory, It is considered that the first point to make is with regard to 'high quality' development. This can be very subjective and could be difficult to secure through permitted development. We also have concerns that in reality the design would either not be in-keeping with the surrounding area or would be of a poor design. A form of design guide could be introduced, but what would be acceptable will vary in different locations across the Country.

If it were to be introduced it is considered that there needs to be restrictions with regards to the size of the building being converted and its existing use. The authority's local plan should also be given weight to ensure this form of development is not possible within areas such as primary shopping frontages, conservation areas and listed buildings.

Question 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.

TDC Response: No comments

Question 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?

TDC Response: No comments to add.

Part 2 - Disposal of Local Authority Land

Question 2.1: Do you think that the threshold for the existing general consent for the disposal of land held for purposes other than planning or housing at undervalue (under section 123 of the Local Government Act 1972) should:

- a. remain at the current level?
- b. be increased?
- c. be removed completely?

Please give your reasons.

TDC Response: An increased threshold would reflect increased land values and allow local authorities more flexibility.

Question 2.2: If you consider it should be increased, do you think the new threshold should be:

- a. £5 million or less?
- b. £10 million or less?
- c. other threshold? (please state level)

Please give your reasons.

TDC Response: £5 million should be sufficient to reflect increased land values and allow local authorities more flexibility.

Question 2.3: Do you agree that the Secretary of State should issue a new general consent under section 233 of the Town and Country Planning Act 1990 for the disposal of land held for planning purposes?

Please give your reasons.

TDC Response: No comment.

Question 2.4: If yes, do you think any new general consent should apply to:

- a. disposals at an undervalue of £2 million or less?

- b. disposals at an undervalue of £5 million or less?
- c. disposals at an undervalue of £10 million or less?
- d. disposals at some other undervalue threshold? (please state level)
- e. all disposals regardless of the undervalue?

Please give your reasons.

TDC Response: To reflect increased land values and allow local authorities more flexibility

Question 2.5: Do you agree that the economic, social or environmental well-being criteria which apply to the existing general consent should also apply to any new general consent for the disposal of land held for planning purposes?

TDC Response: Yes

Part 3: Canal and River Trust: Draft Listed Building Consent Order

No Comment

Part 4: New Town Development Corporations: Draft Compulsory Purchase Guidance

Question 4.1: Do you have any comments on the draft guidance at Annex D?

TDC Response: Please see separate joint response from the North Essex Authorities

Question 4.2: Do you have any views about the implications of the proposed guidance 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?

No comment

Appendix B

Joint North Essex Authority Response to Consultation Question 4 on New Town Development Corporations, Draft Compulsory Purchase Guidance

1. This consultation response is sent on behalf of Braintree District Council, Colchester Borough Council, [Essex County Council] and Tendring District Council (the NEAs). It responds to Part 4 of the Planning Reform Consultation paper. [Each of the authorities has responded separately in relation to other elements of the Planning Reform Consultation].
2. The NEAs are planning to deliver three new garden communities in North Essex. If their Local Plans are found to be sound, it is anticipated that an application for the designation of a locally led new town, and the incorporation of a locally led development corporation, will be made later this year.
3. The NEA therefore welcome the draft Compulsory Purchase Guidance for New Town Development Corporations. In particular the NEAs welcome the clear summary in paragraph 4.7 of the consultation paper that development corporations will, if they provide the appropriate evidence, be able to acquire land
 - a. early in the new town development process;
 - b. for which there are no proposals; and
 - c. in advance of detailed proposals being developed.
4. Being able to acquire land in this way will help secure the delivery of genuine garden communities.
5. The confirmation of MHCLG's understanding of the CPO compensation regime in paragraph 4.9 is similarly welcomed. The entirety of a new town should be treated as the "scheme" for compensation purposes, and the effects of early phase investment and development should not influence the value of land acquired later.
6. Against this background the NEAs have limited comments on the draft Annex to the CPO Compensation Guidance.
 - a. Paragraph 8 of the draft Annex considers the factors the Secretary of State will take into account when deciding whether to confirm a Compulsory Purchase Order. It would be helpful if the list included, specifically, consideration of the consequences for the development corporation if a requested CPO is not confirmed. This should include the practical consequences in terms of delivery and legacy, and the extent to which "opt out areas" would influence that.
 - b. Paragraph 9 sets out the factors the Secretary of State will consider whether when reviewing proposals for the use of land, or the delivery of development. that compete with those proposed by the development corporation. It would be helpful if the factors could include:
 - i. the track record of those promoting alternative proposals. The ability of a promoter to deliver a new town, or a component of it, should be a consideration. This is a factor considered elsewhere (see paragraph 124(a) of the existing CPO guidance in relation to Homes England);
 - ii. given the importance of stewardship to locally led new town development corporations, the considerations should include an analysis of the effect of the alternative proposals on the oversight authority and development corporation's ability to meet their statutory obligations;
 - iii. generally the effect on the ability of the oversight authority to fulfil its obligations. At the moment the draft Annex concentrates on the development corporation. There is also a need to take account of the responsibilities of the oversight authority.
 - c. In relation to Urban Development Corporations paragraph 131 of the existing CPO Guidance considers the implications where a UDC generates receipts in excess of the total of the cost of assembled land. It would be helpful to include a similar paragraph in relation to development

corporations, noting that this is likely to be the case (over the longer term) and reflects the need to deliver high quality infrastructure, good design and stewardship obligations. It also reflects the Governments aspirations for "value capture" in appropriate circumstances.

- d. In relation to other Compulsory Purchase Orders the existing CPO guidance includes, in some circumstances, a requirement to consider the viability of, and funding for, the proposals underlying the CPO. Viability and funding will have been considered in detail as part of the designation of the new town, and the incorporation of the development corporation (see paragraph 3.2B of the June 2018 Guidance). It would be helpful if the draft Annex could make it clear that the viability of the new town proposal, as a whole, will not normally be considered unless circumstances have changed materially since the date of designation.

Appendix C

[Planning Reform: Supporting the High Street and Increasing the Delivery of New Homes](#)