

## Appendix 1: Consultations responses to questions

### Part 1: Permitted development rights and use classes

#### Allow greater change of use to support high streets to adapt and diversify

Q1.1. 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.

*Whilst it is recognised that office space provides employment and economic activity it is not agreed that a new permitted development right to allow shops (A1) to change to office use would be acceptable. The retail policies in the adopted Local Plan and the Local Plan Review for Chichester are protective of the primary retail frontages in order to maintain a buoyant centre, and to lose retail floorspace to office would adversely affect these shopping areas.*

*There would be less concern about a new permitted development to allow professional services (A2), hot food takeaways (A5) or betting shops, pay day loan shop and launderettes to change to office use (B1).*

Q1.2 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.

*There would be no objection to a new permitted development right to allow hot food takeaways (A5) to change to residential. A5 uses are not in short supply, and generally they are located in areas characterised by a mix of uses or on the periphery of shopping areas where residential uses would compliment business uses to create sustainable communities. It would be important to ensure that this change of use would be subject to a prior approval process to ensure that there would be no adverse impacts in respect of the amenity of occupiers, particularly in areas where there may be uses that generate noise or odours, flooding or contamination.*

Q1.3 Are there any specific matters that should be considered for prior approval to change to office use?

*Transport and highways and transport impacts.*

Temporary changes of use:

Q1.4. 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?

*Yes the provision of community facilities would benefit local communities, and therefore where permitted changes of use already exist this would be a positive change, provided it was subject to a prior approval process to ensure such a use would not have any adverse impacts upon neighbours or the highway in particular, because some of the proposed uses could generate a significant number of visitors.*

Q1.5. Are there other community uses to which temporary change of use should be allowed?

*No.*

Q1.6 Do you agree that the temporary change of use should be extended from 2 years to 3 years?

*No. The existing temporary loss of retail for example is harmful to shopping areas and therefore this should not be extended.*

Q1.7: Would changes to certain of the A use classes be helpful in supporting high streets?

*No. Restaurant and café uses, and professional services are necessary to ensure a mixed offer within a town centre, but without any control on changes of use away from retail the vitality and viability of our shopping areas would suffer. The government requires local authorities to plan based on robust evidence (including the need for retail uses) and local plan policies allow for an acceptable degree of change within the shopping areas to ensure a mix is provided, at a level appropriate to specific areas. Local Plan, and Neighbourhood plans, allow changes without losing the core retail function that is necessary to ensure a buoyant city centre and shopping facilities within settlements which are required to ensure communities are sustainable. The proposed de-regulation would be at odds with the premise of the plan-led system*

*and it would also be damaging to our shopping areas and local communities.*

Q1.8: 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.

*Neither. The uses should remain separate.*

**ii) A new permitted development right to support housing delivery by extending buildings upwards to create additional new homes**

Q1.9: Do you think there is a role for a permitted development right to provide additional self-contained homes by extending certain premises upwards?

*No. New houses should be provided following a plan-led approach that would allow for upward extensions where acceptable following a full assessment of such a proposal.*

Q1.10: Do you think there is a role for local design codes to improve outcomes from the application of the proposed right?

*No. This would not overcome fundamental concerns about increase the heights of buildings without considering all the relevant considerations as part of a planning application.*

Q 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?

*Neither. This measure would be very difficult to interpret, particularly in a dense urban environment, for example; where does a terrace start and finish?; is it only the overall height that matters or the form of the roof, and how would the extent of the 'locality' be determined?*

Q1.12: Do you agree that there should be an overall limit of no more than 5 storeys above ground level once extended?

*No. Without an understanding of the context of a building, topography, surrounding land uses, as a minimum, it is not impossible to distinguish what number of storeys would be acceptable. This should be determined on a case by case basis via a planning application.*

Q1.13: How do you think a permitted development right should address the impact where the ground is not level?

*It would be difficult to provide for a scenario where levels change within or around the building.*

Q1.14: Do you agree that, separately, there should be a right for additional storeys on purpose built freestanding blocks of flats? If so, how many storeys should be allowed?

*No. Whether a roof extension is acceptable or not should be the subject of careful consideration via a planning application during which a wide range of issues would be considered, including the details design, massing, appearance, impact upon neighbours, density of development etc.*

Q1.15: 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?

*It is agreed that residential uses are compatible with a range of town centre uses such as retail, offices, professional services for example.*

Q1.16: 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?

*Other uses such as out of town retail centres and leisure centres are suitable types of premises for the creation of new dwellings, primarily due to their location on the edge or, or remote from, settlements, the lack of services and facilities nearby and the quality of the built form, public realm and living conditions (car dominated environments with large car parks surrounding function buildings).*

Q1.17: Do you agree that a permitted development right should allow the local authority to consider the extent of the works proposed?

Yes.

Q1.18: 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?

*Yes. It would be essential to consider 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 but also the impacts upon the availability of light and the privacy of neighbouring properties. In addition consideration of 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 would be necessary. Due to the number of considerations this type of development should remain the subject of a planning application.*

Q1.19: Are there any other planning matters that should be considered?

*Yes. Would the creation of a new home provide a high quality living environment for future residents, would the development have access to necessary services and facilities to make it sustainable, would there be any impacts on designated sites such as Special Protection Areas that are designated for their international importance.*

Q1.20: 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?

*No. Whilst the provision of housing is a priority, new houses should be provided in accordance with our plan-led approach to ensure the quality and character of neighbourhoods is not harmed by inappropriate forms of development.*

*It is important that the character and appearance of our neighbourhoods and residential areas are protected and new dwellings are provided in appropriate locations.*

**iii) The permitted development right to install public call boxes and associated advertisement consent**

Q1.21: Do you agree that the permitted development right for public call boxes (telephone kiosks) should be removed

Yes

Q 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?

Yes

**iv) Increasing the height threshold for the permitted development right for electric vehicle charging points in areas used for off-street parking**

Q1.23 Do you agree the proposed increased height limit for an electrical vehicle charging point upstand in an off-street parking space that is not within the curtilage of a dwellinghouse?

Yes

**v) Making permanent two time-limited permitted development rights**

A. Change of use from storage or distribution to residential

Q1.24: Do you agree that the existing time-limited permitted development right for change of use from storage or distribution to residential is made permanent?

*No. The loss of employment floorspace is detrimental to the economy and results in the need to plan for additional employment floorspace when existing warehouses change to residential. In addition this permitted development right allows for residential properties to be created in areas that are poorly served by services and facilities including schools, healthcare and recreation facilities, and poor levels of amenity for the occupiers as a result.*

B. Larger extensions to dwellinghouses

Q1.25: Do you agree that the time-limited permitted development right for larger extensions to dwellinghouses is made permanent?

Yes

Q1.26: Do you agree that a fee should be charged for a prior approval application for a larger extension to a dwellinghouse?

Yes

**vi) Supporting housing delivery by allowing for the demolition of commercial buildings and redevelopment as residential**

Q1.27: 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?

*Local Planning Authorities determine the amount of employment land and commercial premises required when preparing local plans and prepare policies accordingly. An application for planning permission would be considered against these policies in line with the plan led system. Seeking to create a permission in principle by such a use of permitted development rights undermines the plan led system by limiting the relevant considerations. Appropriate applications are likely to be approved anyway, and the purpose of switching them to a different approval process is unclear and makes the system more complex rather than simpler.*

*The proposed new permitted development right may also result in dwellings in inappropriate locations removed from existing residential areas and amenities. The conversion of units on industrial parks or isolated commercial properties in the countryside would be unlikely to deliver homes in the right locations. The ability to replace commercial buildings with new residential development should be assessed via a planning application to ensure that the commercial premises are no longer required for their commercial purpose and that residential development is located in sustainable locations with sufficient amenities, green space and services.*

Q1.28: 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?

*It is essential that developer contributions are still required in relation to 'housing delivered this way to ensure new homes can be supported by the appropriate infrastructure. This should also include contribution to the delivery of affordable housing. The cumulative impact of any*

*development on matters such as flood risk, highway network, noise and amenity will need to be considered as part of the prior approval process. In addition, full control over the design and appearance of the proposed replacement buildings should be retained through a prior approval process.*

### **Impact assessment**

Q1.29: 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 dwellinghouses

*None not set out above*

### **Public sector equality duty**

Q1.30: 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?

*The proposed changes would result in some dwellings being provided in inappropriate locations where the Country's aging population or people with disabilities would be isolated and removed from the services and facilities required to support their needs.*