

THE NATIONAL RETAIL PLANNING FORUM

Chairman: Mr Chris Shepley CBE

Consultation Team (Greater flexibilities to change use)
Planning Development Management Division
Department for Communities and Local Government
1/J3, Eland House
Bressenden Place
London SW1E 5DU

Dear sir/Madam,

Greater flexibilities to change use – Consultation response

The National Retail Planning Forum (NRPF) is a not-for-profit company and registered charity. A cross-sector organisation, it involves major retail firms, investment institutions, property development companies and planning consultants along with local government, professional institutions and the academic and research sector. It aims to be a focus for improving understanding between private and public sectors of the planning system and its impact on retailing, which it does through a collaborative programme of research, workshops and events. We welcome the opportunity to respond to this consultation on change of use.

Question 1

Do you agree there should be permitted development rights, as proposed, for shops (A1) and financial and professional services (A2) to change use to a dwelling house (C3) and to carry out building work connected with the change of use?

No. We welcome the Government's continued support of the Town Centres First policy, which supports both the location and retention of key town centre uses within town centres. We also firmly believe that Local Authorities should take a pro-active, plan-led approach to town centres and retail, using Local and Neighbourhood Plans in line with the National Planning Policy Framework, including in strategically managing decline where necessary. We therefore welcome the Government's support for a plan-led approach and for up-to-date local plans. (NPPF para 12)

We appreciate the Government's policy objective of converting under-performing and especially vacant retail space to residential use, with the aims of arresting the problems of decline and blight while also providing more homes but have doubts whether the limited increase in footfall from these new residents would improve the viability of the remaining retail space. Indeed, other town centre uses would be more effective in doing this.

We **strongly disagree with this proposed change of use as permitted development**. Rather, we strongly believe such conversions should be controlled through the planning process.

Local Authorities have an important role in pro-actively producing Local Plans and encouraging Neighbourhood Plans which define not just primary but also secondary and tertiary shopping areas, encouraging conversion within those where appropriate. These conversions should be achieved through planning applications, not changing the freedoms associated with the Use Classes Order. It would be appropriate to include encouragement to permit changes of use in the right circumstances in planning guidance, but it is inappropriate for this to be pre-determined as a result of a decision from the centre.

How do you think the prior approval requirement should be worded, in order to ensure that it is tightly defined and delivers maximum benefits?

Much more detail and clarity is needed over the prior approval process; in particular, the 150sq m threshold is too large and too loosely defined. It is unclear whether this figure is net or gross, whether it includes storage areas and so on. Research for the GLA has shown the average London small shop has around 80sq m gross floorspace at ground floor, implying 150sq m equates to two shop units. The threshold figure should be empirically derived; this can easily be done using Valuation Office Agency data which would allow numbers of shops within size bands to be identified at Local Authority level, as well the proportions which were vacant.

Local Authorities should be allowed to define their own threshold floorspace level below which the provision applies using appropriate evidence; if they fail to do so, a national figure could then apply.

We are concerned how well prior approval will be able to deal with potential impacts on the economic health, service provision and local character. Experience with conversion of public houses to residential has shown the use of a viability test can be problematic and is best avoided, as it leads to planning by appeal.

It will be effectively impossible for the prior approval to be worded so that the provisions only apply to vacant or obsolescent properties. Rather, conversions are most likely to occur where the resulting residential property is of high value and well connected by transport, irrespective of whether it is in current retail use. Under the current proposals this could take place even in primary retail areas, as developers cherry-pick the most attractive options. We are also concerned about the so-called 'broken teeth' effect: whilst the first or second conversion may have little negative impact on the centre as a whole, successive conversions will begin to break up continuous parades and streets and have significant cumulative impacts, threatening the viability of large parts of centres or even whole centres. A better test would be to assess a proposal against its impact on the Local Authority's strategy for that centre.

We therefore propose that in addition to the exemptions for properties above the threshold size and those within conservation areas and other article 1(5) land, Local Authorities should have the ability to define areas where the provision does not apply through designating town centres, including neighbourhood centres, through their Local Plan. They are otherwise likely to attempt to do so using Article 4 Directions, an inappropriate process. Further we propose that centres, including neighbourhood centres, designated and identified in an up-to-date Local Plan should be exempted.

More clarity is needed over the scale of external modification permitted and to how much ancillary development is permitted in the conversion process.

Question 2

Do you agree there should be permitted development rights for retail units (A1) to change use to banks and building societies?

No, this provision seems unnecessary. It would result in banks and building societies increasingly moving into prime retail sites; there are arguments both for and against the impact of this on High Street vitality and viability, but such changes of use should be pro-actively managed through the planning process.

Questions 3, 4 & 5

No comments

Question 6

Do you have any comments and further evidence on the benefits and impact of our proposals set out in the consultation?

While we are in sympathy with the aims of taking a realistic approach to ensuring town centres and high streets remain vital and viable by arresting decline and also creating additional housing, we believe that the proposals are a crude instrument, which will have several unintended negative consequences and conflict with other stated Government policies. A town centre first policy is best implemented by strengthening the offer of the town centre. Where change of use is desirable, it should be to those uses which best reinforce the centre's vitality, rather than allowing change of use to residential as the first resort.

By their blanket nature, the proposals as currently stated undermine those Local Authorities who have been pro-active in taking a plan-led approach and who have detailed Local Plans in place.

Small shops are the seedbed for the small independent businesses which the Government wishes to encourage both to help small businesses and to create vital and viable town centres, and some of which will grow into the successful large businesses of the future. By permitting the conversion of these premises whether vacant or not, such businesses will be hardest hit and in the longer-term future of primary areas is also threatened, in contradiction to the Government's aims to encourage town centre vitality.

The numbers of new homes which would result from the proposals is relatively small and any resultant footfall increase within centres would be minimal. A much better solution would be to encourage conversion to other non-retail attractions and town centre uses.

Yours sincerely,

Chris Shepley CBE
Chairman, NRPF,
18th October 2013