

Subject:	Government Consultation Relaxing Planning Rules for Change of use from Commercial to Residential		
Date of Meeting:	7 July 2011		
Report of:	Strategic Director, Place		
Contact Officer:	Name: Rebecca Fry	Tel: 29-3773	
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Key Decision:	No		
Wards Affected:	All		

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT:

- 1.1 This report seeks approval and endorsement of the council's response to the recent Government consultation seeking to relax planning rules for change of use from commercial to residential. A number of concerns have been raised to the proposal from a planning and economic development perspective.
- 1.2 The response was sent on 28 June 2011 in order to meet the consultation deadline but this was subject to the approval and endorsement at this Cabinet Members Meeting.

2. RECOMMENDATIONS:

- 2.1 That the Cabinet Member for Planning, Employment, Economy & Regeneration approves and endorses the council's response to the Government's consultation seeking relaxation of planning rules for change of use from commercial to residential (see Appendix A).

3. RELEVANT BACKGROUND INFORMATION:

- 3.1 The Government Department for Communities and Local Government has published a consultation paper entitled 'Relaxation of planning rules for change of use from commercial to residential'. The consultation seeks views on the Government's proposals to amend the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (the GPDO) to grant permitted development rights to changes of use from commercial to residential uses.
- 3.2 Current legislation allows change of use without needing planning permission where both the existing and proposed uses fall within the same Use Class. These are formally defined in the Town and Country Planning (Use Classes) Order 1987 (as amended). Planning permission is normally needed for change of use between the defined use classes. However, under the GPDO a number of changes of use are allowed without needing planning permission.

- 3.3 The government is proposing to extend these permitted development rights to allow change of use from commercial uses to residential use without needing planning permission. The stated aim of the proposal is to support economic growth and drive an increase in the supply of housing. The consultation seeks views on a number of options that can be implemented separately or together. The three main options are to:
- allow the change of use from B1 (business, including offices, light industrial and research and development) to C3 (dwellings) without needing express planning permission. Planning permission would still be required for operational development (new build or external alterations to the building);
 - allow the change of use from B2 (general industrial) and B8 (warehousing) to C3 (dwellings) removing the need for express planning permission;
 - Extend the existing permitted development rights allowing change of use from A1 (shop) and A2 (financial and professional services) to mixed use of A1 or A2 to a single flat to allow more than one flat.

- 3.4 The draft response from the city council supports the aims of the government to promote economic growth and additional homes; however, there are serious concerns in relation to the likely impact of these proposals nationally and on Brighton & Hove. The main concerns are:

- The proposals will result in a range of unintended consequences on local economies and undermine their resilience to weather the economic downturn and preparedness for longer term economic recovery and stability. One of these concerns is that the impact of increased house value of residential uses will lead to the loss of affordable workspace. This is of particular concern in Brighton & Hove which has a high proportion of small and medium sized businesses.
- The amendment will undermine the planning system and the plan-led approach, which seeks to achieve a sustainable balance between housing and employment in the area and a consideration of 'quality of life' issues, such as, designing out crime, open space, lifetime homes/neighbourhoods, daylight and sunlight etc.
- It will undermine the government's priorities in relation to localism and neighbourhood planning put forward in the Decentralisation and Localism Bill.
- It will be contrary to one of the main purposes of the Use Classes Order which is to protect the amenity of sensitive uses by locating residential uses next to noise and nuisance generating uses (general industry and warehousing).

Details of the comments made in response to the proposals are set out in full in Appendix A.

4. CONSULTATION:

- 4.1 Internal consultation has been undertaken and the response was jointly prepared by Planning and Economic Development. The consultation was also forwarded onto the business community to enable them to submit an independent response.

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 5.1 The cost of preparing the council's response consists of officers' time and has been met from existing revenue budgets. However, if the Government's proposals to amend the planning rules are subsequently introduced, it is officers' opinion that Article 4 Directions should be introduced in the City. This would then involve further financial implications, which would become part of a further report.

Finance Officer Consulted: Karen Brookshaw Date: 20/06/11

Legal Implications:

- 5.2 The legislative background to the Report is set out in paragraph 3.2 above. It is not considered that any human rights implications arise from the Report.

Lawyer Consulted: Hilary Woodward Date: 27/06/11

Equalities Implications:

- 5.3 The Government consultation document and the council's response take into account equalities issues. A key concern is that the proposal will lead to loss of jobs, small businesses and skills training in the city and a potential to reduce the opportunities to secure affordable housing.

Sustainability Implications:

- 5.4 Sustainability considerations are central to the planning system and form part of the response. A key concern is the proposal will lead to the loss of affordable business space in the city thus leading to an imbalance between homes and jobs. A likely outcome of this is increased out-commuting from the city.

Crime & Disorder Implications:

- 5.5 None identified.

Risk and Opportunity Management Implications:

- 5.6 None identified.

Corporate / Citywide Implications:

- 5.7 If the proposed national amendments are introduced there will be corporate and citywide implications. The details of which will depend on what amendments are introduced and the conditions/mitigation measures put in place. The Council's response highlights the main impacts of the proposed amendments.

6. EVALUATION OF ANY ALTERNATIVE OPTION(S):

- 6.1 None required. A do nothing approach is not considered appropriate in view of the potential and unintended consequences of such national amendments as highlighted in the response.

7. REASONS FOR REPORT RECOMMENDATIONS

- 7.1 To gain formal approval and endorsement of the council's response to the Government consultation seeking relaxation of planning rules for change of use from commercial to residential. Whilst the response has been sent in order to meet the consultation deadline of 30 June 2011 this was on the understanding it was to be subject to approval and endorsement at Cabinet Members Meeting.

SUPPORTING DOCUMENTATION

Appendices

- A. Response to Consultation Questionnaire on Relaxation of the planning rules for change of use from business to residential.
The responses includes:

- Appendix 1 : Expanded Response
- Appendix 2 : Economic Development Detailed Response to Consultation Paper
- Appendix 3 : Environmental Health Detailed Response to Consultation Paper
- Appendix 4 : Comparison figures for Change of Use Applications
- Appendix 5 : Number of Permitted and Completed Residential Developments within Existing Residential and Employment Sites
- Appendix 6 : Extract from Argus relating to local business view
- Appendix 7 : The area of South Downs National Park within Brighton & Hove
- Appendix 8 : ONS business data and links

Documents In Members' Rooms

None

Background Documents

1. Department of Communities and Local Government consultation on Relaxation of planning rules for change of use from commercial to residential.
2. Town and Country Planning (Use Classes) Order 1987 (as amended)
3. Town and Country Planning (General Permitted Development) Order 1995 (as amended)