

Response ID ANON-DEZB-M4MT-7

Submitted to Permitted development rights consultation on additional flexibilities to support housing delivery, the agricultural sector, businesses, high streets and open prisons; and a call for evidence on nature-based solutions, farm efficiency projects and diversification.

Submitted on 2023-09-25 10:06:28

Scope of the consultation

Introduction

What is your name?

Name:

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What is your email address?

Email:

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What is the type of organisation that you work for?

Local authority

If applicable, what is the name of your organisation?

Organisation:

Southwark Council

What is your position in the organisation?

Position in the organisation:

Team Leader

Privacy notice

Design codes

Do you want to complete this section?

Yes

Design codes

Q.1 Do you agree that prior approvals for design or external appearance in existing permitted development rights should be replaced by consideration of design codes where they are in place locally?

Yes

Please give your reasons :

The proposal is welcomed as design codes are effective when it is highly tailored to enhance the distinctiveness of an area. This would provide the Council with the ability to shape and control the quality of new commercial and residential development where currently this is not possible. However, design codes should have a layered approach. The following tiers could cover:

A small number of authority-wide design codes - mostly limited to biodiversity, space standards, resources and lifespan etc.

Place-based design codes covering all the local areas within a local authority - these should all be based on area character studies.

Small-site design codes for specific development sites - These could be created by combining specific design codes for the different types of development sites with the codes for the local area.

Or:

The development of highly sophisticated design codes that anticipate the very broad range of different conditions and contexts. This would incur a certain degree of risk, as there could be unanticipated circumstances that allow the code to be used to justify otherwise inappropriate development.

Design codes - impact assessment

Q.2 Do you think that any of the proposed changes to permitted development rights in relation to design codes could impact on: a) businesses b) local planning authorities c) communities?

Yes

Please give your reasons. It would be helpful if you could specify whether your comments relate to a) business, b) local planning authorities, or c) communities, or a combination.:

a) Under the design code/s, businesses are more likely to be aware of the requirements resulting into more development in keeping with the character of the area.

b) The introduction of design codes will have resource impact to the local authority. While in the long term the greater certainty and increased permitted development may reduce caseloads, in the short term the creation of design codes and area character studies will require significant resources and specialist skills, including hiring and upskilling more staff with urban design knowledge.

c) Meaningful consultation may be difficult in capturing an authority wide design code, therefore views certain communities may be neglected.

Supporting housing delivery through change of use permitted development rights

Do you want to complete this section?

Yes

Supporting housing delivery through change of use permitted development rights

Commercial Business and Service uses to dwellinghouses (Class MA of Part 3)

Floorspace limits

Q.3 Do you agree that the permitted development right for the change of use from the Commercial, Business and Service use class (Use Class E) to residential (Class MA of Part 3), should be amended to either:

No change

Please give your reasons :

Expanding the scale of development allowed under existing permitted development would significantly weaken the council's ability to control unacceptable development and mitigate the impact on surrounding uses. It may have an impact on the design and quality of the development. It would also further reduce the amount of affordable housing, affordable workspaces, energy requirements and financial contributions that the council may sought from certain development.

Housing is a major determinant of health. This raises concerns relating to factors that impact on health and wellbeing - living conditions, space standards and other amenity values such as light, noise and neighbourhood liveability. Expanding the scale of development would increase the potential for adverse health impacts.

Moreover, through the collection of evidence for the Council's proposed Article 4 direction for Class MA, the council has identified that more housing units can be delivered through the local plan, for example, through site allocations than through the existing and proposed permitted development right.

Vacancy requirement

Q.4 Do you agree that the permitted development right (Class MA of Part 3) should be amended to remove the requirement that the premises must be vacant for at least three continuous months immediately prior to the date of the application for prior approval?

No

Please give your reasons :

Removing the requirement for premises to be vacant prior to being allowed to convert to residential would lead to the loss of important commercial uses and the hollowing out of vibrant high streets and opportunity areas. Once Class E is converted to residential, it is likely to be permanently lost causing long term impacts to the surrounding area.

Article 2(3) land

Q.5 Do you think that the permitted development right (Class MA of Part 3) should apply in other excluded article 2(3) land?

No

Please give your reasons :

Southwark's built heritage is recognised as a community asset with a number of conservation areas designated to protect the historic character of the area. The current permitted development right therefore undermines the long-term sustainability of the conservation area and is not supported. Expanding the permitted development to other protected areas would further undermine their purposes in protecting and enhancing areas with special characteristics.

Prior approval - conservation areas

Q.6 Do you think the prior approval that allows for the local consideration of the impacts of the change of use of the ground floor in conservation areas on the character or sustainability of the conservation is working well in practice?

Don't know

Please give your reasons. If no, please explain why you don't think the prior approval works in practice?:

Hotels, boarding houses and guest houses (Use Class C1) to dwellinghouses

Q.7 Do you agree that permitted development rights should support the change of use of hotels, boarding houses or guest houses (Use Class C1) to dwellinghouses?

No

Please give your reasons :

Southwark plays an important role for tourism in Central London. We would therefore want to balance the need for much needed housing with meeting the needs of the tourism industry. The right should provide local consideration of the impact on the tourism industry and take into account evidence of local need. This would also remove the ability to secure much needed affordable housing and local infrastructure improvements.

Hotels, boarding houses and guest houses (Use Class C1) to dwellinghouses

Q.8 Are there any safeguards or specific matters that should be considered if the change of use of hotels, boarding houses or guest houses (Use Class C1) to dwellinghouses was supported through permitted development rights?

Yes

Please give your reasons. If yes, please specify. :

A floorspace limit is essential to ensure major and strategic applications are carefully considered and will not deliver adverse impacts to the street scene and wider area.

The proposed right should also not apply to Article 2 (3) land as development either piecemeal or large may have an impact on the historic and natural environment.

Impact Assessments

Q.9 Do you think that any of the proposed changes in relation to the Class MA permitted development right could impact on: a) businesses b) local planning authorities c) communities?

Yes

Please give your reasons. It would be helpful if you could specify whether your comments relate to a) business, b) local planning authorities, or c) communities, or a combination.:

Local planning authorities will not be able to mitigate unsuitable development and apply a plan-led approach to mitigate any unacceptable impacts that may occur. This would have a detrimental impact on local communities as the Council would not be able to secure much needed affordable housing, affordable workspace and local infrastructure improvements.

Q.10 Do you think that changes to Class MA will lead to the delivery of new homes that would not have been brought forward under a planning application?

No

Please give your reasons :

It may provide a piecemeal development of new homes as it provides flexibility for business owners, however this would significantly weaken the council's ability to control unacceptable development and mitigate the impact on surrounding uses. It may have an impact on the design and quality of the development. It would also further reduce the amount of affordable housing, affordable workspaces, energy and financial contributions.

Betting offices and pay day loan shops etc. to dwellinghouses (Class M of Part 3) and arcades etc. to dwellinghouses (Class N of Part 3)

Floorspace limits

Q.11 Do you agree that the right for the change of use from hot food takeaways, betting offices, pay day loan shops and launderettes (Class M of Part 3) is amended to:

No change

Please give your reasons :

Hot food takeaways, betting offices, pay day loan shops and launderettes are all considered as a high street uses and can provide employment/business opportunities, and therefore a higher size limit or removing the size limit all together may affect the vitality and viability of the high street and wider town centre. Planning permission should be sought to ensure local consideration is accounted for.

Q.12 Do you agree that the existing right (Class M of Part 3) is amended to no longer apply to launderettes?

Yes

Please give your reasons :

The council agree that launderettes provide community services, and a retail offer and therefore should be removed from the Class M Part 3 right.

Q.13 Do you agree that the right for the change of use from amusement arcades and centres, and casinos (Class N of Part 3) is amended to:

No change

Please give your reasons :

Expanding the scale of development allowed under existing permitted development would significantly weaken the Council's ability to control unacceptable development and mitigate the impact on surrounding uses. It may have an impact on the design and quality of the development. It would also further reduce the amount of affordable housing, affordable workspaces, energy requirements and financial contributions that the council may sought from certain development. Planning permission would ensure local consideration is assessed through local policies and evidence and ensure the high street can diversify.

Date the building was in use in order to benefit from the right

Q.14 Do you agree that the right (Class M of Part 3) should be amended to replace the existing date on which the building must have been in use as a hot food takeaway, betting office, pay day loan shop or launderette instead to a two-year rolling requirement?

Yes

Please give your reasons :

This is supported.

Q.15 Do you agree that the right (Class N of Part 3) should be amended to replace the existing date on which the building must have been in use as an amusement arcade or centre, or casino instead to two-year rolling requirement?

Yes

Please give your reasons :

This is supported.

Article 2(3) land

Q.16 Do you think that the permitted development right for the change of use from hot food takeaways, betting offices, pay day loan shops and launderette (Class M of Part 3) should apply in other article 2(3) land?

No

Please give your reasons :

This should not apply in conservation areas in order to ensure development is only granted where it preserves or enhances the character or appearance of conservation areas and their settings. Southwark's built heritage is recognised as a community asset and therefore the proposed PDR will undermine the sustainability of the conservation area.

Q.17 Do you think that the permitted development right for the change of use of amusement arcade or centre, or casino (Class N of Part 3) should apply in other excluded article 2(3) land?

No

Please give your reasons :

This should not apply in conservation areas in order to ensure development is only granted where it preserves or enhances the character or appearance of conservation areas and their settings. Southwark's built heritage is recognised as a community asset and therefore the proposed PDR will undermine the sustainability of the conservation area.

Impact Assessments

Q.18 Do you think that any of the proposed changes in relation to the Class M and N permitted development rights could impact on: a) businesses b) local planning authorities c) communities?

Yes

Please give your reasons. It would be helpful if you could specify whether your comments relate to a) business, b) local planning authorities, or c) communities, or a combination.:

This may result in unacceptable development and adverse impact on surrounding uses. It may have an impact on the design and quality of the development and, consequently, the health and wellbeing of residents. It would also further reduce the amount of affordable housing, affordable workspaces, energy requirements and financial contributions that the council may sought from certain development. Planning permission would ensure local consideration is assessed through local policies.

Q.19 Do you think that changes to Class M and N will lead to the delivery of new homes that would not have been brought forward under a planning application?

No

Please give your reasons :

Through the collection of evidence for the Council's proposed Article 4 for Class MA, the council has identified that more housing units can be delivered through the local plan, for example, through site allocations than through the PDR pathway.

Commercial, Business and Service, betting office or pay day loan shop to mixed use residential (Class G of Part 3)

Uses the right applies to

Q.20 Do you agree that the right (Class G of Part 3) is expanded to allow for mixed use residential above other existing uses?

No

Please give your reasons. If yes, please say which uses the right might apply to and give your reasons.:

This may result in unacceptable development and adverse impact on surrounding uses. It may have an impact on the design and quality of the development and, consequently, the health and wellbeing of residents. It would also further reduce the amount of affordable housing, affordable workspaces, energy requirements and financial contributions that the council may sought from certain development. Planning permission would ensure local consideration is assessed through local policies.

Number of flats that can be delivered

Q.21 Do you agree that the number of flats that may be delivered under the right (Class G of Part 3) is doubled from two to four?

No

Please give your reasons :

This would remove the ability for the Council to seek much needed affordable housing in the borough as the Southwark Local Plan currently requires affordable housing on development of 9 units or fewer. It would also have a negative impact on the surrounding area and communities as the Council would not be able to secure local infrastructure improvements or the tenure and quality of the units provided.

Consequential changes to the permitted development right that allows the change of use from a mixed use to Commercial Business and Service use or betting office or pay day loan shop right (Class H of Part 3)

Q.22 Do you agree that the permitted development right (Class H of Part 3) is amended to align with any changes made to the uses to which Class G of Part 3 applies?

Yes

Please give your reasons :

Gambling is a recognised public health issue. Restrictions on betting offices are welcome.

Impact Assessments

Q.23 Do you think that any of the proposed changes in relation to the Class G and H permitted development rights could impact on: a) businesses b) local planning authorities c) communities?

Yes

Please give your reasons. It would be helpful if you could specify whether your comments relate to a) business, b) local planning authorities, or c) communities, or a combination.:

Communities: restrictions on betting offices prevent their potential for adverse health impacts.

Q.24 Do you think that changes to Class G will lead to the delivery of new homes that would not have been brought forward under a planning application?

No

Please give your reasons :

Through the collection of evidence for the Council's proposed Article 4 direction for Class MA, the council has identified that more housing units can be delivered through the local plan, for example, through site allocations than through the existing and proposed permitted development right.

Agricultural buildings to dwellinghouses (Class Q of Part 3)

Size limits and maximum numbers of homes delivered

Q.25 Do you agree that the smaller and larger home size limits within the agricultural buildings to dwellinghouses right (Class Q of Part 3) should be replaced with a single maximum floorspace limit of either:

Don't know

Please give your reasons :

Q.26 Do you agree that an overall limit on the amount of floorspace that can change use, set at 1,000 square metres, should be introduced for the agricultural buildings to dwellinghouses right (Class Q of Part 3)?

Not Answered

Please give your reasons :

Q.27 Do you agree that the 5 home limit within the agricultural buildings to dwellinghouses right (Class Q of Part 3) should be increased to allow up to a total of 10 homes to be delivered within an agricultural unit?

Don't know

Please give your reasons :

Rear extensions

Q.28 Do you agree that the permitted development right for the change of use from agricultural buildings to residential use (Class Q of Part 3) should be amended to allow for an extension to be erected as part of the change of use on previously developed land?

Don't know

Please give your reasons :

Q.29 Do you agree that a prior approval be introduced, allowing for the consideration of the impacts of an extension on the amenity of neighbouring premises, including overlooking, privacy and light?

Don't know

Please give your reasons :

Minimum building size

Q.30 Do you agree that buildings should have an existing floorspace of at least 37 square metres to benefit from the right?

Don't know

Please give your reasons :

Article 2(3) land

Q.31 Do you think that the permitted development right for the change of use from agricultural buildings to residential use (Part 3 Class Q) should be amended to apply in other article 2(3) land?

Don't know

Please give your reasons :

Agricultural buildings not solely in agricultural use

Q.32 Do you agree that the right be amended to apply to other buildings on agricultural units that may not have been solely used for agricultural purposes?

Don't know

Please give your reasons :

Q.33 Are there any specific uses that you think should benefit from the right?

Don't know

If yes, please give examples of the types of uses that the right should apply to.:

Q.34 Are there any specific uses that you think should not benefit from the right?

Don't know

If yes, please give examples of the types of uses that the right should not apply to.:

Former agricultural buildings no longer on an agricultural unit

Q.35 Do you agree that the right be amended to apply to agricultural buildings that are no longer part of an agricultural unit?

Don't know

Please give your reasons :

Highways access

Q.36 Do you agree that any existing building must already have an existing suitable access to a public highway to benefit from the right?

Don't know

Please give your reasons :

Works permitted

Q.37 Do you have a view on whether any changes are required to the scope of the building operations permitted by the right?

Don't know

Please give your reasons. If yes, please provide details. :

Q.38 Do you have a view on whether the current planning practice guidance in respect of the change of use of agricultural buildings to residential use should be amended?

Don't know

Please give your reasons. If yes, please provide details of suggested changes. :

Enabling the change of use of other rural buildings to residential

Q.39 Do you agree that permitted development rights should support the change of use of buildings in other predominantly rural uses to residential?

Don't know

Please give your reasons. If yes, please specify which uses.:

Q.40 Are there any safeguards or specific matters that should be considered if the right is extended to apply to buildings in other predominantly rural uses?

Don't know

Please give your reasons If yes, please specify. :

Impact Assessments

Q.41 Do you think that any of the proposed changes in relation to the Class Q permitted development right could impact on: a) businesses b) local planning authorities c) communities?

Don't know

Please give your reasons. It would be helpful if you could specify whether your comments relate to a) business, b) local planning authorities, or c) communities, or a combination.:

Q.42 Do you think that changes to Class Q will lead to the delivery of new homes that would not have been brought forward under a planning application?

Don't know

Please give your reasons :

Supporting the agricultural sector through additional flexibilities

Do you want to complete this section?

No

Supporting businesses and high streets through greater flexibilities

Do you want to complete this section?

Yes

Commercial Business and Service use extensions (Class A of Part 7)

Q.57 Do you agree that the maximum floorspace limit for the extension or alteration to a Commercial, Business and Service establishment on non-protected land is increased to either 200 square metres or a 100% increase over the original building, whichever is lesser?

No

Please give your reasons :

This may significantly weaken the council's ability to control unacceptable development and mitigate the impact on surrounding uses. It may have an impact on the design and quality of the development. It would also further reduce the number of affordable workspaces, energy requirements and financial contributions that the council may sought from certain development.

Industrial and warehousing extensions (Class H of Part 7)

Q.58 Do you agree that the maximum floorspace of a new industrial and/or warehousing building on non-protected land permitted under the Part 7 Class H permitted development right be amended to 400 square metres?

No

Please give your reasons :

The council will not be able to mitigate unacceptable development that may impact on surrounding uses. This could affect the design and quality of development. For example, it may provide poorly designed, poorly ventilated and poorly lit commercial development that are not fit for working, with implications for the health and wellbeing of workers.

It would also further reduce the number of affordable workspaces, energy requirements and financial contributions that the council may sought from certain development.

Industrial and warehousing extensions (Class H of Part 7)

Q.59 Do you agree that the maximum floorspace of a new industrial and/or warehousing extension on non-protected land be increased to either 1,500 square metres or a 75% increase over the original building, whichever is lesser.

No

Please give your reasons :

Increasing the floorspace to 1,500sqm or 75% in existing warehouse or industrial buildings may provide poorly designed, poorly ventilated and poorly lit commercial development that are not fit for working, with implications for the health and wellbeing of workers. 1,500sqm or 75% floorspace is too significant of an increase and will require strategic planning e.g., transport patterns and capacity to ensure new developments are sustainable.

It would also further reduce the number of affordable workspaces, energy requirements and financial contributions that the council may sought from certain development.

Impact Assessments

Q.60 Do you think that any of the proposed changes in relation to the Part 7 permitted development rights could impact on: a) businesses b) local planning authorities c) communities?

Yes

Please give your reasons. It would be helpful if you could specify whether your comments relate to a) business, b) local planning authorities, or c) communities, or a combination.:

The proposed right would provide greater flexibility to businesses, but local planning authorities will not be able to mitigate the negative impacts of this type of development. A 1,500sqm or 75% increase in floorspace is considered a significant increase and will require consultation from neighbours and communities to ensure the impacts on the local community are properly considered.

Markets - temporary use of land (Class B of Part 4)

Q.61 Do you agree that the permitted development right for the temporary use of land should be amended so that markets can operate either:

28 days per calendar year (in line with other uses permitted under the right)

Please give your reasons. If you have chosen a different number of days per calendar year, please specify what number of days the right should provide for?:

Outdoor markets provide a rich variety of retail and opportunities for local traders. It provides active frontages, which increases the vitality to the high street and town centre. The proposal is welcomed.

Impact Assessments

Q.62 Do you think that any of the proposed changes in relation to the Part 4 permitted development rights could impact on: a) businesses b) local planning authorities c) communities?

Yes

Please give your reasons. It would be helpful if you could specify whether your comments relate to a) business, b) local planning authorities, or c) communities, or a combination.:

The increase of number of days trading provides greater flexibility and opportunities to local traders and businesses. It provides a wider selection of shopping, but further notice will needed for the communities.

Ensuring the sufficient capacity of open prisons

Do you want to complete this section?

No

Public Sector Equality Duty

Q.66 Do you think that the changes proposed in this consultation could give rise to any impacts on people who share a protected characteristic? (Age; Disability; Gender Reassignment; Pregnancy and Maternity; Race; Religion or Belief; Sex; and Sexual Orientation).

Don't know

Please give your reasons :

Call for evidence - nature-based solutions, farm efficiency projects, and diversification.

Do you want to complete this section?

No