

Agenda Item 8

**BRISTOL CITY COUNCIL
DEVELOPMENT CONTROL COMMITTEE B
12 November 2014**

Report of: Service Director - Planning

Title: DCLG Technical Consultation on Planning

Wards: All wards

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Purpose of Report

To summarise the Government's latest (July 2014) proposed legislative and regulatory changes as part of the Government's ongoing reform of the planning system and the Council's response to the consultation, which was made in consultation with the Assistant Mayor.

RECOMMENDATION:

That the report be noted.

Background

The consultation document, published in July 2014, sets out proposed legislative and regulatory changes as part of the Government's ongoing reform of the planning system. A number of changes relating to planning processes and planning control mechanisms are being consulted upon. These include:

- Proposed regulatory changes to the neighbourhood planning system;
- Proposed changes to the General Permitted Development Order and the Use Classes Order to grant further permitted development rights and to widen the existing retail use class;
- Proposed legislative and regulatory changes relating to the attaching and discharging of planning conditions;
- Proposed legislative and regulatory changes relating to the involvement of statutory consultees and other consultees in the planning application process;
- Proposed regulatory changes raising the environmental impact assessment screening thresholds for certain projects;
- Proposed regulatory changes to the significant infrastructure planning regime.

The consultation closed on 26 September 2014.

Further details can be found at:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/339528/Technical_consultation_on_planning.pdf

Proposals – key elements

The proposed changes are quite wide-ranging. This report now turns to the issues that will be of particular to the Development Control Committee.

Changes to the General Permitted Development Order and Use Classes Order

- Light industrial and warehouse uses to residential

To create a permitted development right to allow change of light industrial uses (B1(c)) and storage and distribution uses (B8) to residential (C3). The permitted development right would be subject to a prior approval process.

- Sui generis uses to residential

To create a permitted development right to allow change of launderettes, amusement arcades/centres, casinos and nightclubs to residential (C3). The permitted development right would be subject to a prior approval process.

- Extension of office to residential

To extend the existing temporary permitted development right to allow change of offices (B1(a)) to residential (C3). The permitted development right would continue to be subject to a prior approval process.

- Make permanent increased size limits for householder extensions

To make permanent the existing temporary permitted development right to allow larger single storey extensions to houses. The permitted development right would continue to be subject to a prior approval process.

- Wider A1 (shops) Use Class

To widen the existing A1 (shops) use class to incorporate financial and professional services (A2) excluding betting shops and pay day loan shops.

- Shops, financial and professional services and sui generis uses to restaurants/cafes

To create permitted development rights to allow change of shops (A1), financial and professional services (A2), launderettes, amusement arcades/centres, casinos and nightclubs to restaurants and cafes (A3). The permitted development rights would be subject to a prior approval process.

- Shops, financial and professional services and sui generis uses to assembly and leisure

To create permitted development rights to allow change of shops (A1), financial and professional services (A2), launderettes, amusement arcades/centres, casinos and nightclubs to assembly and leisure uses (D2). The permitted development rights would be subject to a prior approval process.

Changes to the use of and discharging of planning conditions

- Introduction of a deemed discharge for planning conditions

Where an application has been made for a discharge of a condition attached to a planning permission and the council has not notified the applicant of the decision within six weeks, the applicant may serve notice on the council informing them that their approval of the application to discharge the condition will be deemed to have been given if no decision is reached within a further 2 weeks. In such circumstances the council will be required to return the fee after 8 weeks from the submission of the application.

Certain types of condition would be exempt from the deemed discharge procedure.

- Sharing of draft conditions

Councils required to share draft conditions with applicants for major developments before they can make a decision on the application.

- Justification of pre-commencement conditions

Where the council has attached a pre-commencement condition to a planning permission the council will be required to provide a written justification as to why it is necessary for that particular matter to be dealt with before development starts.

The Council's response – key issues

Changes to the General Permitted Development Order and Use Classes Order

Officers consider the proposals will have potential harmful impacts for Bristol. Key concerns include:

- Removing the opportunity for local communities and the council to fully consider the impacts of the changes of use through the submission of a planning application. Such decisions should not be made at the national level through the grant of permitted development rights.
- Reducing the council's ability to plan effectively for the employment needs of the city and to protect employment uses including key industrial estates.
- Potential harmful impacts on the operation and viability of some employment uses by allowing residential development nearby.
- Continued loss of office employment floorspace.
- Potential harmful impacts on the retail function as well as viability, vitality and diversity of centres and the level of service provision to local communities.
- Removing any opportunity for the council to secure planning obligations to mitigate the impact of development.

Changes to the use of and discharging of planning conditions

Officers would make the following comments on the proposed new procedures:

- Should a 'deemed discharge' be introduced the new procedures should ensure that local planning authorities have a reasonable time period to deal with the application. This may involve limiting the number of conditions that an applicant can apply to be discharged at any one time.
- Should a 'deemed discharge' be introduced the new procedures should be made as simple as possible with administrative burdens kept to a minimum.
- No objections are made to the sharing of draft conditions with applicants prior to making a decision.

- Objections are raised to the requirement to justify in writing the use of a pre-commencement condition. This adds a further unnecessary administrative burden.

Changes to the involvement of statutory consultees and other consultees in the planning application process

Officers have raised no objections to the proposed changes to consultation arrangements.

Raising environmental impact assessment screening thresholds for certain projects

Officers have raised no objections to the raising of environmental impact assessment screening thresholds for industrial estate development and urban development projects for housing from 0.5 hectare to 5 hectares.

The Council's response to the consultation is set out at Appendix A.

Resources

No direct implications arising from this report.

Legal

No direct implications.

Appendices

Appendix A: Response to consultation

Technical consultation on planning (July 2014) – response of Bristol City Council (on issues of greatest interest to the Development Control Committee)

A copy of the Council's full response to all of the issues consulted on is available on request.

Section 2: Reducing planning regulations to support housing, high streets and growth

Question 2.1

Do you agree that there should be permitted development rights for (i) light industrial (B1(c)) buildings and (ii) storage and distribution (B8) buildings to change to residential (C3) use?

No. The changes raise a number of serious concerns relating to the delivery of sustainable development and to matters of process. In particular:

- *The changes will reduce local authorities' ability to plan effectively for the needs of business. The NPPF requires local planning authorities to have a clear understanding of business needs within the economic markets operating in and across their area and to assess and meet the needs for land or floorspace for economic development. The effective management of employment land/floorspace to ensure the identified needs of business are met requires the retention of planning control over such changes of use. Uncontrolled changes of use could harmfully affect the supply of employment land/floorspace with negative implications for business and economic development.*

Specific concerns in relation to Bristol include:

i) High residential land values as an incentive to develop industrial and warehousing sites

Property agents estimate that residential land values in Bristol significantly exceed industrial and warehousing land values by 3-4 times. This acts as a powerful incentive for landowners of industrial and warehousing land to pursue residential development. The Government's proposal would mean that the council would be unable through the planning application process to test whether there is demand from industrial and warehousing businesses for the site and therefore whether it should be retained as land important for Bristol's sustainable economic growth. This would be detrimental to the council's ability to meet the objectively assessed economic development needs of the city as required by the

NPPF.

ii) Loss of strategically important industrial estates

Bristol has a number of strategically important industrial estates which contain numerous B1c and B8, as well as B2 uses. The estates make a significant contribution to the strength and diversity of the city's economy and are safeguarded in the Local Plan to ensure they remain available to meet the city's continuing need for industrial and warehousing development land, as required by the NPPF. By removing the ability of the council, through a planning application process, to test the value of sites to other industrial and warehousing businesses, the Government's proposal would harm the council's ability to meet those business needs.

iii) Difficulty of replacing employment land lost to alternative uses

The built-up nature of Bristol means that it is very difficult to physically replace employment sites which are re-developed for alternative uses, particularly those suitable for industrial and warehousing businesses. Environmental policies and constraints such as Green Belt and flood risk further add to the difficulty of providing new industrial and warehousing development land. In this context, by removing the ability of the council through the planning application process to test whether the site is required by industrial and warehousing businesses, the Government's proposal would harm the council's ability to provide sufficient industrial and business units as required by the NPPF.

iv) Harm to West of England Strategic Economic Plan and Enterprise Zone

Any reduction in the council's ability to plan effectively for the needs of business may undermine delivery of the West of England's Strategic Economic Plan. In particular, the significant role of Bristol Temple Quarter Enterprise zone in delivering economic development (some 17,000 new jobs) and wider plan aspirations may be seriously weakened if valuable existing employment floorspace is lost to residential. Should the change be introduced the Prior Approval will need to consider the economic cost of any loss of employment floorspace including potential loss of jobs.

- *Changes of use to residential in the vicinity of existing employment uses could have negative impacts on those uses. Businesses may have to adapt their premises and operations to take account of new neighbouring homes. This could adversely impact on their operation and viability.*

Businesses on Bristol's industrial estates have informed the council that they favour their location because often the estate is separated from residential uses. This assists in enabling the round-the-clock operation of their business due to the absence of environmental amenity impacts on neighbouring residential properties. The Government's proposal would allow the introduction of residential uses into these areas. This is likely to have harmful effects on the operation and viability of Bristol's industrial estates as their attractiveness to industrial and warehousing businesses will be reduced due to concerns about

negative operational impacts resulting from the close proximity of homes.

- *The impacts of residential development on local communities are very different to employment uses. The range of planning issues that may be material to any change of use of an employment use cannot be adequately dealt with under a prior approval process. Notwithstanding matters of principle, issues not covered by the prior approval criteria include the contribution of the proposed dwelling(s) to the mix of housing in an area, existing residential amenity, the standard of the accommodation being provided including internal space standards, external amenity space and the design and external appearance of the new dwelling(s). In the circumstances, it is important that local planning authorities can exercise appropriate control over changes of use from employment uses to dwellings through the submission of a planning application.*
- *The changes would prevent any impact of the development being mitigated through planning obligations. In particular, opportunities to secure much needed affordable housing would be removed. This would undermine existing national planning policy that requires local planning authorities to meet the full objectively assessed needs for affordable housing through their Local Plans. The need in Bristol, as identified in the local Strategic Housing Market Assessment, is substantial.*
- *The Prior Approval process is no less bureaucratic than submitting a planning application. The procedure can be complicated and confusing to applicants, involves an equally lengthy administrative process and can result in disputes between applicants and planning authorities over how much information should be submitted with an application. Where prior approval is not given by a local planning authority a planning application will need to be submitted extending the length of time an applicant will need to wait for a decision.*

Bristol City Council is supportive of Government priorities for increasing housing supply. Having regard to the NPPF the council's adopted Local Plan already encourages higher density forms of residential development in appropriate locations. However, the proposals will remove the opportunity for local communities and local planning authorities to fully consider the impacts of changes from Use Classes B1(c) and B8 to C3 on their areas. The range of issues relevant to such changes of use should normally require the submission of a planning application. Decisions on such changes of use should not be made at the national level. Where greater flexibility is appropriate decisions to waive the requirement for a planning application should be a matter for local determination through local development orders or neighbourhood development orders.

However, if the changes are implemented councils should be able to recover the cost of processing the prior approval application through a fee mechanism.

Question 2.2

Should the new permitted development right

- (i) include a limit on the amount of floor space that can change use to residential**
- (ii) apply in Article 1(5) land i.e. land within a National Park, the Broads, an Area of Outstanding Natural Beauty, an area designated as a conservation area, and land within World Heritage Sites and**
- (iii) should other issues be considered as part of the prior approval, for example the impact of the proposed residential use on neighbouring employment uses?**

Bristol City Council does not support the changes proposed. Such changes of use should be subject to a planning application allowing decisions to be taken at the local level.

However, should the changes be implemented they should include:

- a limit on the amount of floorspace that can be changed to residential. A threshold of up to 500 square metres is considered appropriate;*
- exemption from permitted development rights for development within Article (1(5) land;*
- a prior approval that is able to take into account the impact of a residential use being introduced into an existing industrial/employment area. This will be necessary to avoid harm to the operation and viability of existing businesses.*

Question 2.3

Do you agree that there should be permitted development rights, as proposed, for laundrettes, amusement arcades/centres, casinos and nightclubs to change use to residential (C3) use and to carry out building work directly related to the change of use?

No. The changes raise a number of serious concerns relating to the delivery of sustainable development and to matters of process. In particular:

- The changes would allow the change of use of existing viable businesses that may provide an important service to local communities or play an important role in the viability and vitality of centres. Owners who are looking to make better use of their property asset will be free to change the use of their property. Such circumstances may not be in the best interests of the local economy or in the proper planning of an area.*
- The impacts of residential development on local communities are very different to the types of Sui Generis uses identified. The range of planning issues that may be material to any change of use of a launderette, an amusement arcade/centre, a casino and a nightclub cannot be adequately dealt with under a prior approval process. Notwithstanding matters of principle, issues not covered by the prior approval criteria include the contribution of the proposed dwelling(s) to the mix*

of housing in an area, existing residential amenity, the standard of the accommodation being provided including internal space standards, external amenity space and the design and external appearance of the new dwelling(s). In the circumstances, it is important that local planning authorities can exercise appropriate control over changes of use from the identified sui generis uses to dwellings through the submission of a planning application.

- *The changes would prevent any impact of the development being mitigated through planning obligations. In particular, opportunities to secure much needed affordable housing would be removed. This would undermine existing national planning policy that requires local planning authorities to meet the full objectively assessed needs for affordable housing through their Local Plans. The need in Bristol, as identified in the local Strategic Housing Market Assessment, is substantial.*
- *The Prior Approval process is no less bureaucratic than submitting a planning application. The procedure can be complicated and confusing to applicants, involves an equally lengthy administrative process and can result in disputes between applicants and planning authorities over how much information should be submitted with an application. Where prior approval is not given by a local planning authority a planning application will need to be submitted extending the length of time an applicant will need to wait for a decision.*

Bristol City Council is supportive of Government priorities for increasing housing supply. Having regard to the NPPF the council's adopted Local Plan already encourages higher density forms of residential development in appropriate locations. However, the proposals will remove the opportunity for local communities and local planning authorities to fully consider the impacts of changes from launderettes, amusement arcades/centres, casinos and nightclubs to C3 on their areas. The range of issues relevant to such changes of use should normally require the submission of a planning application. Decisions on such changes of use should not be made at the national level. Where greater flexibility is appropriate decisions to waive the requirement for a planning application should be a matter for local determination through local development orders or neighbourhood development orders.

However, if the changes are implemented councils should be able to recover the cost of processing the prior approval application through a fee mechanism.

Question 2.4

Should the new permitted development right include (i) a limit on the amount of floor space that can change use to residential and (ii) a prior approval in respect of design and external appearance?

Bristol City Council does not support the changes proposed. Such changes of use should be subject to a planning application allowing decisions to be taken at the local level.

However, should the changes be implemented they should include:

- a limit on the amount of floorspace that can be changed to residential;
- a prior approval that is able to take into account the design and external appearance of the building.

Question 2.5

Do you agree that there should be a permitted development right from May 2016 to allow change of use from offices (B1(a)) to residential (C3)?

No. Bristol City Council had previously opposed the change when consulted on in April 2011. Concerns raised at the time were as follows:

- *The changes will reduce local authorities' ability to plan effectively for the needs of business. The NPPF requires local planning authorities to have a clear understanding of business needs within the economic markets operating in and across their area and to assess and meet the needs for land or floorspace for economic development. The effective management of employment land/floorspace to ensure the identified needs of business are met requires the retention of planning control over such changes of use. Uncontrolled changes of use could harmfully affect the supply of employment land/floorspace with negative implications for business and economic development.*
- *Any reduction in the council's ability to plan effectively for the needs of business may undermine delivery of the West of England's Strategic Economic Plan. In particular, the significant role of Bristol Temple Quarter Enterprise zone in delivering economic development (some 17,000 new jobs) and wider plan aspirations may be seriously weakened if valuable existing employment floorspace is lost to residential.*
- *The impacts of residential development on local communities are very different to employment uses. The range of planning issues that may be material to any change of use of an employment use cannot be adequately dealt with under a prior approval process. Notwithstanding matters of principle, issues not covered by the prior approval criteria include the contribution of the proposed dwelling(s) to the mix of housing in an area, existing residential amenity, the standard of the accommodation being provided including internal space standards, external amenity space and the design and external appearance of the new dwelling(s). In the circumstances, it is important that local planning authorities can exercise appropriate control over changes of use from employment uses to dwellings through the submission of a planning application.*
- *The changes would prevent any impact of the development being mitigated through planning obligations. In particular, opportunities to secure much needed*

affordable housing would be removed. This would undermine existing national planning policy that requires local planning authorities to meet the full objectively assessed needs for affordable housing through their Local Plans. The need in Bristol, as identified in the local Strategic Housing Market Assessment, is substantial.

- *Such a change of use should be subject to a planning application allowing decisions to be taken at the local level. Such decisions should not be taken at the national level.*

Since permitted development rights became effective on 30 May 2013, Bristol City Council has received 33 Prior Approval applications (@ 31 March 2014). Should the schemes be implemented this would result in:

- *An estimated loss of some 52,000 m2 of employment floorspace;*
- *Opportunities to secure 275 affordable homes removed.*

Bristol City Council is supportive of Government priorities for increasing housing supply. Having regard to the NPPF the council's adopted Local Plan already encourages higher density forms of residential development in appropriate locations. However, the proposal will remove the opportunity for local communities and local planning authorities to fully consider the impacts of changes from offices to C3 on their areas. The range of issues relevant to such a change of use should require the submission of a planning application. The operation of this permitted development right in Bristol has not been in the interests of the proper planning of the city.

Decisions on such a change of use should not be made at the national level. Where greater flexibility is appropriate decisions to waive the requirement for a planning application should be a matter for local determination through local development orders or neighbourhood development orders.

Question 2.6

Do you have suggestions for the definition of the prior approval required to allow local planning authorities to consider the impact of the significant loss of the most strategically important office accommodation within the local area?

Bristol City Council does not support the changes proposed. Such changes of use should be subject to a planning application allowing decisions to be taken at the local level and in the interests of proper planning.

However, should the change be introduced the Prior Approval will need to consider the economic cost of any loss of employment floorspace including potential loss of jobs.

Question 2.7

Do you agree that the permitted development rights allowing larger extensions for dwelling houses should be made permanent?

No, the scale of extensions currently allowed under permitted development should be the subject of a proper assessment through the submission of a planning application.

However, if the changes are implemented councils should be able to recover the cost of processing the prior approval application through a fee mechanism.

Question 2.8

Do you agree that the shops (A1) use class should be broadened to incorporate the majority of uses currently within the financial and professional services (A2) use class?

No. The change raises a number of serious concerns relating to the delivery of sustainable development. In particular:

- *The separate classification of shops (A1) and financial and professional services (A2) within the Use Classes Order is critical to local authorities' ability to maintain a healthy mix of uses within a centre. There is a clear operational distinction between the sale of tangible goods and the sale of financial and professional services. Shops selling goods provide greater visual interest (through shopfront displays), generate greater levels of activity and footfall, provide more for people's leisure needs (browsing and window shopping) and are more likely to have extended opening hours (e.g. weekends) than financial and professional services uses.*

This distinction and the separate Use Class classification is acknowledged in the NPPF which requires local planning authorities to define primary shopping areas, based on a clear definition of primary and secondary frontages and to set policies within their Local Plans that make clear which uses will be permitted in such areas. Removal of the separate classification will undermine NPPF guidance on safeguarding the vitality of town centres. It will also prevent local planning authorities from controlling non-retail uses within centres. Such control is essential to maintaining the higher proportion of shopping uses, particularly in primary shopping areas, that is necessary to protect the retail function of such areas and to prevent fragmentation over time. The proposed change is likely to have very serious implications for the retail function of centres and the ability of local planning authorities to support their vitality, viability and diversity.

- *The change could result in existing viable shops that play an important role in the viability and vitality of a centre or provide essential goods to local communities closing down and changing use. This may assist owners looking to make better*

use of their property asset but may not be in the best interests of the local economy, the community or in the proper planning of an area.

- *Not all banks and building societies have active frontages or adopt a retail-like approach to frontage design and layout. Such businesses and other financial and professional services uses are likely to have a negative impact on the retail character of an area should the proportion of such uses increase over time.*
- *Many smaller shops outside of centres play an important role in community life, contributing to shopping provision in the wider area and providing an accessible local facility. The availability of shops to meet local needs is particularly important to those without transport and for those with disabilities who are unable to make journeys to centres or larger food stores to meet their everyday needs. Removing controls over the loss of small shops outside of centres could have negative impacts on the amenities and wellbeing of a community and disproportionately affect those who are less able to meet their everyday needs by travelling further afield.*
- *Bristol City Council already has flexible policies within its Local Plan that permit non-shopping uses (currently falling within Use Class A2) where they would contribute to the vitality, viability and diversity of primary shopping areas and centres. Such decisions should remain at the local level taken by communities and local planning authorities and not by national Government.*

Bristol City Council is supportive of Government priorities to promote mixed and vibrant high streets. However, the proposal will remove the opportunity for local communities and local planning authorities to consider the impacts of changes from shops to financial and professional services on their areas. The range of issues relevant to such a change necessitates retention of the separate use class classification and the submission of a planning application for any change of use.

Should the change be implemented consolidation of the entire Use Classes Order should be considered to provide clarity.

Question 2.9

Do you agree that a planning application should be required for any change of use to a betting shop or a pay day loan shop?

As with other A2 uses (as currently defined) betting offices and financial services providers are distinct from shops (for the reasons set out in Bristol City Council's response to question 2.8) and should remain within the current A2 Use Class.

Should the changes be implemented, Bristol City Council would support the requirement for a planning application.

Question 2.10

Do you have suggestions for the definition of pay day loan shops, or on the type of activities undertaken, that the regulations should capture?

The Government will need to justify why the provision of pay day loans or similar products is distinct from the provision of any other financial services products and thus needing separate classification.

Question 2.11

Do you agree that there should be permitted development rights for (i) A1 and A2 premises and (ii) laundrettes, amusement arcades/ centres, casinos and nightclubs to change use to restaurants and cafés (A3)?

No. The change raises a number of concerns relating to the delivery of sustainable development and to matters of process. In particular:

- *Uncontrolled change of use, in principle, from shops (A1) to restaurants and cafes (A3) will undermine NPPF guidance on safeguarding the vitality of town centres. The change will prevent local planning authorities from controlling non-retail uses within centres. Such control is essential to maintaining the higher proportion of shopping uses, particularly in primary shopping areas, that is necessary to protect the retail function of such areas and to prevent fragmentation over time. The proposed change may therefore reduce local planning authorities' powers to support the vitality, viability and diversity of their centres.*
- *The changes would allow, in principle, the change of use of existing viable businesses that may provide an important service to local communities or play an important role in the viability and vitality of centres. Owners who are looking to make better use of their property asset will be free to change the use of their property. Such circumstances may not be in the best interests of the local economy or in the proper planning of an area.*
- *Bristol City Council already has flexible policies within its Local Plan that permit food and drink uses where they would not harm the character or residential amenity of an area, would not result in harmful concentrations and where they contribute to the vitality, viability and diversity of centres. The proper assessment of such issues can only be undertaken through the submission of a planning application.*
- *The Prior Approval process is no less bureaucratic than submitting a planning application. The procedure can be complicated and confusing to applicants, involves an equally lengthy administrative process and can result in disputes between applicants and planning authorities over how much information should be submitted with an application. Where prior approval is not given by a local*

planning authority a planning application will need to be submitted extending the length of time an applicant will need to wait for a decision.

Bristol City Council is supportive of Government priorities for supporting the high street. However, the proposals will remove the opportunity for local communities and local planning authorities to fully consider the impacts of changes from shops (A1), financial and professional services (A2), launderettes, amusement arcades/centres, casinos and nightclubs to restaurants and cafes (A3) on their areas. The range of issues relevant to such changes of use should normally require the submission of a planning application. Decisions on such changes of use should not be made at the national level. Where greater flexibility is appropriate decisions to waive the requirement for a planning application should be a matter for local determination through local development orders or neighbourhood development orders.

However, if the changes are implemented councils should be able to recover the cost of processing the prior approval application through a fee mechanism.

Question 2.12

Do you agree that there should be permitted development rights for A1 and A2 uses, laundrettes, amusement arcades/centres and nightclubs to change use to assembly and leisure (D2)?

No. The change raises a number of concerns relating to the delivery of sustainable development and to matters of process. In particular:

- Uncontrolled change of use, in principle, from shops (A1) to assembly and leisure uses (D2) will undermine NPPF guidance on safeguarding the vitality of town centres. The change will prevent local planning authorities from controlling non-retail uses within centres. Such control is essential to maintaining the higher proportion of shopping uses, particularly in primary shopping areas, that is necessary to protect the retail function of such areas and to prevent fragmentation over time. The proposed change may therefore reduce local planning authorities' powers to support the vitality, viability and diversity of their centres.*
- The changes would allow, in principle, the change of use of existing viable businesses that may provide an important service to local communities or play an important role in the viability and vitality of centres. Owners who are looking to make better use of their property asset will be free to change the use of their property. Such circumstances may not be in the best interests of the local economy or in the proper planning of an area.*
- Bristol City Council already has flexible policies within its Local Plan that permit non-shopping uses and changes of use between other town centre uses where they would contribute to the vitality, viability and diversity of centres and would*

not harm the character or residential amenity of an area. The proper assessment of such issues can only be undertaken through the submission of a planning application.

- *The Prior Approval process is no less bureaucratic than submitting a planning application. The procedure can be complicated and confusing to applicants, involves an equally lengthy administrative process and can result in disputes between applicants and planning authorities over how much information should be submitted with an application. Where prior approval is not given by a local planning authority a planning application will need to be submitted extending the length of time an applicant will need to wait for a decision.*

Bristol City Council is supportive of Government priorities for supporting the high street. However, the proposals will remove the opportunity for local communities and local planning authorities to fully consider the impacts of changes from shops (A1), financial and professional services (A2), launderettes, amusement arcades/centres, casinos and nightclubs to assembly and leisure uses (D2) on their areas. The range of issues relevant to such changes of use should normally require the submission of a planning application. Decisions on such changes of use should not be made at the national level. Where greater flexibility is appropriate decisions to waive the requirement for a planning application should be a matter for local determination through local development orders or neighbourhood development orders.

However, if the changes are implemented councils should be able to recover the cost of processing the prior approval application through a fee mechanism.

A size restriction should also be imposed.

Question 2.13

Do you agree that there should be a permitted development right for an ancillary building within the curtilage of an existing shop?

Bristol City Council raises no objection in principle to the proposed change.

Question 2.14

Do you agree that there should be a permitted development right to extend loading bays for existing shops?

Bristol City Council raises no objection in principle to the proposed change.

Question 2.15

Do you agree that the permitted development right allowing shops to build internal mezzanine floors should be increased from 200 square metres?

No, the existing permitted development right should remain unchanged.

Before any decision is made the Government will need to consider whether any increase in the threshold, when applied to retail uses out of centre, would have implications for the vitality, viability and diversity of existing centres. A substantial increase in the threshold could undermine existing NPPF guidance which seeks to locate main town centres uses, which will include increases to retail floorspace, within town centres to ensure the vitality of those town centres. The cumulative impact over time could result in significant harm.

Question 2.16

Do you agree that parking policy should be strengthened to tackle on-street parking problems by restricting powers to set maximum parking standards?

The setting of parking standards should be a matter for local planning authorities based on local circumstances. This is acknowledged in the NPPF which states...

'...that different policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas.'

Bristol City Council has adopted a flexible approach to parking standards that seeks to balance market demand for parking with the encouragement of more sustainable travel patterns. The approach has been found sound through the Local Plan examination process.

Question 2.17

Do you agree that there should be a new permitted development right for commercial film and television production?

Bristol City Council raises no objection to the principle of the change. However, councils should be able to recover the cost of processing the prior approval application through a fee mechanism.

Question 2.18

Do you agree that there should be a permitted development right for the installation of solar PV up to 1MW on the roof of non-domestic buildings?

Bristol City Council raises no objection to the principle of the change. However, councils should be able to recover the cost of processing the prior approval application through a fee mechanism.

Question 2.19

Do you agree that the permitted development rights allowing larger extensions for shops, financial and professional services, offices, industrial and warehouse buildings should be made permanent?

Bristol City Council has no comment.

Question 2.20

Do you agree that there should be a new permitted development right for waste management facilities to replace buildings, equipment and machinery?

No, the scale of the expansion proposed under permitted development should be the subject of a proper assessment through the submission of a planning application.

Question 2.21

Do you agree that permitted development rights for sewerage undertakers should be extended to include equipment housings?

Bristol City Council raises no objection to this change.

Question 2.22

Do you have any other comments or suggestions for extending permitted development rights?

Bristol City Council has no comment.

Question 2.23

Do you have any evidence regarding the costs or benefits of the proposed changes or new permitted development rights, including any evidence regarding the impact of the proposal on the number of new betting shops and pay day loan shops, and the costs and benefits, in particular new openings in premises that were formerly A2, A3, A4 or A5?

Bristol City Council has no comment.

Question 2.24

Do you agree (i) that where prior approval for permitted development has been given, but not yet implemented, it should not be removed by subsequent Article 4 direction

No, there may be circumstances where local planning authorities will need to use article 4s to protect local amenity or the wellbeing of an area. Such situations might occur where:

- The prior approval does not allow for the consideration of particular issues that should be assessed as part of a planning application if demonstrable harmful impacts on local amenity or the wellbeing of the area are to be avoided;*
- Circumstances have changed in the locality subsequent to the prior approval being given that necessitate the submission of a planning application to properly consider all relevant issues to avoid harmful impacts on local amenity or the wellbeing of the area;*
- The local planning authority have taken the decision to make a non-immediate article 4 direction that requires 12 months notice to remove compensation liability. This has come into force subsequent to the prior approval being given and will trigger the need for a planning application.*

and (ii) should the compensation regulations also cover the permitted development rights set out in the consultation?

Compensation arrangements should be a matter for central Government. The approach should be consistent for all article 4 directions.

Section 3: Improving the use of planning conditions

Question 3.1

Do you have any general comments on our intention to introduce a deemed discharge for planning conditions?

Under current arrangements applications to discharge conditions can cover many if not all conditions associated with a planning permission and are only subject to one fee (£85). Should a 'deemed discharge' be introduced the new arrangements should ensure that local planning authorities have a reasonable time period to deal with the application. This may involve limiting the number of conditions that an applicant can apply to be discharged at any one time.

Question 3.2

Do you agree with our proposal to exclude some types of conditions from the deemed discharge (e.g. conditions in areas of high flood risk)?

Where we exclude a type of condition should we apply the exemption to all the conditions in the planning permission requiring discharge or only those relating to the reason for the exemption (e.g. those relating to flooding)?

Should exemptions be introduced the process should be made as simple as possible. This would involve exemption of all conditions in the planning permission where at least one of the conditions is of a type that is exempt.

Are there other types of conditions that you think should also be excluded?

The exemption list should also include conditions that are used to meet the statutory requirements of the Habitats Regulations and national wildlife legislation.

Question 3.3

Do you agree with our proposal that a deemed discharge should be an applicant option activated by the serving of a notice, rather than applying automatically? If not, why?

The process should be made as simple as possible with administrative burdens kept to a minimum.

Question 3.4

Do you agree with our proposed timings for when a deemed discharge would be available to an applicant? If not, why? What alternative timing would you suggest?

Should the requirement for a notice be introduced the proposed timings appear reasonable.

Question 3.5

We propose that (unless the type of condition is excluded) deemed discharge would be available for conditions in full or outline (not reserved matters) planning permissions under S.70, 73, and 73A of the Town and Country Planning Act 1990 (as amended).

Do you think that deemed discharge should be available for other types of consents such as advertisement consent, or planning permission granted by a local development order?

The approach should be consistent across all types of consent regimes.

Question 3.6

Do you agree that the time limit for the fee refund should be shortened from twelve weeks to eight weeks? If not, why?

The time limit for fee refunds is consistent with the proposed time frame for the earliest activation of a deemed discharge and on this basis is considered reasonable.

Question 3.7

Are there any instances where you consider that a return of the fee after eight weeks would not be appropriate? Why?

Bristol City Council has no comment.

Question 3.8

Do you agree there should be a requirement for local planning authorities to share draft conditions with applicants for major developments before they can make a decision on the application?

This is good practice and no objections are raised to this as a requirement.

Question 3.9

Do you agree that this requirement should be limited to major applications?

Yes. Major applications are likely to have more conditions than non majors.

Question 3.10

When do you consider it to be an appropriate time to share draft conditions:

- **10 days before a planning permissions is granted?**

- 5 days before a planning permissions is granted? Or
- another time?, please detail

5 days is considered appropriate. Other arrangements could be agreed with the applicant.

Question 3.11

We have identified two possible options for dealing with late changes or additions to conditions – Option A or Option B. Which option do you prefer?

If neither, can you suggest another way of addressing this issue and if so please explain your alternative approach?

It may be impractical to share subsequent changes/additions to conditions with the applicant through a formal process. In the case of applications determined by planning committee outcomes will need to be referred back to that committee creating further delays.

Question 3.12

Do you agree there should be an additional requirement for local planning authorities to justify the use of pre-commencement conditions?

No, this adds another process creating further administrative burdens. Any written justification should form part of the general justification that local planning authorities are already required to provide for using conditions.

Question 3.13

Do you think that the proposed requirement for local planning authorities to justify the use of pre-commencement conditions should be expanded to apply to conditions that require further action to be undertaken by an applicant before an aspect of the development can go ahead?

No, this adds another process creating further administrative burdens. Should this be introduced any written justification should form part of the general justification that local planning authorities are already required to provide for using conditions.

Question 3.14

What more could be done to ensure that conditions that require further action to be undertaken by an applicant before an aspect of the development can go ahead are appropriate and that the timing is suitable and properly justified?

Careful drafting of conditions to ensure they are relevant to the specific issue is important. Sharing conditions in advance for Major applications should also ensure conditions do not impede the progress of development.