

CABINET – 13TH AUGUST 2020

ITEM 5 QUESTIONS UNDER CABINET PROCEDURE 10.7

A. Councillor Hamilton – Homes in Existing Office, Warehouse, Shop Buildings

“The Ministry of Housing, Communities and Local Government (MHCLG) has announced new laws for the further relaxation of rules to help revitalise town centres by allowing property developers to create homes in existing buildings, such as offices, shops and warehouses without detailed planning permission. This adds to the relaxation 5 years ago to such planning rules yet a report commissioned by the MHCLG concluded that such relaxation has already resulted in flats “that are no bigger than garden sheds” of which “some had no windows or very limited natural light because of contrived layouts”.

My question is regarding these relaxations in planning procedures in town centres. What safeguards are CBC putting in place to ensure that any such properties within Loughborough and elsewhere in Charnwood are “fit for purpose” in terms of size, facilities, natural light etc. and truly meet the needs of our communities?”

The Leader, or his nominee, will respond:

Permitted development rights for change of use from various types of commercial buildings to residential use were introduced initially in 2013 for a temporary period. They were made permanent in April 2016. The purpose is to help stimulate the economy and significantly boost the delivery of housing.

The most recent changes in Summer 2020, have recognised the issues with regard to access to natural light and residential amenity and have put a new safeguard in place. This recent change to the legislation now requires all prior notification applications under Parts M, N, O, PA and Q of the General Permitted Development Order, to be submitted with floor plans, including the use of each room and the dimensions. This is to allow local planning authorities to consider access to natural light as part of the assessment as to whether prior approval is required, along with other specified issues, such as, transport and highway impact, contamination risk, flood risk and impacts of noise. If the local authority is not satisfied the development accords with the requirements set out within the General Permitted Development Order, including sufficient access to natural light, the local planning authority can require further details for approval. If the local planning authority is still not satisfied at this stage prior approval can be refused.*

Article 4 measures would be the only mechanism available to Charnwood to remove these permitted development rights to change use to residential, and it is not considered that there is sufficient local justification or evidence to suggest changes of use within Charnwood should be different to other areas in England.

** The Town and Country Planning (General Permitted Development) (England) Order 2015
Class M – retail or betting office or pay day loan shop to dwellinghouses*

Class N – specified sui generis uses to dwellinghouses (amusement arcades & Casinos)

Class O – offices to dwellinghouses

Class PA – premises in light industrial use to dwellinghouses

Class Q – agricultural buildings to dwellinghouses