

WELWYN HATFIELD BOROUGH COUNCIL
CABINET PLANNING AND PARKING PANEL – 14 JANUARY 2021
REPORT OF THE CORPORATE DIRECTOR (PUBLIC PROTECTION, PLANNING
AND GOVERNANCE)

CONSULTATION ON CHANGES TO THE PLANNING SYSTEM

1 Executive Summary

- 1.1 The Government is consulting on a change to the planning system that would allow shops, services, cafes/restaurants, offices and health centres grouped in the new Class E use class to gain permitted development rights to change to residential use without the need for planning permission. It is also consulting on a fast track route for public service buildings such as schools and universities.

2 Recommendation

- 2.1 That the Council responds to the consultation to oppose the proposed new permitted development right for Class E commercial, business and service uses to be allowed to convert to residential use.
- 2.2 That Members offer their views on a fast track route for schools and universities.

3 Explanation

- 3.1 The Government has recently introduced Class E for commercial, business and service use, which allows A1 shops, A2 professional/financial services, A3 cafes and restaurants, B1 offices and health centres to change from their existing use to any of the other uses without the need for planning permission. Members have already been advised that will create a much more laissez faire approach in our town centres and neighbourhood centres, but that no local action can be taken because it is a fundamental change to the use class order.
- 3.2 The Government is now consulting on a new permitted development right that would allow any of these uses to also become Class C3 residential. They assert that *“This right will provide much needed new homes across the country, giving clarity and planning certainty and attract footfall to high streets that new residents will bring. All homes would be required to meet national space standards.”* The consultation runs until 28 January 2021.
- 3.3 The proposed new right would not extend to certain buildings such as pubs, theatres and live music venues as the Government recognises the role they play within communities and local heritage.
- 3.4 The consultation advises that there would be no size limit on buildings that can benefit from the proposed new right.
- 3.5 The Council would only have the right to consider factors such as flooding, noise, contaminated land and adequate levels of natural light at prior approval stage.

- 3.6 The Government is also consulting on a new 'fast track' route for public service buildings such as schools, colleges, universities, prisons and hospitals to be built. It states that this would mean that councils have to consult for only 14 rather than 21 days and prioritise these decisions over other major development schemes. This is relevant for Welwyn Hatfield given the presence of both the University of Hertfordshire and Royal Veterinary College campuses within the borough. There are also proposals for new permitted development rights to allow greater enlargement of public service buildings (25% of footprint rather than 25% of the original building's gross floorspace and extra floorspace of up to 250 sqm rather than 100 sqm). The exemption for developing playing fields would remain however.
- 3.7 The obvious potential consequence of this proposed new permitted development right is that town centres and neighbourhood centres could lose shops and other services and gain residential units in their place. The Council currently has policies in the adopted District Plan and Submitted Local Plan which seek to retain a dominant proportion of shops in town centres and a good proportion of shops in neighbourhood centres.

Article 4 Directions

- 3.8 The planning system allows the Council to prepare an Article 4 Direction where it considers that permitted development rights are prejudicial to the proper planning of the area and constitute a threat to the amenities of that area. This means that property owners once again have to submit a full planning application.
- 3.9 The Council could therefore consider an Article 4 Direction if the proposed permitted development rights are created. At the moment they are only at consultation stage.

4 Legal Implications

- 4.1 There are no legal implications associated with this report at present, as the proposed changes are subject to public consultation until 28 January 2021.

5 Financial Implications

- 5.1 The Council does not normally receive a fee for prior approvals, but will still incur costs in administering the applications.
- 5.2 The Council cannot seek affordable housing or Section 106 contributions from prior approval applications.
- 5.3 The Council owns a number of properties in new Class E and would therefore have the scope to benefit from this proposed new permitted development right.

6 Risk Management Implications

- 6.1 There are no direct risk management implications associated with this report. In all cases new developments must achieve building regulations, including fire safety. There is a risk that the Council will be criticised for allowing permitted development if people are unaware that such rights now exist. The Council does publish all prior approval applications as part of the weekly list so that ward councillors, town/parish councils and residents are aware.

7 Security and Terrorism Implications

7.1 There are no security or terrorism implications associated with this report. In all cases new developments must achieve building regulations, including fire safety.

8 Procurement Implications

8.1 There are no procurement implications associated with this report.

9 Climate Change Implications

9.1 The Council has declared a climate change emergency and set ambitious objectives to reduce greenhouse gas emissions. It is considered that the recommendations of this report will have neutral climate change implications, as buildings would change from one use to another.

10 Human Resources Implications

10.1 There are no human resources implications associated with this report. Officers can respond to the consultation within existing budgets.

11 Health and Wellbeing Implications

11.1 There are no health or wellbeing implications associated with this report.

12 Communications and Engagement Implications

12.1 The Council will seek to make landowners and businesses aware of the new changes if they are confirmed by the Government.

13 Link to Corporate Priorities

13.1 The subject of this report is linked to the Council's Business Plan 2018-2021 and particularly Priority 3 Our Housing to plan for current and future needs and Priority 4 Our Economy to support sustainable economic growth.

14 Equalities and Diversity

14.1 An EqIA was not completed because this report does not propose changes to existing service-related policies or the development of new service-related policies.

Name of author	Colin Haigh
Title	Head of Planning
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