

The Rt Hon Robert Jenrick MP

Secretary of State for Housing, Communities & Local Government

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Sent by email

28 January 2021

Dear Mr Jenrick

Supporting housing delivery and public service infrastructure

Richmond Council is deeply troubled by the proposals set out in the consultation on 'Supporting housing delivery and public service infrastructure', published by the Ministry of Housing, Communities & Local Government on 3 December 2020. The borough's town centres, high streets and local centres, and the economy, have been severely impacted by the Covid-19 pandemic. The proposed PDR would occur at the worst possible time, coinciding with the economic and social recovery process, and undermining the adaptation of our centres to become diverse, vibrant and successful locations once again. The effect on our high streets if shops and services gave way to higher value residential use would be devastating.

The Council has set out its full response to the consultation in the attached form.

I am also concerned that the proposed Permitted Development Right (PDR) would undermine the Local Plan and the plan-making process and the fundamental premise that the planning system in this country is plan led. Whilst I acknowledge that the proposal would contribute to the delivery of housing, it would both threaten and undermine the borough's ability to plan for its employment, commercial and social infrastructure needs and to plan also for homes in the right places. The proposed PDR runs contrary to these fundamental planning and plan-making principles and could have a far reaching and long-lasting impact on local areas. It follows on from expansion of other PDR and is yet another push to de-regulate planning which this Council does not support.

I am mindful of the implications of the new Use Class E of the Use Classes Order 1987 that was introduced on 1 September 2020 and covers the former use classes of A1 (shops), A2 (financial and professional), A3 (restaurants and cafes) as well as parts of D1 (non-residential institutions) and D2 (assembly and leisure). The ramifications and implications of this change for our town centres and high streets, businesses, local communities as well as local authorities in their place-shaping and plan-making role are not yet known. However, there is now considered to be significant freedom for changes of use within our high streets (though noting that the proposals already apply everywhere and not just in town centres). Therefore, I would strongly urge you to wait before introducing any further de-regulation until the full effects of the latest Use Classes Order changes have become clearer and their implications and effects on our town centres have been analysed.

The proposed PDR could have an irreversible and significant impact on the supply of land for economic and commercial development, including the scale and variety of job opportunities available, all of which will ultimately influence whether our town and local centres continue to be attractive 'destinations' that people will want to go to. In addition, if the diversity of uses within town and local centres is eroded and the balance shifts to residential, cumulatively this could have

further impacts including but not limited to reduced footfall, reduced attractiveness to visit, changes to travel and commuting patterns particularly if there are fewer local job opportunities, as well as potential impacts on both climate change and air quality as a result of the above.

The Covid-19 pandemic has demonstrated the importance of essential local facilities that are key to supporting sustainable communities. The Council is not only concerned about the impacts upon the vitality and viability of our centres, but also the potential impacts upon the health and wellbeing of existing and future residents if creches, nurseries, clinics and health centres, gyms and indoor sports venues were to be lost under the proposed PDR. The provision of additional housing should not be at the expense of social infrastructure, particularly facilities that provide for young children or that contribute to enabling residents to lead active and healthy lifestyles.

The Council does not support the principle of the proposed PDR. As you will see from our full response as attached, we have recommended several potential mitigation measures that the Council would want to see addressed should the proposed PDR go ahead:

- If it must be introduced, delay the proposed PDR by a further 12 months as a minimum (i.e. until at least 1 August 2022) so it does not coincide with the immediate post Covid-19 pandemic or seeds of recovery and to give time to better understand the local demands as well as the implications of the recent Use Classes Order change;
- Extend time limits for existing office/retail and light industrial to residential Article 4 Directions until at least end of August 2022 to allow local authorities more time to prepare their evidence and justification to introduce new Article 4 Directions;
- Introduce a vacancy requirement, e.g. for buildings to which the right will apply, to have been vacant for a minimum period of at least 6 months;
- Remove Class E(e) i.e. medical or health services; and E(f), i.e. creches, day nurseries or day centres from Use Class E, to limit the impact on social infrastructure, particularly as the proposals are not limited to town centres and could apply anywhere;
- Incorporate Conservation Areas within the areas excluded from the PDR;
- Ensure that the proposed PDR does not apply to listed buildings;
- Require contributions to affordable housing in line with locally adopted policies;
- All changes of use to residential, including those created by the proposed PDR, should be liable to pay Community Infrastructure Levy;
- Introduce criteria in the prior approval process that relate to design quality and the quality of the proposed accommodation, including external appearance and arrangements that may need to be reconfigured to suit residential uses (e.g. for access, bin storage, provision of cycle parking as well as outside space, the value of which has become particularly evident during the Covid-19 pandemic);
- Introduce criteria to consider the potential impact of a change of use on the sustainability of the town centre / local centre / shopping parade, on existing uses and their continued operation such as in relation to industrial services and also whether there is no reasonable prospect of the building not continuing to provide for services within Class E.

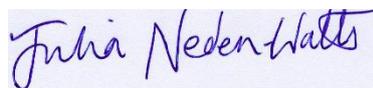
I am also concerned about the long-term viability of our Business Improvement Districts (BIDs), which are business-led local partnerships that allow the business community and local authorities to work together in an effective and cooperative manner to improve our local centres. There could be consequences to their continuity as the levy is based on all business rate payers in the local area.

Finally, I strongly urge you to address the mismatch in government aims and ambitions. On the one hand, this consultation sets out proposals that would significantly limit the ability of authorities to take a strategic and place- as well as evidence-based approach to planning for, and supporting, town and local centres, whereas on the other hand there are several high-profile government initiatives designed to help these very areas thrive, such as the [High Street Task Force](#) and the Town Deal funding as well as the announcement on the creation of an [Urban Centre Recovery Taskforce](#). You recently stated that *“The Government is committed to give more power to councils and communities to make their own decisions on planning issues, and believes planning decisions should be made at the local level wherever possible”* yet these proposals do the opposite.

I ask that full consideration is given to the proposed PDR in terms of its unintended consequences and ramifications for plan-making and our high streets; this will need to include a full impact assessment that takes account of, and analyses in detail, the implications arising out of the recent changes to the Use Classes Order and the introduction of Use Class E.

Richmond Council does not support the proposed PDR. But if the Government is minded to go ahead, consideration should be given to the proposed mitigation measures as set out in this letter and in our attached full response, and then bring forward a further opportunity for comment through a public consultation process.

Yours sincerely

A handwritten signature in blue ink that reads "Julia Neden-Watts". The signature is written in a cursive style and is set against a light blue rectangular background.

Cllr Julia Neden-Watts
Chair of the Environment, Sustainability, Culture and Sports Committee

cc

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