



**FINAL**

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Consultation Response

**Relaxation of planning rules for change  
of use from commercial to residential**

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## 1. Introduction

- 1.1. **pteg** represents the six English Passenger Transport Executives (PTEs) which between them serve eleven million people in Tyne and Wear ('Nexus'), West Yorkshire ('Metro'), South Yorkshire, Greater Manchester, Merseyside ('Merseytravel') and the West Midlands ('Centro'). The PTEs plan, procure, provide and promote public transport in some of Britain's city regions, with the aim of providing integrated public transport networks accessible to all. **Leicester City Council**, Nottingham City Council, Transport for London (TfL) and Strathclyde Partnership for Transport (SPT) are associate members of **pteg**, though this response does not represent their views.
- 1.2. This response represents the collective views of **pteg** and has been consulted on with the PTEs

## 2. The role of the planning system

### The importance of good planning

- 2.1. Planning shapes the places where people live and work. Good planning ensures that we get the right development, in the right place and at the right time. It makes a positive difference to people's lives and helps to deliver homes, jobs and better opportunities for all. However poor planning can result in a legacy for current and future generations of run down urban centres, unsafe and dilapidated housing, crime and disorder, retrofitting of sustainable transport solutions and the loss of green spaces to development.
- 2.2. The planning system helps to ensure that development takes place in the public interest, in economically, socially and environmentally sustainable ways. It has a vital role to play in balancing competing views and interests and coming to a balanced way forward for development in the local area that takes into account the views of all. It has a major impact on how local neighbourhoods look, feel and function. It has an important role to play in helping to cut carbon emissions.
- 2.3. We are therefore greatly concerned that reducing planning control over changes of use will limit the planning tools available to enable sustainable development. Allowing unrestricted changes of use goes against the development plan principle of setting out clear allocations as to where different land uses are best situated. For example, industrial buildings are often located in peripheral areas or on older trading estates, away from housing areas and are often inaccessible by public transport as a result. As a result these areas are likely to be less suitable for new housing development.
- 2.4. The proposals also undermine the ability for local communities to have a say in development in their neighbourhoods. Under these proposals such developments will not need planning permission and as a result local communities will have no say or input via the planning process. This is against good planning, community engagement and fundamentally contradicts the spirit of the Localism Bill and the Government's aims to empower communities and increase their role in decision making processes.

### Integrating local transport and planning

- 2.5. The proposals outlined represent a substantial weakening of the planning system and will undermine the ability to properly integrate decisions about land use and transport planning.

The proposals will also severely undermine the Government's objectives to integrate land use and transport planning, and transport's role in enabling sustainable economic growth. The Local Transport White Paper "Creating Growth, Cutting Carbon: Making Sustainable Local Transport Happen" published by the Department for Transport in January 2011 makes the importance of this very clear:

*"Economic growth is one of our biggest challenges. Transport's role in this is hugely important – getting people to work and to services such as education and healthcare providers, as well to leisure activities and shops, is crucial to quality of life as well as to enhancing people's spending power." (p16 para 2.4)*

- 2.6. It also goes on to stress the importance of integrating land use and transport planning, stating on:

*"Land use planning is critical to transport. Where places (e.g., shops, work and other services) are located in relation to where people live is a significant factor in determining how much people need or want to travel. It is vital that sustainable transport is a central consideration from the early stages of local planning – for example, whenever new houses or retail areas are being developed." (p28 para 3.12)*

- 2.7. Functioning transport networks are essential to supporting business interaction and connecting people to jobs. Transport and good connectivity open up new markets for companies, helps increase competition and widen labour markets. Congestion is a real cost to business and poor accessibility can constrain growth and regeneration. Therefore transport investment is critical to the economic recovery and enabling private sector growth and job creation. Transport investment in turn is enabled by good planning that helps make sure development is based around the need for access by all forms of transport, management of parking in new development and expectation that developers should contribute to cost of public transport access in areas that are not well served by existing public transport services.

### 3. Consultation Questions

#### Question A

**Do you support the principle of the Government's proposal to grant permitted development rights to change use from B1 (business) to C3 (dwelling houses) subject to effective measures being put in place to mitigate the risk of homes being built in unsuitable locations? Please give your reasons.**

- 3.1. No. We have real concerns about the impacts of changes of use from business and industrial uses to residential through permitted development rights due to the potential for adverse impacts on parking and traffic, the assessment and provision of sustainable development accessed by appropriate transport modes, and the lack of consideration of alternatives to car based transport (i.e. public transport, walking and cycling) without sufficient regulation for developers to consider.
- 3.2. Additionally under Section 106 agreements, public transport services and infrastructure may be requested from developers of new residential sites, but we are concerned that under the new proposals this opportunity may be compromised. A change of use without planning permission could mean that residents are left with inadequate public transport or facilities,

and possibly without adequate walking or cycling routes into and out of former industrial areas.

- 3.3. We do not believe that the proposals will, in the longer term, result in a substantial increase in housing numbers due to the impractical nature of converting commercial properties to residential use and the high likelihood in any event that such proposals would need planning permission to address other issues, such as operational changes (landscaping, design etc), thus negating any of the implied benefits of the changes.

#### **Question B**

**Do you support the principle of granting permitted development rights to change use from B2 (general industrial) and B8 (storage and distribution) to C3 (dwelling houses) subject to effective measures being put in place to mitigate the risk of homes being built in unsuitable locations? Please give your reasons.**

- 3.4. No. Please see answer to Question A.

#### **Question C**

**Do you agree that these proposals should also include a provision which allows land to revert to its previous use within five years of a change?**

- 3.5. No. This proposal is likely to be impractical due to the levels of investment required for the conversion in the first place and the consequent number of separate occupiers/owners created. Also, if other nearby buildings have been converted to residential new amenity implications could arise by conversion back to previous use type and there would be no control (e.g., working hours/noise) by condition.

#### **Question D**

**Do you think it would be appropriate to extend the current permitted development rights outlined here to allow for more than one flat? If so should there be an upper limit?**

- 3.6. No. Developing in this way can have negative impacts on parking provision and the cumulative impacts of many such developments in an area could significantly impact on parking and traffic congestion.

#### **Question E**

**Do you agree that we have identified the full range of possible issues which might emerge as a result of these proposals? Are you aware of any further impacts that may need to be taken into account? Please give details.**

- 3.7. No. We do not believe that sufficient evidence is given within the consultation document to fully explore the impacts of the issues identified and that a much greater degree of analysis is required to assess the issues identified and how they might be addressed.
- 3.8. A key issue is the need for development to consider how sustainable transport (public transport, walking and cycling) can be provided for. We are also concerned that changing the use of a building from commercial to residential, without notifying transport providers,

could create unseen demand and gaps in transport provision. Permitted development rights would potentially ignore the need to consider sustainable transport and result in changes of use that further the use of the car (for example, in terms of out-of-town sites), and consequently increase traffic and congestion. For example, buses may not operate in evenings, early mornings, weekends etc., which could leave some residents stranded. Some areas may not be served by buses at all, which could encourage car use and isolate those without the use of a car. Therefore, such developments would do little to encourage sustainable travel and as a result could have a negative impact on the local environment.

- 3.9. Furthermore, the provision for assessing the cumulative impacts of such developments needs to be adequately addressed. Not only is their potential to increase congestion, but also there are carbon impacts of increased traffic flows to take into account.
- 3.10. A specific example where planning permission can help mitigate adverse impacts of development is where residential dwellings are situated close to railway lines. Such dwellings may experience issues with noise from passing trains and it is often necessary to carry out maintenance works at night, when trains are not running. The design of any buildings needs to take this into account and they need to be appropriately soundproofed. In this example, we are concerned that, without the need to obtain planning permission, developers may not be aware of the need to soundproof buildings which could result in an unsatisfactory residential environment.

#### **Question F**

**Do you think that there is a requirement for mitigation of potential adverse impacts arising from these proposals and for which potential mitigations do you think the potential benefits are likely to exceed the potential costs?**

- 3.11. We believe that there are important transport impacts that need to be considered in allowing changes of use from business and/or industrial to residential use. Individual developments of a certain size or the cumulative impacts of several changes of use may well have significant adverse impacts. The current guidance in PPG13 provides for adequate safeguards for development and we would wish to see these safeguards applied to relevant permitted developments, should the proposals proceed.

#### **Question G**

**Can you identify any further mitigation options that could be used?**

- 3.12. See comments made above.

#### **Question H**

**How, if at all, do you think any of the mitigation options could best be deployed?**

- 3.13. No further comment.

**Question I**

**What is your view on whether the reduced compensation provisions associated with the use of article 4 directions contained within section 189 of the Planning Act 2008 should or should not be applied? Please give your reasons.**

3.14. No comment.

**Question J**

**Do you consider there is any justification for considering a national policy to allow change of use from C to certain B use classes? Please give your reasons.**

3.15. Please see comments made above.

**Question K**

**Are there any further comments or suggestions you wish to make?**

3.16. Please see comments made above.