

PLANNING BRIEFING NOTE

August 2013

RETAIL TO RESIDENTIAL: PROPOSED NEW PERMITTED DEVELOPMENT RIGHTS

OVERVIEW

On 6 August 2013 the Government published a consultation paper on new permitted development rights for a variety of town centre uses. If brought into force, these new permitted development rights will make it easier to convert shops to residential use and to convert shops to banks and building societies. A further proposed change will make it easier to convert a variety of buildings to nurseries providing childcare.

WHAT IS PROPOSED?

At present, changing from a shop (A1) or financial/professional services (A2) to residential (C3) use requires planning permission.

The Government proposes a new permitted development right (in England only) which will allow a change from A1 or A2 use to C3 use without the need for planning permission, provided that certain criteria are met and subject to a prior approval process in which a number of tests are addressed.

The Government's consultation paper suggests that the following criteria will need to be met:

- The unit must not be more than 150sqm
- The conversion must be to a single dwelling house or a maximum of four flats, but not a small HMO
- The unit must not be in a conservation area, National Park, Area of Outstanding Natural Beauty, the Broads or a World Heritage site

It also suggests that under the prior approval process (intended as a 'light touch' planning application) approval will only be granted if:

- It can be shown that any physical changes comply with Local Plan policies on design, material types and outlook
- Account has been taken of the potential impact of the loss of the A1/A2 use on:
 - The economic health of the town centre
 - The need to maintain an adequate provision of essential local services such as post offices
 - The potential impact of the change of use on the local character of the area

Press reports prior to publication of the consultation paper suggested that the permitted development right would be limited to secondary frontages in town centres, but the consultation paper recognises that not all Local Plans define these frontages. The Government therefore proposes to rely on the criteria above to ensure that change of use does not occur in places where A1 and A2 uses should be protected.

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In addition, the Government proposes a new permitted development right which will allow change of use from shops (A1) to banks and building societies (though not to other A2 uses).

If introduced, we anticipate that a prior approval process will be put in place, as although the consultation does not say so explicitly it suggests that the change will need to be regulated in some way.

Finally, the Government proposes to allow buildings in use for office (B1) and hotel (C1) use and those in use as residential institutions (C2), secure residential institutions (C2A) and for assembly and leisure (D2) to be converted to nurseries.

This would be restricted to early years childcare providers in non-domestic premises. The same prior approval requirements in respect of transport and highways impact, noise and contamination risks that are in place for state-funded schools would be replicated here.

WHY ARE THESE CHANGES PROPOSED?

The Government believes that the proposed new 'retail to resi' permitted development right will help to improve the vitality and viability of high streets by finding new uses for shops that no longer have a future. In addition, it believes that it will contribute to its housing agenda, encouraging the delivery of new homes.

The proposed new 'A1 to bank/building society' permitted development right reflects the Government's view that modern banks and building societies make a valuable contribution to most high streets and no longer have office-like frontages which break up the retail character of a street.

Finally, the proposed new permitted development right designed to allow change of use to nurseries is intended to help meet increasing demand for early years childcare.

WILL THE PROPOSED CHANGES BE EFFECTIVE?

There is no doubt that many of our high streets need to reinvent themselves and, in many cases, to consolidate their retail function in a focussed location. In principle, therefore, a more relaxed approach to the introduction of residential uses is a welcome move.

We are, however, concerned that changes of use will be piecemeal and ad hoc, with the risk of breaking the retail character of some frontages where A1 and A2 ought to be focussed. In essence, it is an open door regardless of location, when often it is the more peripheral locations which should make the transition from town centre uses to residential, not the core frontages.

It is far from clear that the criteria designed to address this will be effective, as the impact of the change of use of small, individual units in isolation will be negligible, although over time the cumulative impact of several changes of use could be far more significant. Moreover, we do not anticipate that the proposed permitted development right will make a significant contribution to housing supply.

On the other hand, the proposed change to the arrangements for changes of use to banks and building societies should be warmly welcomed, as should the proposed permitted development right for changes of use to nurseries.

Follow the debate on Twitter using [#retailtores](#) or contact us for further advice:

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