

# A Review of Town Centre Designations Croydon Local Plan

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8<sup>th</sup> October 2013

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## Project Brief

Stiles Harold Williams (SHW) were approached early in 2013 to provide a specialist commentary with regards changes to Town Centre designations proposed within the Croydon Local Plan Detailed Policies and Proposals (CLPDPP)

The working draft of the CLPDPP – Preferred and Alternative Options report (the emerging CLPDPP) contains a number of proposals relating to town centres. Some changes are obvious and the Council is confident they can be justified but others are more subjective. The opinion of Stiles Harold Williams is therefore provided within this report in response to key questions posed.

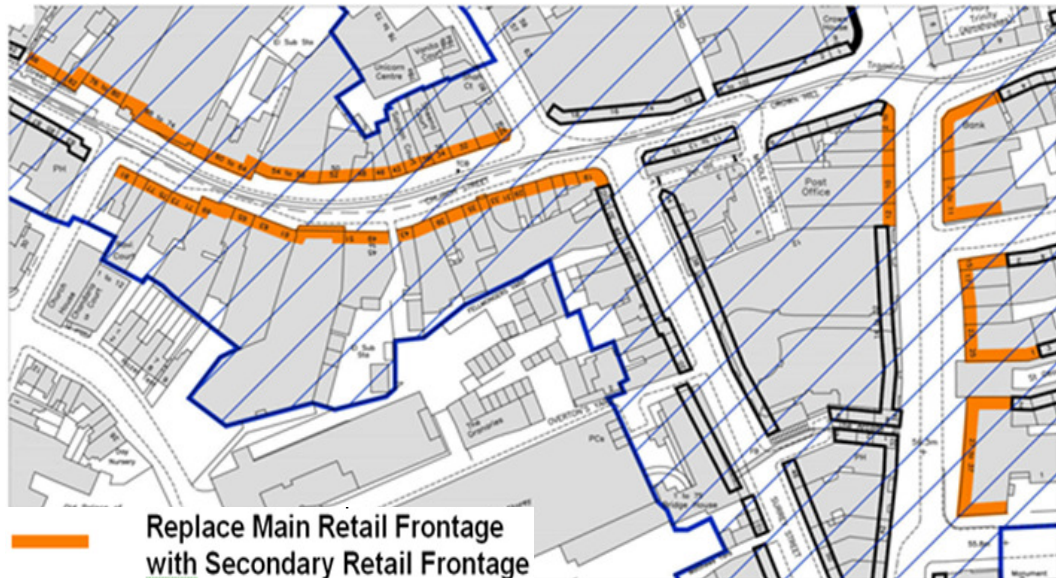
Retail Planning includes reference to many technical terms these are defined in greater depth within the glossary. It should also be noted that any 'conflicts of interest' have been raised with the LB Croydon during the commissioning process. Of course to respond to the brief requires insightful local knowledge from professionals active in the retail market. The following report is an open and honest professional assessment of proposed changes suggested for retail areas within the borough.

SHW have specialists in both Town Planning and Retail Agency as well as in depth local knowledge of Croydon and were therefore selected to prepare a report addressing these 'subjective' matters around town centres and produce a clear and professional 'opinion' in relation to a number of questions set within the brief. The full project brief is available at Appendix I.

At the time of completing this report further changes are proposed to the 'practice' of town planning introduced by 'The Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013' SI1101 of 2013 - comes into force 30<sup>th</sup> May2013. It aims to treat changes of use within town centres more flexibly and in the context of the brief regard has been had to its content. A copy of S1 1101 is contained at Appendix II.

The Report Authors are Partners at SHW based in the Croydon Office and the CV of each author is contained at Appendix III.

## 1.0 Proposed Change 1: Croydon Metropolitan Centre (CMC)



- 1.1 **Aim:** To ensure this part of CMC is a vibrant part of the town centre.
- 1.2 **Approach:** Replacing the existing MRF designation with an SRF designation in Church Street and the High Street enables a wider range of A Class uses to set up in this part of CMC (proposed Policy DM6 would guard against the over representation of hot food takeaways but would not, for example, preclude a cluster of restaurants from establishing).

**Question 1: Will the increased flexibility arising from the change from MRF to SRF ensure the vibrancy of this part of the town centre and justify the potential loss of A1 Use Class activity?**

- 1.3 **Response:** The proposed changes primarily affect Church Street and High Street. Both are secondary retail areas at present with High Street having a significant presence of bars and restaurants. Of particular note the High Street is the Town centres busiest night time economy area.
- 1.4 Both areas will come under pressure from the Westfield / Hammerson Development.
- 1.5 Dealing with Church Street first this remains a busy street currently occupied by A3, A5, value retailers and independents. The mix is typical of a secondary location in a major town centre and demand will come from retailers who wish to locate in Croydon but cannot afford prime rents or who cannot offer a strong enough covenant to be sited

in the prime area. The proposal to change the MRF designation to SRF makes complete sense. To thrive, these areas need flexibility and vacancy rates need to remain quite low. The proposed relaxation should help to ensure this occurs.



- 1.6 With regards to High Street current vacancy rates are higher than Church Street. The area has a significant leisure element and has also been affected by the uncertainty over the future of St Georges Walk.



- 1.7 The re-development of the Grants department store led to a change in the area. With more retail space being developed in Croydon and the fact that this area is now weaker than Crown Hill, Church Street and George Street, a flexible approach is essential.
- 1.8 We believe the proposed change does give the flexibility required and there is justification to protect and maybe increase the bar/restaurant

bias in the area. It is likely that new development will bring a significant leisure aspect so it is vital this area has the ability to compete and offer a good critical mass.

- 1.9 In the High Street it is difficult to see strong A1 demand moving forward and the future of the High Street is also linked to any redevelopment of St Georges Walk and the surrounding area.
- 1.10 In conclusion over the past few years SHW have been involved in a number of properties in the area including freeholds and leaseholds. It is fair to say all the units have had letting difficulties and the Sainsbury we let on High Street is the lowest rented of 4 Croydon convenience stores we have been involved with. We have a number of sites on the market and less interest is received on High Street than Church Street. Rents are falling on High Street and remaining relatively static on Church Street.

## 2.0 Proposed Change 2: Extend the PSA Croydon Metropolitan Centre (CMC)



- 2.1 **Aim:** To identify the parts of a town centre where proposals for retail use would broadly be acceptable.
- 2.2 **Approach:** Given its function as a natural route from East Croydon Station to the main shopping areas within CMC, it seems logical to extend the PSA to cover both sides of George St in its entirety. This would also be supported by the emerging Fairfield Masterplan which envisages ground floor commercial activity on the south eastern side of George Street.
- 2.3 The changing nature of Wellesley Road and the planned, retail-led regeneration of this area are both reasons why the PSA should be extended beyond the parts of the Whitgift Centre where retail uses currently exist.

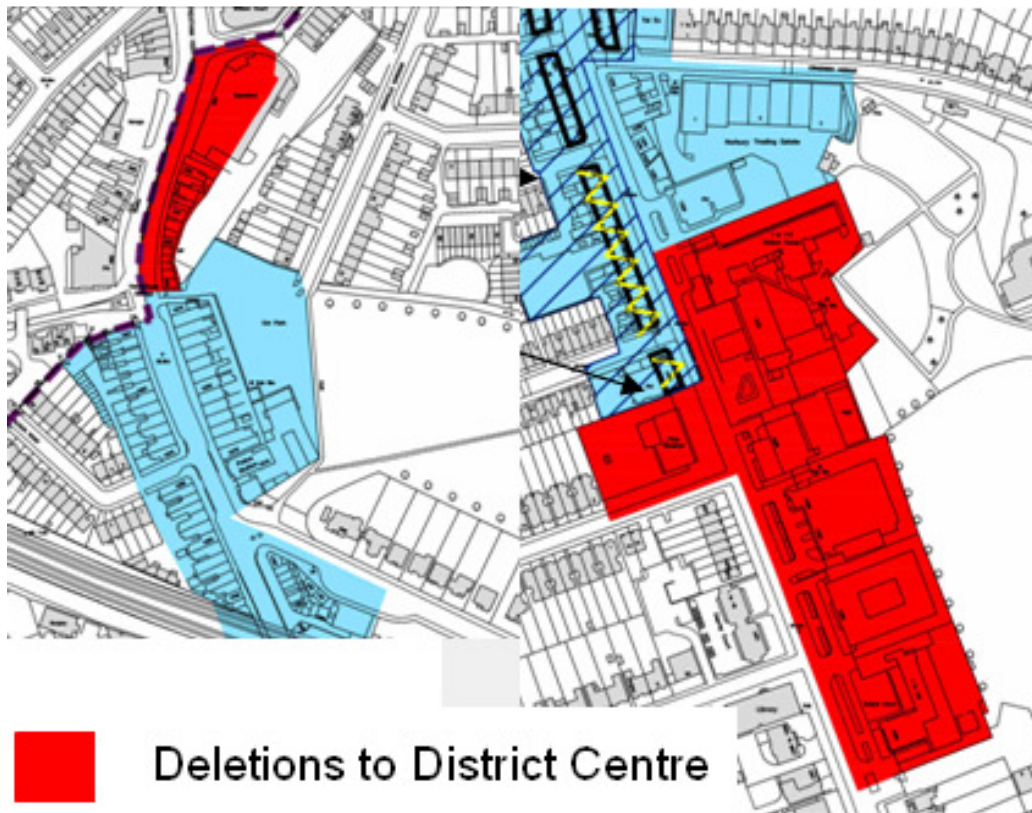
**Question 2: Does the planned increase to the PSA endanger investment in the existing retail core?**

- 2.4 **Response:** The proposed changes relate to the area roughly between The Whitgift Centre and East Croydon Station.
- 2.5 Dealing initially with the area to the East of Wellesley Road the majority of the ground floor space is already utilised by 'A' use occupiers. East Croydon is a very busy station and the footfall created is huge. Currently the majority of this flow uses the North side of the road and retail demand and rents are high. The flow dissipates at the junction with Wellesley Road where it splits. The flow consists of shoppers, general visitors and office workers.

- 2.6 The shops on Wellesley Road are less vibrant as the footfall here is less and is dominated by people heading to the offices. However there is still a significant A Use Class presence with A1, A1 Food, A2 and A3 all being present.
- 2.7 The shops East of Wellesley Road are generally occupied by service type retailers rather than comparison shopping. It is sensible to bring this area into the PSA.
- 2.8 There will be a change later in 2013. The footbridge link from East Croydon Station will open and this will divert a significant amount of footfall from George Street to Lansdowne Road. Any party who works in offices to the North will use the new link. Additionally there are proposal to put in a crossing across Wellesley Road at the end of Lansdowne road. This will make it a very direct route into the Whitgift Centre and its replacement. Indeed this route has been highlighted by Westfield as being very important.
- 2.9 At this stage should consideration be given to a more relaxed planning approach to allow A1 GF use along Lansdowne Road? As there will be demand, it will improve vibrancy and will not hinder any future development in the main retail core and is complimentary to proposed Change 1.
- 2.10 In terms of the area to the West of Wellesley Road although closer to the prime core we have concerns about this area as it is divorced from retail patterns. In our view there is an issue here. If the redevelopment of the Whitgift goes ahead the area should without doubt be included in the PSA. The whole of Wellesley Road will be incorporated into the retail scene and development suitable for a PSA will be wholly appropriate. If the redevelopment does not occur the inclusion of this in the PSA may hinder development and investment. The majority of this area does not suit ground floor PSA uses.
- 2.11 If the assumption is that the development will occur then proposed change 2 in its entirety will not in our view endanger investment in the existing core and this can be taken further by considering footflow changes as a result of the new footbridge link.
- 2.12 Stiles Harold Williams have been involved for many years with Norfolk House which is a large building in this area. Recent letting show that the majority of demand comes from food uses both A1 and A3. We have recently let units on the George St and the Wellesley Road frontages. George Street which is much busier has seen rent stabilise. Rents on Wellesley road have dropped considerably.



### 3.0 Proposed Change 3: Reduce the extent of the District Centre boundary Norbury District Centre



- 3.1 **Aim:** To ensure Norbury remains a vibrant town centre
- 3.2 **Approach:** The point where London Road becomes Streatham High Road (the bridge over Norbury Brook) is a natural break point. There are fewer shops on the western side of the road and those on the eastern side, with the exception of Lidl, are smaller in scale.
- 3.3 The area proposed for removal at the southern end of the District centre comprises, amongst other uses, large office buildings (some converted to residential use) and a fire station. Only after this point in London Road is there a predominance of A Class uses and therefore it is proposed they no longer form part of the District centre.

**Question 3: Will this change result in a more vibrant Norbury or will it reduce the vacancy rate to a point where frictional vacancy is too low to facilitate expansion of successful businesses and churn?**

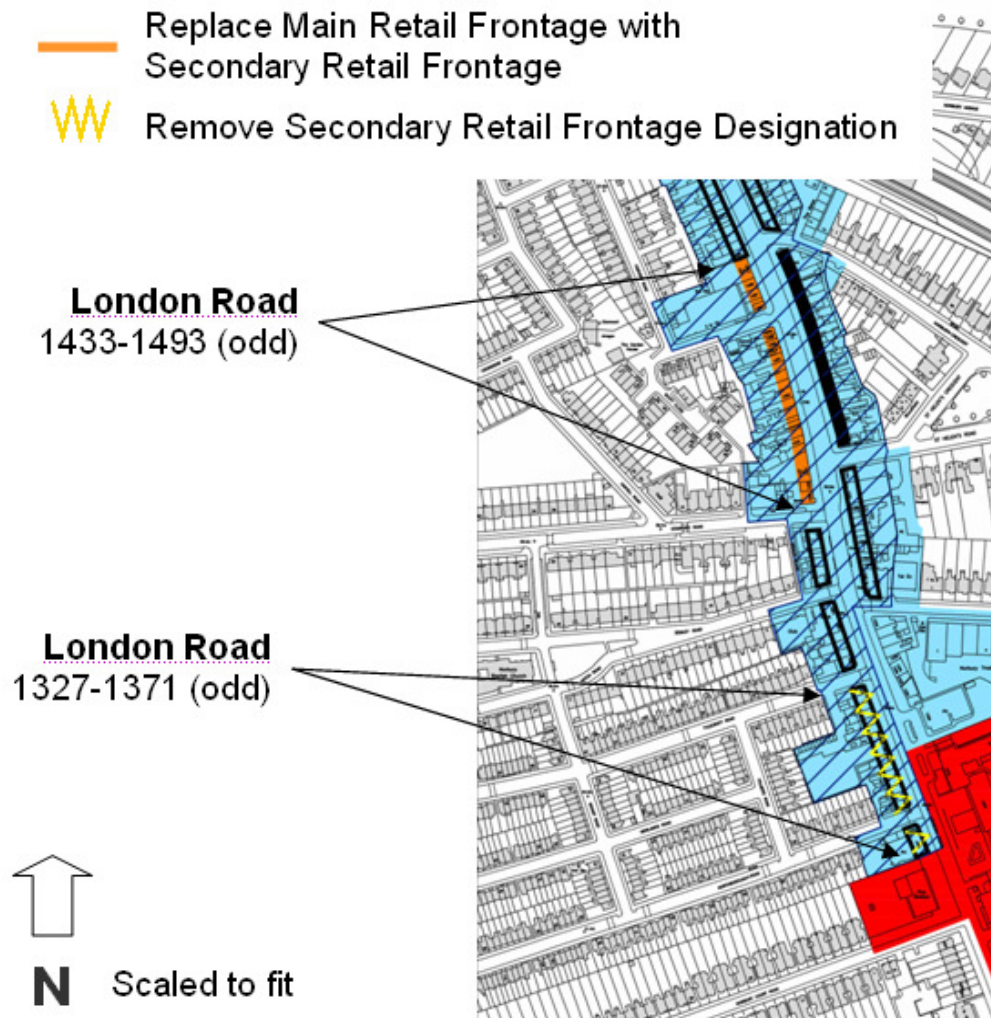
- 3.4 **Response:** The proposals in this change are the removal of areas to the South and to the North of Norbury District centre.

- 3.5 Norbury is a ribbon retail offering sited either side of the A23 London Road.
- 3.6 It is a quite large town centre that has the potential to attract beyond its immediate core catchment particularly with a good railway station.
- 3.7 The length of the shopping area is quite considerable and the proposed removals will consolidate the area.



- 3.8 Considering the northern deletion first this area is detached from Norbury. It does have a Lidl but that is served by its own Car Park and does not interact with the town centre. We suspect that if a stronger retail offer crept towards the Lidl it would have a detrimental impact on the primary area and therefore removing the area from the District Centre should prove positive.
- 3.9 The area to the South is primarily occupied by offices or former offices which have been transformed into residential. With the lack of demand for suburban offices it is quite likely more of the offices will in time become residential which will be positive to the retail area as it will increase the catchment.
- 3.10 Demand for Norbury is quite limited and although there is some multiple representation interest will come from local retailers. We have recently marketed two shops towards the northern end of the District Centre. These created considerable demand and we had a good number of offers but all were from independent traders.
- 3.11 We therefore believe that in time the contraction of the District Centre will be positive and it is unlikely the contraction will lead to stagnation through no churn. These smaller centres will continue to come under pressure from the major retail centres and even Norbury as a District Centre will primarily be used by local residents and those from nearby unserved residential areas.

#### 4.0 Proposed Change 4: Replace part of MRF with SRF and remove part of SRF designation Norbury District Centre



- 4.1 **Aim:** To ensure Norbury remains a vibrant town centre.
- 4.2 **Approach:** (In relation to removal of the SRF designation from 1327 – 1371 (odd) London Road) In light of the proposed boundary and in the interests of promoting flexibility where possible, it is proposed that the SRF designation in this part of London Road be removed.
- 4.3 (In relation to replacing MRF designation with SRF designation at 1433 – 1493 (odd) London Road) The MRF at this point is interspersed already with non A1 uses and whilst there is an argument for keeping

this designation, there is a counter argument that it is stopping the development of a restaurant cluster in this location.

**Question 4a: Does the increased flexibility arising from the removal of the SRF designation justify the potential loss of A Use Class activity in this part of Norbury?**

**Question 4b: Does the increased flexibility arising from the change from MRF to SRF justify the potential loss of A1 Use Class activity in this part of Norbury?**

- 4.4 **Response:** Norbury is a ribbon retail offer straddling the A23 London Road. The aim of the proposed Change 4 is to ensure Norbury remains a vibrant Centre.
- 4.5 Norbury has a significant number of shops. There are vacancies and potentially too many retail units. Demand for shops comes from local retailers and a small number of multiples. Published retailer demand is very limited. For the size of the shopping offer the number of multiples is low. The local demand is relatively strong as the shopping area is of a size that will keep local customers in the area.
- 4.6 In respect of 1327-1371 London Road this area is at the extremity of the proposed new District Centre boundary. It is the most secondary part of the shopping area and as such opening up potential uses may have a positive impact. However in the short terms the space is most suited to retail and use is likely to remain in the A category. We believe the extra flexibility is justified.

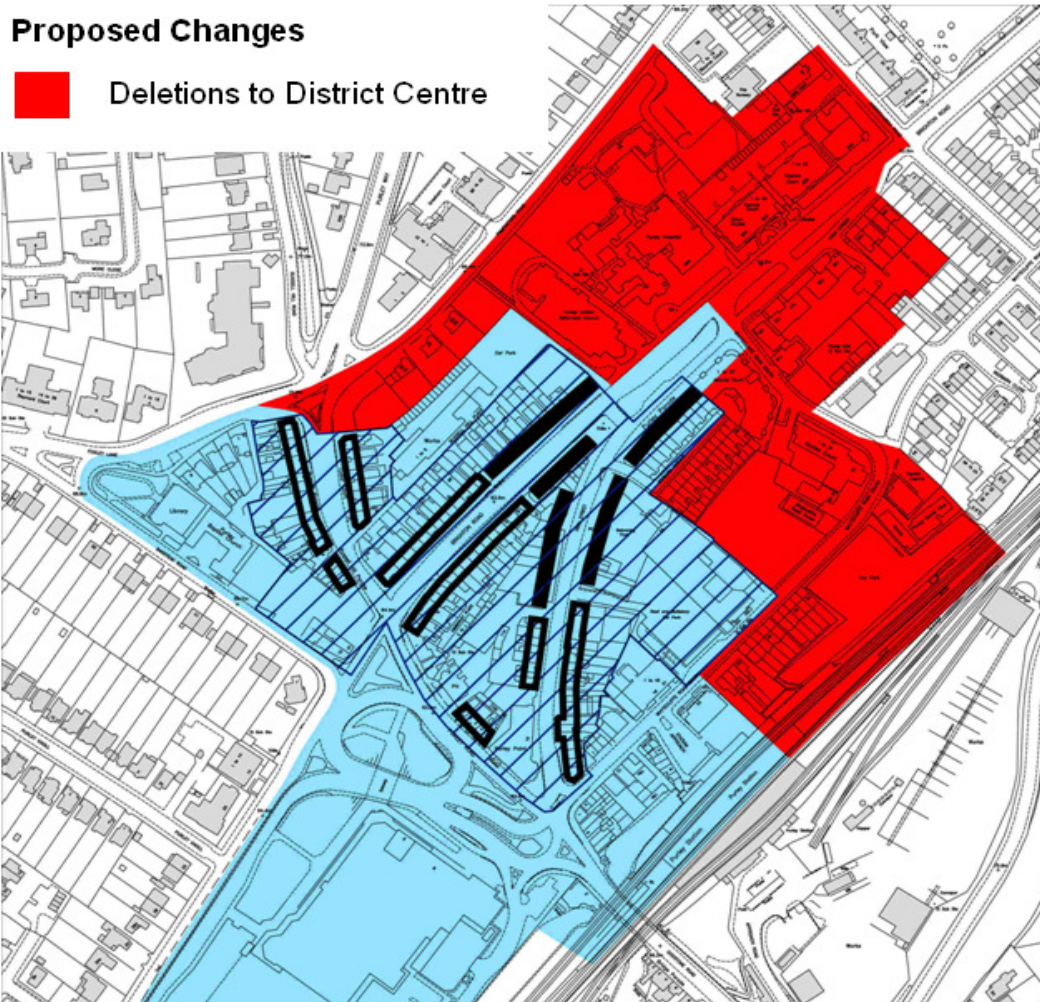


- 4.7 In respect of 1433-1493 London Road this area already has a significant proportion of non A1 uses. Indeed the shopping area gives the impression generally being quite mixed between A1 and other A class uses. In many of the smaller retail centres it is in fact this mix of uses that gives added vibrancy. There should not be uncontrolled

percentages of non A1 uses but a reasonable percentage of restaurants and bars for example can attract customers to the area and certainly create more vitality. Therefore given the block of main retail frontage opposite we believe the increased flexibility should help to protect a centre that is potentially too large and will always come second to Croydon. The aim for Norbury has to be to ensure it does not lose custom to Streatham and to try and ensure it is strong enough to pull from that direction.

- 4.8 Stiles Harold Williams have been marketing two shop units close to the station. As soon as the board went up demand was very strong and rents in excess of asking were accepted. The interest came from small local retailers who were interested in opening shops specifically to serve the local community. These units were on the market at £15,000 pax each and the low gross level of rent was a factor in attracting interested parties.

## 5.0 Proposed Change 5: Reduce the extent of the District Centre boundary Purley District Centre



- 5.1 **Aim:** To ensure Purley remains a vibrant town centre
- 5.2 **Approach:** The existing District Centre boundary includes numerous residential flatted developments and houses. The proposed boundary better reflects the commercial core of Purley.

**Question 5: Will this change result in a more vibrant Purley or will it result in a loss of sites suitable for town centre activities to the detriment of the centre?**

- 5.3 **Response:** Purley is a small town Centre dominated by a large Tesco Superstore which is separated from the traditional town centre by a very busy junction.
- 5.4 The general town centre retail is split between the busy Brighton Road and High Street which has recently undergone an upgrade.



- 5.5 Other than Tesco the retail core is quite compact and the suggestion is to tighten up the area by reducing the extent of the District Centre boundary.
- 5.6 The area to be taken out of the District Centre is primarily used for other uses including offices, residential and medical. The area is on the extreme of the retail activity and it is difficult to imagine retail development in those areas.



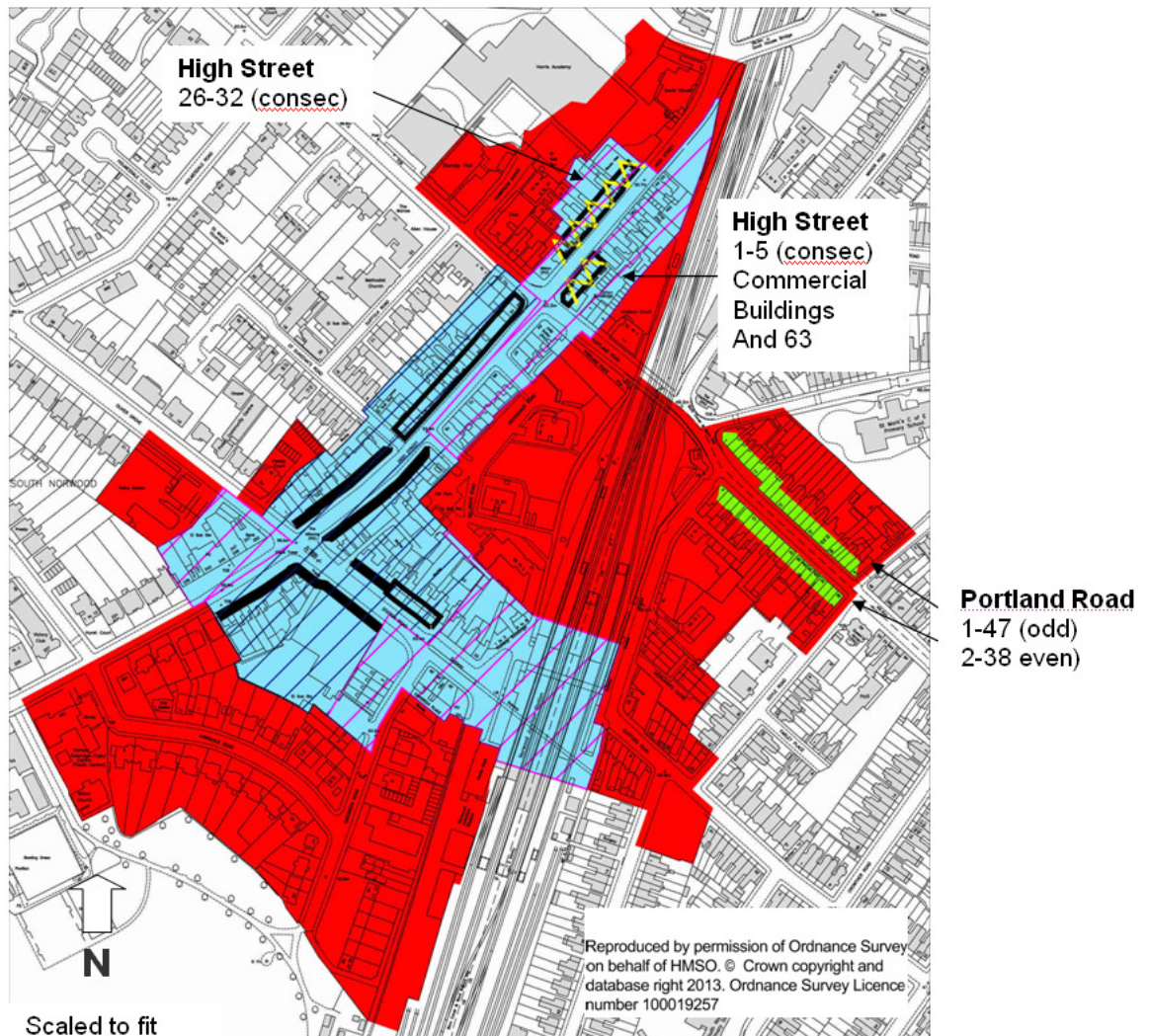
- 5.7 The area to be removed is primarily on Brighton Road, Whytecliffe Road South and Pampisford Road.
- 5.8 In our view this change will not have a detrimental effect on the vibrancy of Purley. Town centre activities will remain in the area they are currently located. Sites in the area to be removed from the District Centre are not likely to be developed for retail which will add to the current offer. Indeed retail development may harm the town centre.
- 5.9 Within the District Centre boundary there is the Leisure Centre and Multi story Car Park which may be a development site one day. This is where further investment may be targeted.
- 5.10 In terms of improving Purley the biggest issues to correct are the traffic and the difficulty for pedestrians to get to Tesco even though that Superstore is part of the District Centre. The roads through Purley are very busy and it is a major junction. Reducing the effect of traffic would be a great boost.



- 5.11 Stiles Harold Williams have marketed three shops in the last year and all have proved to be a challenge and taken 12 months plus to dispose of. Rents are static or have fallen although there has been some new investment eg Costa, Opticians etc.



## 6.0 Proposed Change 6: Reduce the extent of the District Centre boundary, redesignate shops in Portland Rd as a Shopping Parade and modify PSA South Norwood District Centre



6.1 **Aim:** To ensure South Norwood remains a vibrant town centre

6.2 **Approach:** The boundary of the district centre includes numerous houses and flatted developments which do not perform a town centre function but have been included as the decision was taken previously to extend the centre to include peripheral non-residential buildings such as the Library and the Police Station. The northern end of Portland Rd has also been included but this area is separated by the low rail bridge from the rest of the centre and does not comprise the



shops/services associated with a District Centre. These shops still perform a valuable local shopping function and therefore, it is proposed that they be designated a shopping parade instead.

- 6.3 The proposed District Centre boundary reflects the commercial core in a way the current one does not. In principle, retail use would now be acceptable in any part of the centre. For this reason it is proposed the PSA boundary should match the revised boundary.

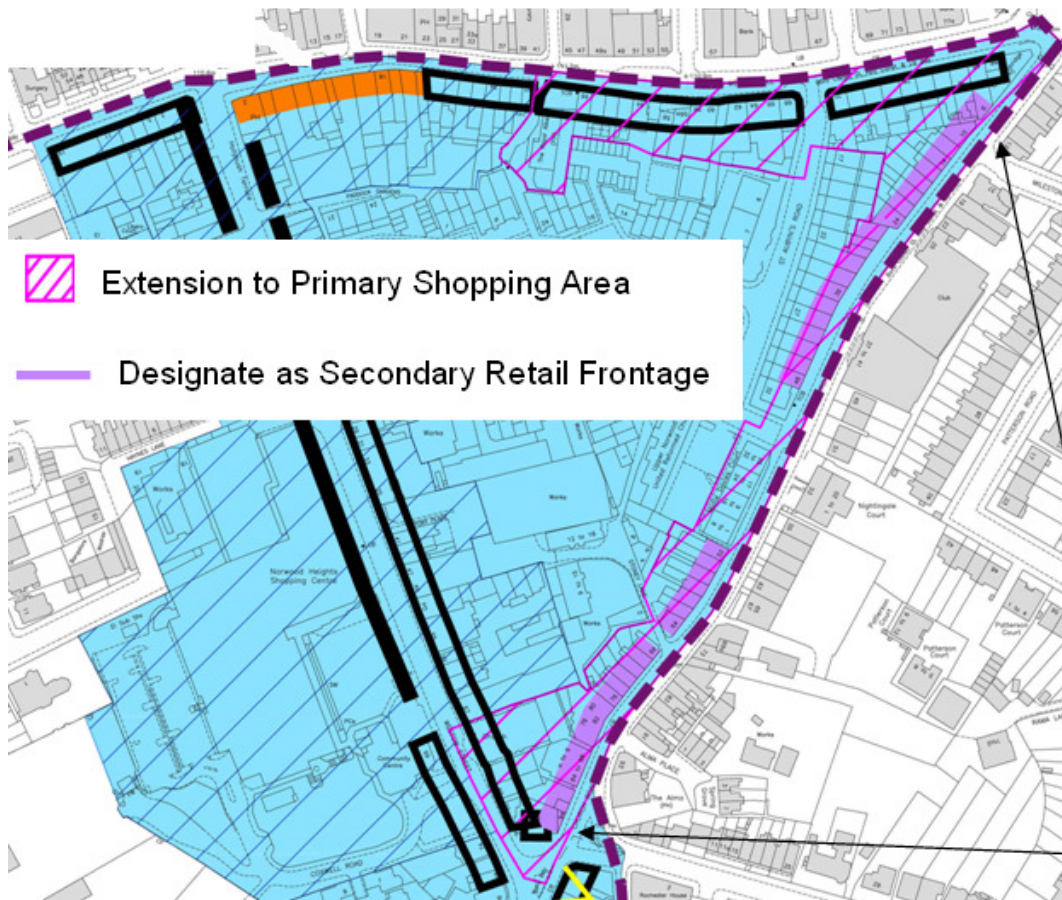
***Question 6: Will this change result in a more vibrant South Norwood or will it result in a loss of sites suitable for town centre activities to the detriment of the centre?***

- 6.4 **Response:** Significant changes are proposed to reduce the extent of the District Centre Shopping Boundary.
- 6.5 The proposed changes will compact the shopping areas but most of the area being taken out is not in town centre use. There is a significant level of residential and some other non-retail buildings. It makes complete sense to remove these and concentrate the District Centre.
- 6.6 South Norwood is a compact shopping area benefitting from a busy main line station. It is very close to Croydon and can only have a role serving the local population. There is a quite a distance to the North to Upper Norwood and West Norwood and this will help keep a position for South Norwood.
- 6.7 Within the current retail offer there are some multiples but they and the independents will be serving the core shopping population only. Keeping voids to a minimum in this compact centre will be important and at the time of the visit voids were relatively low but there were some.
- 6.8 Removing the secondary retails frontage from 26-32 and 1-5 High Street makes complete sense. These shops are away from the primary area and it is more important they are occupied than what they are occupied by.
- 6.9 The Police Station is one of those that will be closing as part of the Met Police's strategic review. Removing it from the District Centre will increase the potential uses for it and hopefully it will be used in a way which will increase the demand for the services the centre has to offer.



- 6.10 Portland Road has been removed from the District Centre but it is proposed that the shops form part of a local parade that serves the residents nearby. Portland Road is quite divorced from High Street and we do not believe the protection of this area will have a negative impact on the District Centre. It seems sensible to protect this area for retail as the demand is evidently there. It adds to the general vibrancy of the area.
- 6.11 The contraction of the District Centre is unlikely to lead to a loss of sites suitable for town centre activities. Such sites would need to be adjacent to the proposed District Centre on retailing streets and they do not exist. Potentially available sites are a little further away and more suited to other uses such as residential. Residential and all residential development near a local retailing area is positive as it increases demand and spend. Sites away from the District Centre will either be too small to justify say retail use of a size where such development could be detrimental to the town centre.
- 6.12 Stiles Harold Williams are involved in a number of retail premises here. On the freehold side demand is good and keen but most parties who enquire are able to raise the necessary funds from banks. On the leasehold side demand comes from small retailers. Rents have remained static but most large operators will consider their future in the town when lease renewals come around. We recently had a small shop to let close to the station but had no interest at all which indicates the station is not as important as it should be to the retail offer in South Norwood.

## 7.0 Proposed Change 7: Extend the PSA and SRF Crystal Palace District Centre



- 7.1 **Aim:** To ensure Crystal Palace remains a vibrant town centre
- 7.2 **Approach:** Increasingly Church Rd has become an integral part of the shopping offer in Crystal Palace and this has resulted in all three sides of the Triangle benefiting from ground floor commercial activity and the associated footfall. For this reason it should also be covered by the PSA designation.
- 7.3 Linked to the point above, it is proposed that the existing shops in Church Rd be designated SRF in order to ensure they remain in A Class uses.

**Question 7: Are these changes likely to result in a more vibrant town centre or will the planned increase to the PSA endanger investment in the existing PSA?**

- 7.4 **Response:** Crystal Palace (AKA Upper Norwood) is a vibrant shopping area which has a strong community.

- 7.5 The retail is anchored by a Sainsbury and the area has a mix of retail and restaurant / bar users. There are a surprisingly high number of restaurant users bearing in mind the size of the shopping area and the transport links.
- 7.6 The area known as the Crystal Palace Triangle comprises three roads which do form a triangle and therefore link.
- 7.7 Crystal Palace has seen significant improvement in the last few years. When Safeway left the UK market their supermarket was vacated. It was not re-occupied for some time and in our opinion Crystal Palace suffered as a direct result. Fortunately Sainsbury eventually took over the store and since then the area as a whole appears to have improved.
- 7.8 There are a significant number of independents both in the A1 and A3 sectors. There are now some quirky retailers present and Crystal Palace's role as a village location with an eclectic retail offer should be supported and enhanced.

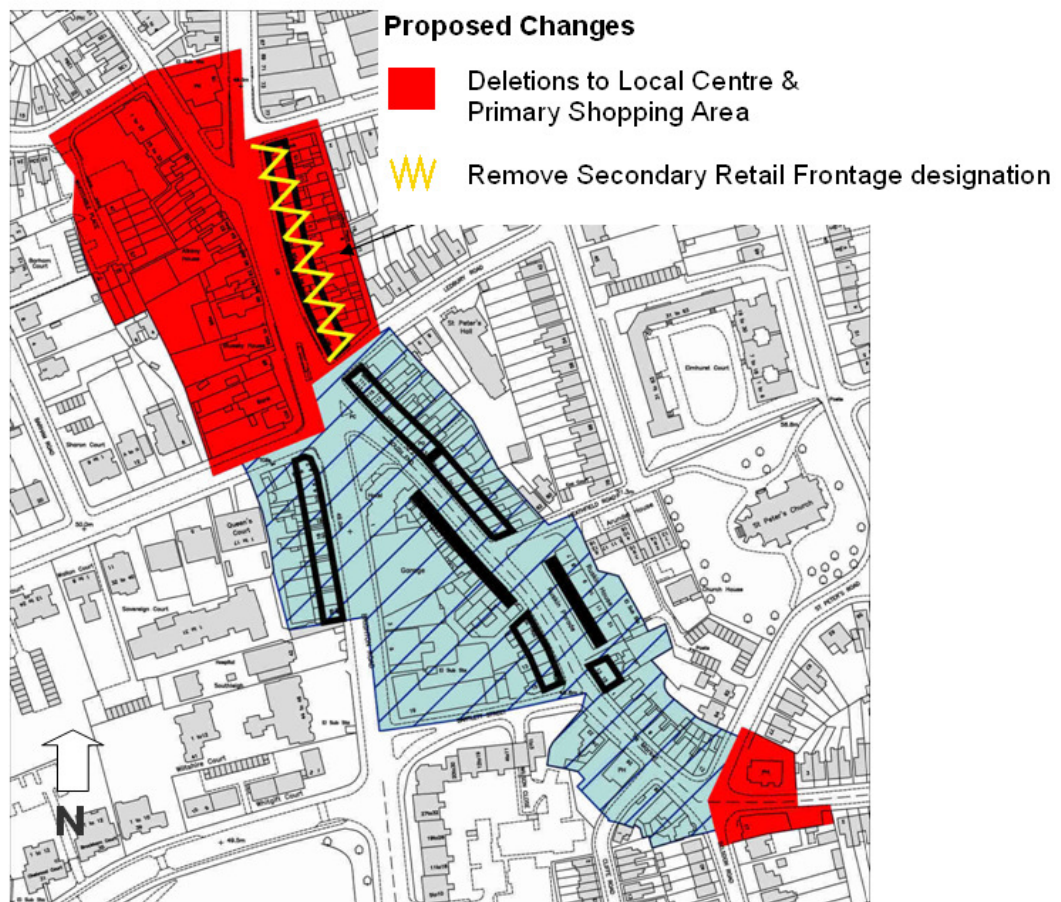


- 7.9 Church Road is the weakest of the three roads which form the triangle. However there are a good number of retail outlets presumably attracted by the lower rents.



- 7.10 It is our view that the proposed increase to the Primary Shopping Area and the new SRF's will not have any detrimental effect on the area. As retail improves such a planning decision should assist in helping the area progress. The only care needed is to ensure that the restaurant sector of Crystal Palace continue to be able to flourish and expand. The quantity and diversity of the restaurant offer pulls clientele from quite a wide area and will have assisted in individuals getting to know the area and note the quality of the independent retailers that have invested in the area.
- 7.11 The "triangular pedestrian route" offered by the district centre is an interesting feature which few places can offer therefore a benefit. Accordingly it makes sense to protect all three sides for retail activity.
- 7.12 Stiles Harold Williams have not been directly involved in any transaction recently but have given strategic advice on a number of sites. Crystal Palace has seen rates pushing upwards and this trend looks set to continue as it establishes itself as the "niche" shopping area. It has a long way to go to match East Dulwich for example but has more potential to be a true village location than the surrounding towns of West Norwood, Penge and Sydenham.

## 8.0 Proposed Change 8: Reduce the extent of the Local Centre and PSA boundary and remove SRF designation from 79– 109 South End Brighton Rd (Selsdon Rd) Local Centre



Scaled to fit

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- 8.1 **Aim:** To reduce longer-term vacancy and ensure Brighton Rd (Selsdon Rd) local centre remains a vibrant town centre
- 8.2 **Approach:** The part of the Local centre suggested for de-designation has high levels of vacancy, including a number of units which have been long-term vacant. Removal of the Local centre designation may stimulate investor activity.
- 8.3 In line with the above proposal, it is proposed the also remove the SRF designation from this part of South End.

**Question 8: Will this change result in a more vibrant Local centre or will it reduce the vacancy rate to a point where frictional vacancy is too low to facilitate expansion of successful businesses and churn?**

- 8.4 Response: The aim of the proposed changes is to reduce longer term vacancy and ensure the area remains vibrant. The given reason for the proposed change is that the area to be deleted from the local centre and Primary Shopping Area has higher vacancy levels. Interestingly this is not borne out by our visit where the areas to be deleted have lower than the overall vacancy level for the area.
- 8.5 In considering the vibrancy of an area consideration needs to be given to what makes an area vibrant. This area will primarily serve the local community although there will be visitors drawn to and close to the subject areas due to the high concentration of restaurants in the area and the naming of South End as "Croydon's Restaurant Quarter".



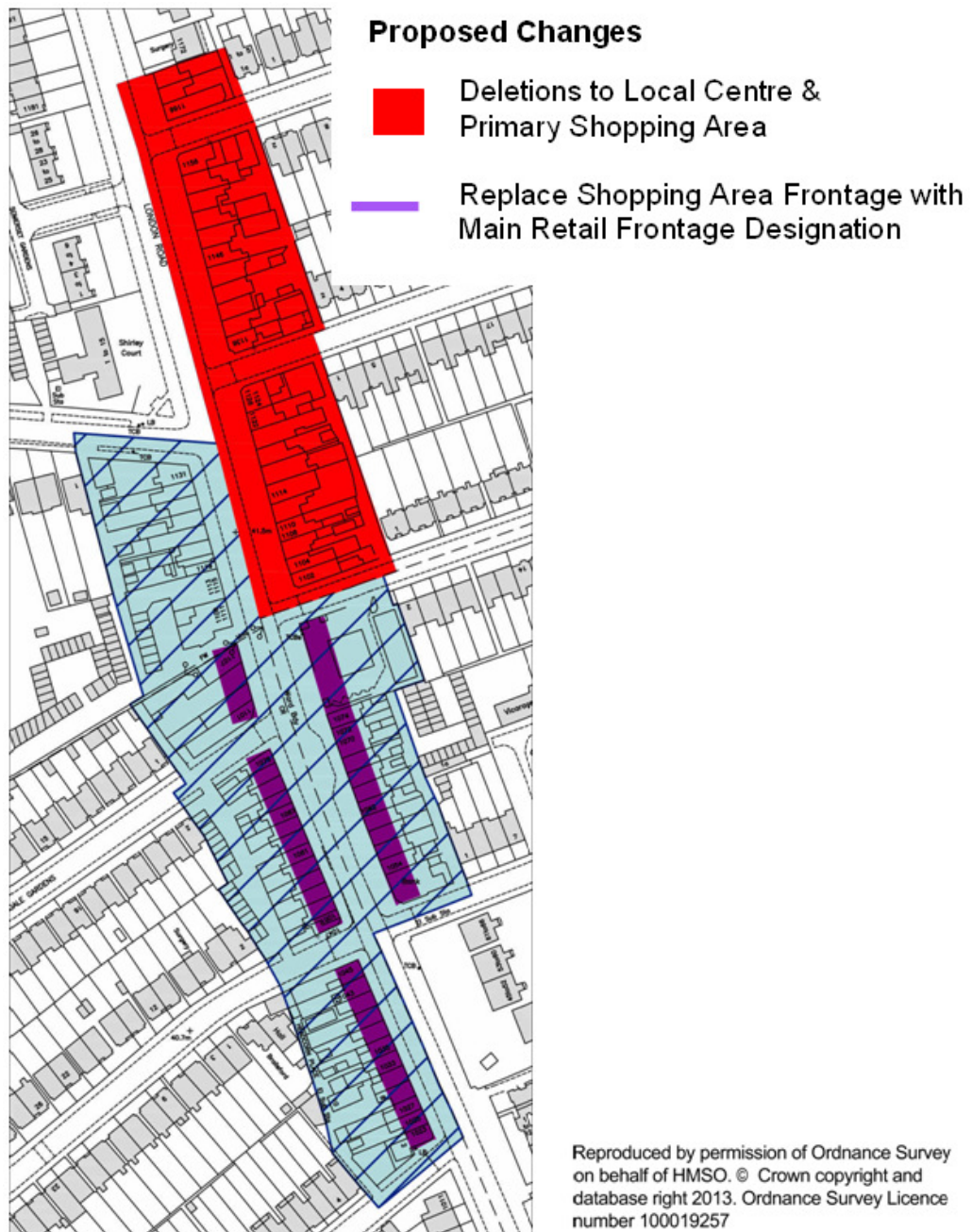
- 8.6 There is also some vibrancy added to the area due to the busy nature of the Brighton Road but much of this traffic will not wish to or be able to stop.
- 8.7 Therefore in general the vibrancy of the area will be down to providing for the needs of the local population and the size of the local population.
- 8.8 If the proposed changes take place to the Local Centre and Primary Shopping Area it is assumed that the reduction in size will compress the retail area. However will it?
- 8.9 The majority of the area to be removed from the Local Centre and Primary Shopping Area is currently used at ground floor by occupiers within the A Use Class designation. The majority of the property will in our opinion continue to be used for the same uses going forward.



- 8.10 As such in our view it will not reduce the vacancy rate to too low a level as there will still be a similar number of retail properties.
- 8.11 What is required to be identified within the proposed changes are areas which could potentially be developed in such a way that they will add vibrancy to the area and maybe reduce the ground floor retail offer so that the space is compacted.
- 8.12 From our inspection the areas we believe could assist in this and therefore benefit from being taken out of the local centre and primary shopping area are 138-152 Southbridge Road and 82-104 & 78 South End.
- 8.13 The licensed premises at 78 South End is in a very prominent location. Potentially when the economy allows this site could be re-developed to provide a significant flagship residential development.
- 8.14 Southbridge Road already contains residential blocks. Potentially this area could also be targeted for future development. Of course it would be preferable if development did not include new ground floor retail.
- 8.15 The addition of more residential into an area does increase vibrancy by increasing the local customer count and it is local customers who will dictate the success of the area.
- 8.16 The removal of 79-109 South End in our view will have little effect as it will in all likelihood remain as retail at ground floor level.
- 8.17 The area to the south highlighted for removal from the local centre and Primary Shopping Area is currently occupied. Again this area will not change unless there is development. There will be potential for a significant development on the Croham Arms. This could be a good example of how the re-designation could work. If say, The Croham Arms was redeveloped then the A4 demand for those premises could be transferred to 13-15 Selsdon Road which is currently a vacant licensed premises that falls within the Secondary Retail Frontage.
- 8.18 In essence we believe that if the amount of retail space in the study area is reduced and is replaced by activity that increases vibrancy then the subsequent contraction of the retail area should reduce voids. However if there is no investment in the deleted areas then the frontages are likely to remain as they are and the area will see little change.
- 8.19 As such we question the rationale behind removing 79-109 from the local centre.
- 8.20 This area is one SHW have been heavily involved in. We let the Swan and Sugar Loaf to Tesco and have 4 shops currently on the market.

There is demand and we have seen better demand with recent physical improvements in the area and the effect of a good local traders association. However shops are still taking a long time to let and demand is from small often new retailers who are attracted by the low gross rents. Rents have stagnated or even reduced a little.

## 9.0 Proposed Change 9: Reduce extent of the Local Centre & PSA boundary and replace SAF with MRF designation Pollards Hill Local Centre



9.1 **Aim:** To ensure Pollards Hill remains a vibrant town centre.

9.2 **Approach:** The part of the Local Centre suggested for de-designation is dominated by car showrooms which do not perform a Local Centre function.

- 9.3 The SAF designation from the UDP is similar to the MRF designation but has an A1 threshold of 50% instead of 65%. For the purposes of making the retail policies clearer it is proposed to remove the SAF designation from the policy environment. By reducing the MRF threshold to 60% it can be applied in circumstances where a SAF designation was previously used with very little change in flexibility or policy effect.

**Question 9: Will this change result in a more vibrant Local centre or will it result in a loss of sites suitable for town centre activities to the detriment of the centre?**

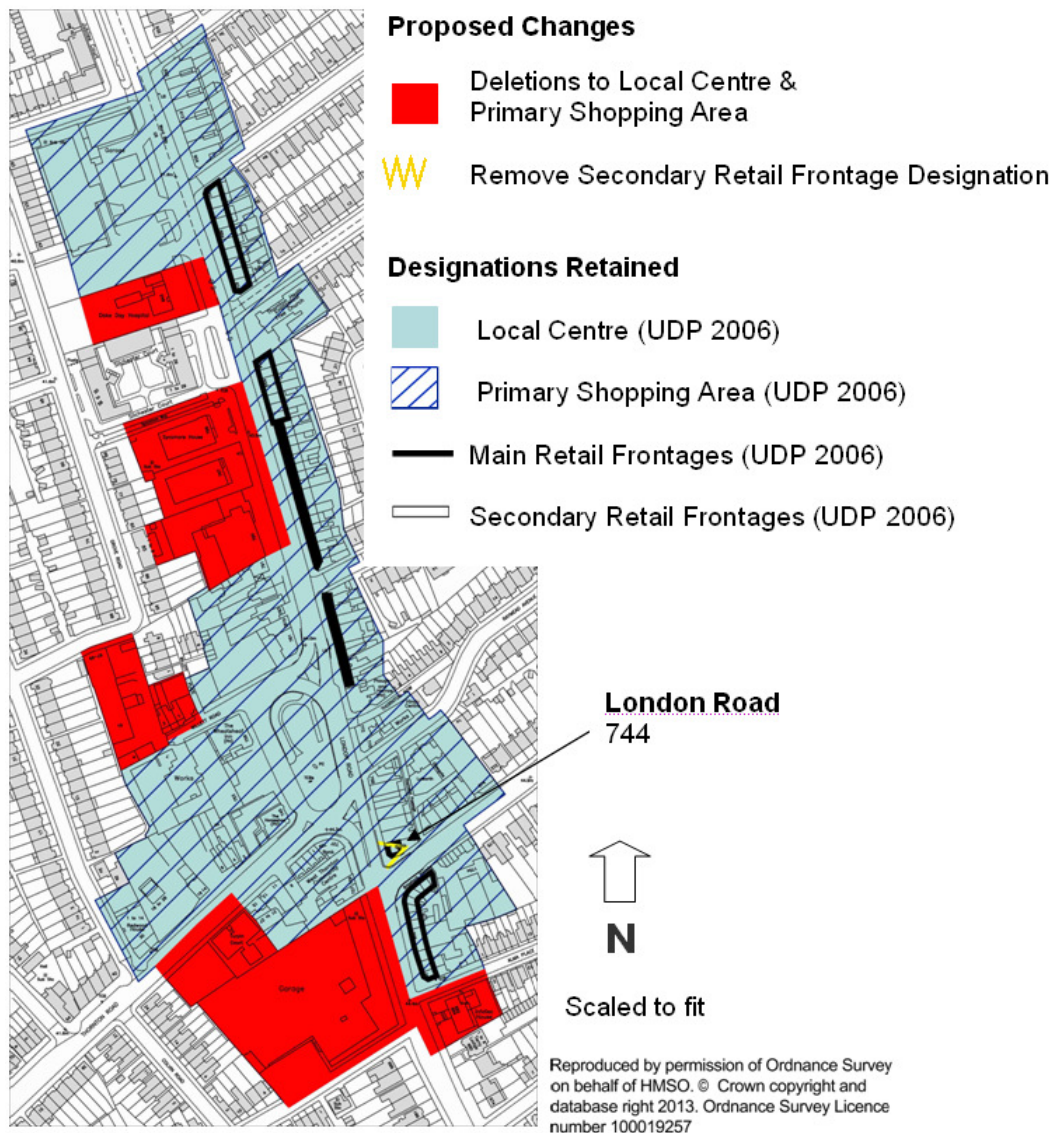
- 9.4 **Response:** The Pollards Hill area is a linear section of retail straddling the very busy A23.
- 9.5 The area is a very small retail centre with local shop units occupied by local retailers, a very small number of multiples and a Tesco convenience store. The multiples that are there are to serve the local population such a bookmaker and chemist.
- 9.6 The mass of retail will not be sufficient to lead to demand from any multiples.
- 9.7 The area will purely serve the very local population plus passing traffic that stops briefly if there is available space.
- 9.8 The first change proposed relates to the removal of two blocks of property on the western side of London Road. These properties are primarily occupied by motor dealerships.



- 9.9 To remove these properties should have a positive effect on the area. As a retail area to serve the immediately local area only we believe it is positive to ensure the retail offer is quite compact. This will ensure customers come to the heart of the area rather than the shopping area developing too far away.

- 9.10 The other change is from SAF to MRF will alter the percentage of non A1 uses allowed from 50% to 60%. This is a relatively small change. The only issue is that in a centre as local as Pollards Hill often restaurants form the lifeblood of a community and can even attract other retailers. This change will limit the level of A3 permitted. A1 food however will still be acceptable and these uses are highly suitable.
- 9.11 As a local area the vibrancy of it will depend on the nature of the offer and how attractive it is to the core population.
- 9.12 In our view the changes proposed should overtime have a positive effect as the reduction in the shopping area will enable investment to be more secure.
- 9.13 However as a very small centre we perceive growth to be very limited.

## 10. Proposed Change 10: Reduce Local Centre and PSA boundary & remove SRF designation from 744 London Rd Thornton Heath Pond Local Centre



- 10.1 **Aim:** To ensure Thornton Heath Pond remains a vibrant town centre
- 10.2 **Approach:** Generally speaking the town centre properties on the western side of London Road do not perform a Local Centre function and are therefore proposed for removal.
- 10.3 744 London Rd is the only property in this part of the frontage to be designated SRF. As there is no apparent justification for this, it is proposed the designation be removed.

**Question 10: Will this change result in a more vibrant Local centre or will it result in a loss of sites suitable for town centre activities to the detriment of the centre?**

- 10.4 **Response:** The area of Thornton Heath Pond is a Local Centre set on the A23 which is a very busy vehicular road. Stopping and parking is not easy and the area will primarily serve the local population.



- 10.5 Other than the Lidl the majority of the retail space is in standard retail units of limited size. There are very few multiples located but a significant number of independent retailers whose trade will reflect the local population. There is a mixture of retail and small businesses. At the time of our visit occupation levels appeared strong.
- 10.6 With regards to the proposed changes the removal from the Local Centre of all the sites except the bus station is entirely logical bearing in mind the current use of the properties on London and Road and the lack of visibility of the site on Willett Place.
- 10.7 The removal of the bus station is in our view interesting and worthy of more detailed consideration. The question posed is will the changes result in a more vibrant centre. This leads us to consider what leads to a more vibrant centre?

It is:

- Attractiveness of shops
- Quality of environment
- Choice of products offered

- A reason not to go to a competing centre
- Number of residents in the core catchment area.



- 10.8 The conclusion to the above is that to become more vibrant there needs to be further development in time. This can be both residential and commercial.
- 10.9 There are a number of sites that could potentially be developed. These are primarily occupied by the motor trade. None though are particularly large.
- 10.10 This therefore brings us to the bus garage. It is a run-down building that does not assist the local environment. Of course it is occupied and well used but in theory offers a site of significant size for re-development.
- 10.11 By removing this site from the Local Centre it is taking away the right for this site to be developed in town centre use. For example potentially a supermarket could have located here. This may well be deliberate as it is perceived supermarkets may harm local retail. This in deed may well be the case particularly as many of the retailers in the area are selling food stuffs and everyday products.
- 10.12 We do consider that if the area is to improve and become more vibrant something needs to be added and this is the ideal site for a change due to its size.
- 10.13 The previous thoughts are of course a little beyond the question and to answer the question directly it is not perceived that the changes will make the area less vibrant. However it is also unlikely they will make the area any more vibrant and it will remain a centre of small retail

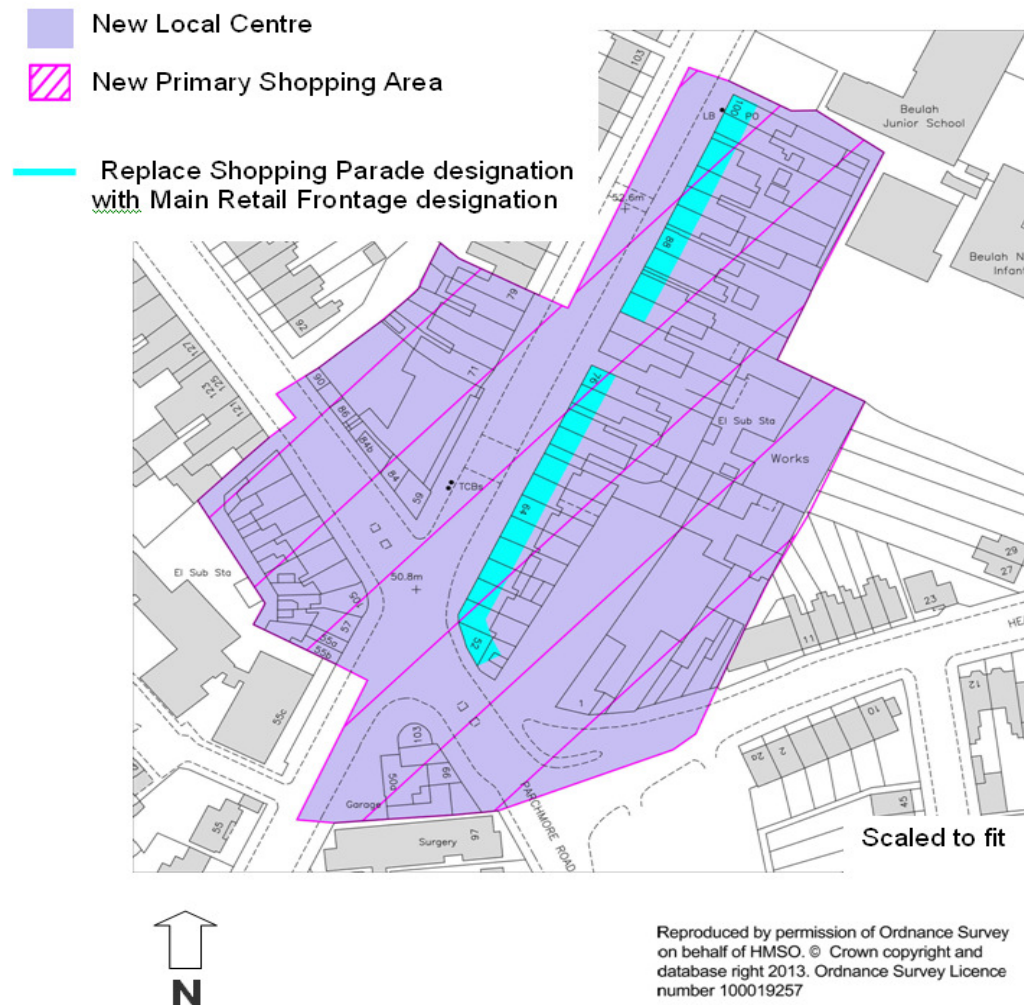


units serving the local residents with most shops occupied by independents.

10.14 In terms of the removal of the SRF designation on 744 London Road this is fully justified. It is consistent and the unit is already A2.

10.15 Stiles Harold Williams are advising on a number of sites in the vicinity. The main question posed is how can better quality tenants be attracted? Without good sized units and without parking this is very difficult. Rents are likely to continue to stagnate unless the environment can be improved for retail.

## 11. Proposed Change 11: Include further units and redesignate Beulah Rd as a Local Centre Beulah Rd Shopping Parade



- 11.1 **Aim:** To recognise this shopping parade has many of the characteristics of designated local centres
- 11.2 **Approach:** This existing shopping parade and the immediate surrounding area performs a similar function to other Local Centres in the borough and for this reason it is proposed to designate the area a Local Centre.

**Question 10: Are the impacts of this change likely to be positive. In particular, what impacts might it have on the vitality and viability of Thornton Heath District Centre?**

- 11.3 **Response:** Beulah Road is a small very local retailing area centred on a crossroads junction. There are less than 50 retail units most of which are small. There are no multiples. Vacancy rate is low.



- 11.4 Demand for retail space here will come from small independent retailers looking to serve the local population.
- 11.5 The proposal is to install the area as a new Local Centre. By doing this the shopping area will be protected to the extent that change of use will not be encouraged. The retail function here is important to the local residents and has grown up through demand.
- 11.6 As such the change to a Local Centre will formalise what already exists and should have a positive effect. It will protect what is there. It will not necessarily create new investment and demand as that can only be led by demand but there is a mass which should encourage local residents to utilise the area.
- 11.7 In our opinion the change will have no effect on Thornton Heath. Thornton Heath is higher up the Shopping Hierarchy. The core catchment for Beulah Rd will shop in their local area for convenience goods. For comparison goods that they purchase less often they may go to Thornton Heath or to Croydon depending on the nature of their purchase. It is a fair assumption that Beulah Road has grown as a shopping destination because the local core population want to shop there and do shop there on a day to day basis rather than Thornton Heath.

## 12. General Concluding Comments

12.1 Stiles Harold Williams were first commissioned to undertake this study in the summer of 2013. Generally the principle of contracting retail areas is broadly supported and the detailed comments on each of the questions posed in the brief are given in the preceding section. However, a number of matters at a national level need to be flagged within these concluding comments in the interests of completeness.

### **The Portas Review<sup>1</sup>**

12.2 The report commissioned by central government, as part of the 'growth agenda', was prepared by Mary Portas aimed at reviewing the future of the high street. Amidst other recommendations it urged increased deregulation as part of 'freeing up red tape' and suggested the restrictive aspects of the 'Use Class' system should be reviewed to make it easier to change the use of high street property.

12.3 In March 2012 the government response to the Portas Review<sup>2</sup> further explored increased flexibility in land use terms and reinstated the 'town centre first' principle in the consideration of retail proposals at the local level.

12.4 A consultation paper<sup>3</sup> took the initiative forward with regards increased flexibility in land use terms with legislation coming into force in May 2013 as part of a wider package of permitted development rights<sup>4</sup>. Class D of the legislation currently provides for enhanced flexibility.

### **Current Consultation on further land use changes**

12.5 At the time of finalising this report "Greater flexibilities for change of use" has been produced by DCLG. It is a consultation document which further enhance the freedoms of changes of use without the need for a conventional planning application. It recommends further enhancements and freedoms with regards, amongst other matters, changes of use in the high street. In terms of the questions posed within this study those changes proposed include:

- A potential permitted development right to assist changes of use (and associated physical works) from an existing A1 or A2 use to C3 residential; and;

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<sup>1</sup> *The Portas Review: An independent review into the future of our high streets December 2011*

<sup>2</sup> *High Streets at the Heart of our Communities: the Government's Response to the Mary Portas Review DCLG*

<sup>3</sup> *"New opportunities for sustainable development and growth through the reuse of existing buildings" July 2012*

<sup>4</sup> *The Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013*

- To create a permitted development right to enable retail use (A1) to change to a bank or building society (A2);

12.6 The very clear intent in these suggested changes is to help make better use of existing buildings and support high streets and provide new housing. In working to prepare an up to date development plan Croydon Council need to set out primary retail areas and the wider retail hierarchy as set out within the NPPF. This report adds a commentary to refreshing the retail areas, in light of emerging guidance and the NPPF, from the market perspective of a local surveying practice with knowledge of the area under study.

12.7 From the above reform of retail policy and the increasing deregulation in the high street, linked with a re-assertion of the 'town centre first' in the consideration of retail proposals, it is clear that the direction of travel is aimed at refreshing the high street. This direction of travel is perfectly in order with the objectives of consolidating retail areas, and in some instances introducing a contracted area of protection of A1 retail uses, the emergent changes discussed within this report are therefore in general conformity with current thinking and good practice.

## Glossary

CMC	<p>CROYDON METROPOLITAN CENTRE: Type of town centre which is the principal location for the Borough's major office and retail activities as well as public administration, law, public transport, higher education and entertainment functions. Supplementary Planning Guidance for Central Croydon has been published. This area is now referred to as Croydon Metropolitan centre. The London Plan refers to "Croydon town centre". This is the same area as Croydon Metropolitan centre. The Council is preparing an Area Action Plan as part of the LDF for this centre.</p>
Local Centres:	<p>Type of town centre which is a focus of day-to-day shopping and small scale commercial and community activities outside Croydon metropolitan centre, the town and district centres. There are nine local centres in the Borough; these are shown on the Proposals Map. They are Addiscombe, Brighton Road, Broad Green, Hamsey Green, Pollards Hill, Sanderstead, Shirley, South Croydon and Thornton Heath Pond.</p>
MRF	<p>MAIN RETAIL FRONTAGE: a frontage within Croydon metropolitan centre, the town and district centres and the local centres of Addiscombe, Hamsey Green, Sanderstead, South Croydon, and Thornton Heath Pond which is predominantly retail in character, even though other Shopping Area Uses may be present (see also 'Secondary Retail Frontage' and 'Shopping Area Frontage').</p>
SRF	<p>SECONDARY RETAIL FRONTAGE: a frontage within Croydon metropolitan centre, the town and district centres and the local centres of Addiscombe, Hamsey Green, Sanderstead, South Croydon and Thornton Heath Pond which has a concentration of Shopping Area Uses but is not predominantly retail (see also 'Main Retail Frontage' and 'Shopping Area Frontage').</p>
SAF	<p>SHOPPING AREA FRONTAGE: a concentration of 'Shopping Area Uses' within Pollards Hill, Broad Green, Brighton Road and Shirley local centres (see also 'Main Retail Frontage' and 'Secondary Retail Frontage').</p>
Shopping Parade:	<p>A cluster of 5 or more units in Shopping Area Uses, the majority of which are shops (Class A1), outside Croydon metropolitan centre, the town, district and local centres which provide for the shopping needs of a very localised catchment.</p>

Town Centre	The type of town centre which is a focus for shopping, medium to large-scale commercial activities and community facilities outside Croydon metropolitan centre with potential for further development and intensification. There are four town centres in the Borough, these are shown on the Proposals Map. They are: Norbury, Thornton Heath, Purley and Coulsdon.
PSA	Primary Shopping Area: areas of town centres where retail development is concentrated. Generally, these comprise a centre's primary or main retail frontages and those secondary frontages which are contiguous and closely related to the primary or main retail frontage. (The main retail frontages are those which are likely to include a high proportion of retail uses, while secondary retail frontages provide greater opportunities for a diversity of other uses). For larger centres, the primary shopping area is normally only part of the whole town centre.
SAF	Shopping Area Frontage: a concentration of 'Shopping Area Uses' within Pollards Hill, Broad Green, Brighton Road and Shirley local centres (see also 'Main Retail Frontage' and 'Secondary Retail Frontage'). However, there have already been a number of changes of use from retail (A1) to other A uses in these centres and, consequently, they have no readily definable Main Retail Frontage. However, retailing is still important to their continuing vitality and viability. Therefore, the predominantly retail function of the Shopping Area Frontage (see Glossary definition) should be retained to ensure the vitality and viability of the Centre as a whole.

# Appendix 1

## Consultants Brief



# Consultant's Brief

## Review of Town Centre Designations for the Croydon Local Plan

**Private & Confidential**

February 2013

## **1. Background**

The Spatial Planning service is currently preparing the Croydon Local Plan – Detailed Policies and Proposals (CLPDPP) which will replace the remaining saved policies of the existing Unitary Development Plan. The CLPDPP needs to be deliverable (in accord with paragraph 173 of the National Planning Policy Framework) and as part of the preparation for the forthcoming consultation, officers visited each of the borough's town centres to assess the effectiveness of the town centre boundary and other designations including Main Retail Frontage (MRF), Secondary Retail Frontage (SRF), Shopping Area Frontage (SAF) and the Primary Shopping Area (PSA).

## **2. Overall purpose**

The working draft of the CLPDPP – Preferred and Alternative Options report (the emerging CLPDPP) contains a number of proposals relating to town centres. Some changes are obvious and the Council is confident they can be justified. However, others are more subjective and therefore, the Council is seeking the opinion of Stiles Harold Williams.

## **3. Key deliverables**

This brief sets out 11 proposed changes. For each change the aim, the proposed approach and a specific question is set out (n.b. Proposed Change 4 has 2 questions). The Council requests that a considered response to each question be provided. This may be supplemented with supporting information where appropriate.

## **4. Budget and timescale**

The budget for this research is up to £5,000. The findings will inform the development of the CLPDPP Preferred and Alternative Options consultation which is due to be published in September 2013.

The key dates are as follows (all in 2013)–  
25<sup>th</sup> Feb: Deadline for quote submission  
27<sup>th</sup> Feb: Council confirm outcome  
w/c 4<sup>th</sup> Mar: Inception Meeting  
before 31<sup>st</sup> Mar: Submission of first invoice  
31<sup>st</sup> May: Project review/sign off

The exact fee will be fixed in advance and will be inclusive of all expenses and disbursements but excluding VAT.

The timetable for tenders and subsequent project is shown in the table below:

## **5. Process, Response and Evaluation**

You are required to submit one tender submission document. Please address the points below in your response.

### Section 1 – Organisation

- Details of appropriate insurance cover (to include public liability cover, employer insurance and professional indemnity insurance);
- Details of health and safety working practices and policy; and

- An executive summary of the main elements of the bid to include: experience, cost, personnel and key tasks involved (including the same for any proposed partners/sub-contracting bodies).

#### Section 2 - Delivery

- Outline of how it is proposed to undertake the research;
- A resource plan and names of individuals who will be involved in the project with CV for the key resources; and
- Ability, if requested by Croydon Council, to give evidence at the Examination in Public of the CLPDPP.

#### Section 3 – Costing

- A breakdown of the costs involved, including staff time with hourly rates for each team member, data acquisition (including site survey costs), fees for printing, and any other expenses including travel costs);
- The fee breakdown must include a schedule of hourly and daily rates for future review (in the event that additional work is deemed necessary beyond what is agreed in the commission, such as appearing at the Examination in Public); and
- The cost of attending any meetings that may be required during the course of undertaking the study must be included in the final composite fee quoted by the consultant and at no extra cost to Croydon Council.

LBC will not be liable for any costs associated in the preparation of tenders.

### **6. Payment arrangements**

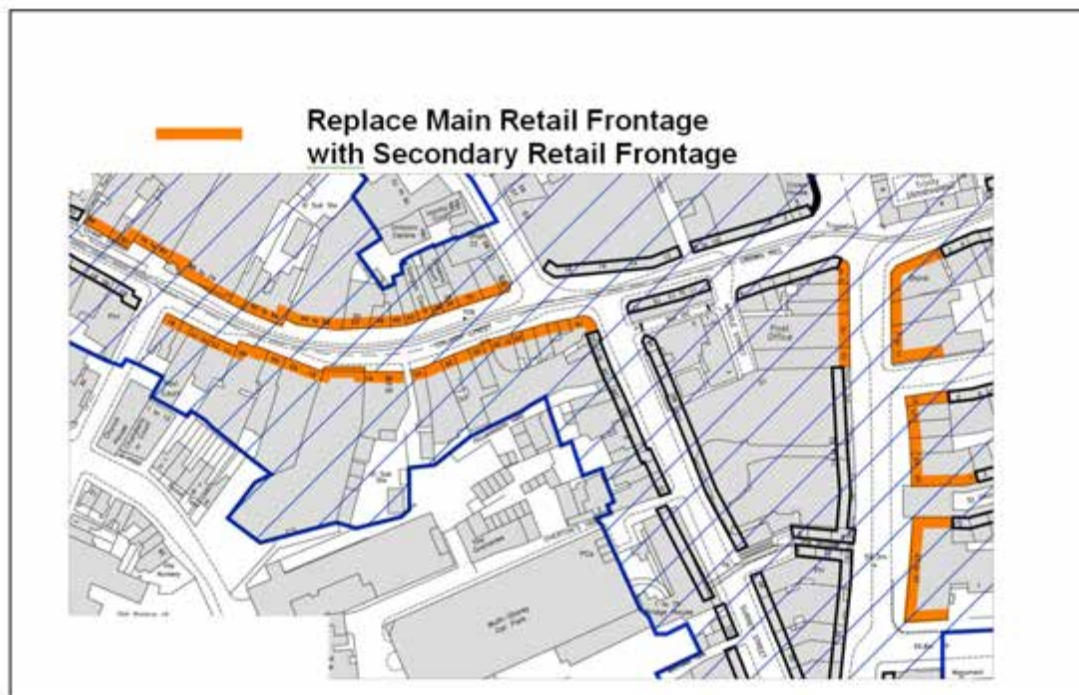
<b>Stage</b>	<b>Cost payable by Croydon Council</b>
Inception	20%
Delivery of final report	70%
Payment retained by the Council for a period of up to two months following completion of the project to allow for any errors to be identified and corrected	10%

### **7. Contacts**

All requests for clarification or further information in respect of this project should be directly Simon Bashford on 020 8686 4433 x62050 / [simon.bashford@croydon.gov.uk](mailto:simon.bashford@croydon.gov.uk).

## Proposed Change 1: Replace parts of MRF with SRF

**Location:** Croydon Metropolitan Centre (CMC)



**Aim:** To ensure this part of CMC is a vibrant part of the town centre.

**Approach:** Replacing the existing MRF designation with an SRF designation in Church Street and the High Street enables a wider range of A Class uses to set up in this part of CMC (proposed Policy DM6 would guard against the over representation of hot food takeaways but would not, for example, preclude a cluster of restaurants from establishing).

**Question:** Will the increased flexibility arising from the change from MRF to SRF ensure the vibrancy of this part of the town centre and justify the potential loss of A1 Use Class activity?

## Proposed Change 2: Extend the PSA

**Location:** Croydon Metropolitan Centre



**Aim:** To identify the parts of a town centre where proposals for retail use would broadly be acceptable.

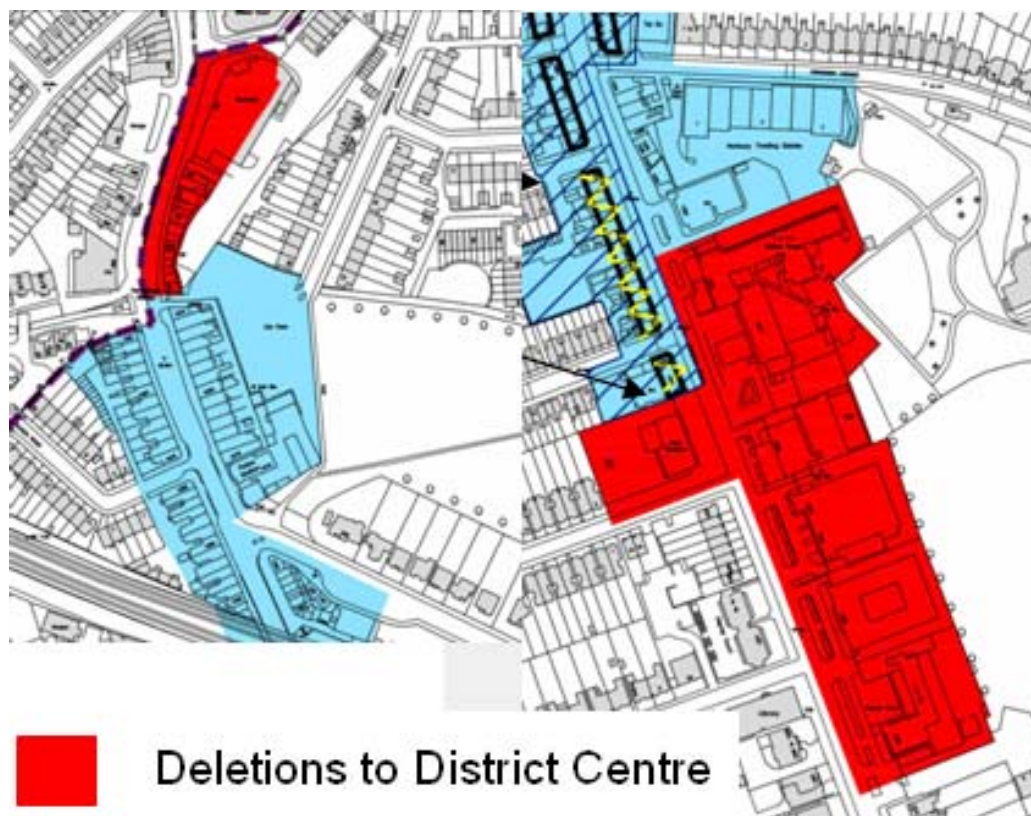
**Approach:** Given its function as a natural route from East Croydon Station to the main shopping areas within CMC, it seems logical to extend the PSA to cover both sides of George St in its entirety. This would also be supported by the emerging Fairfield Masterplan which envisages ground floor commercial activity on the south eastern side of George Street.

The changing nature of Wellesley Road and the planned, retail-led regeneration of this area are both reasons why the PSA should be extended beyond the parts of the Whitgift Centre where retail uses currently exist.

**Question:** Does the planned increase to the PSA endanger investment in the existing retail core?

## Proposed Change 3: Reduce the extent of the District Centre boundary

**Location:** Norbury District Centre



**Aim:** To ensure Norbury remains a vibrant town centre

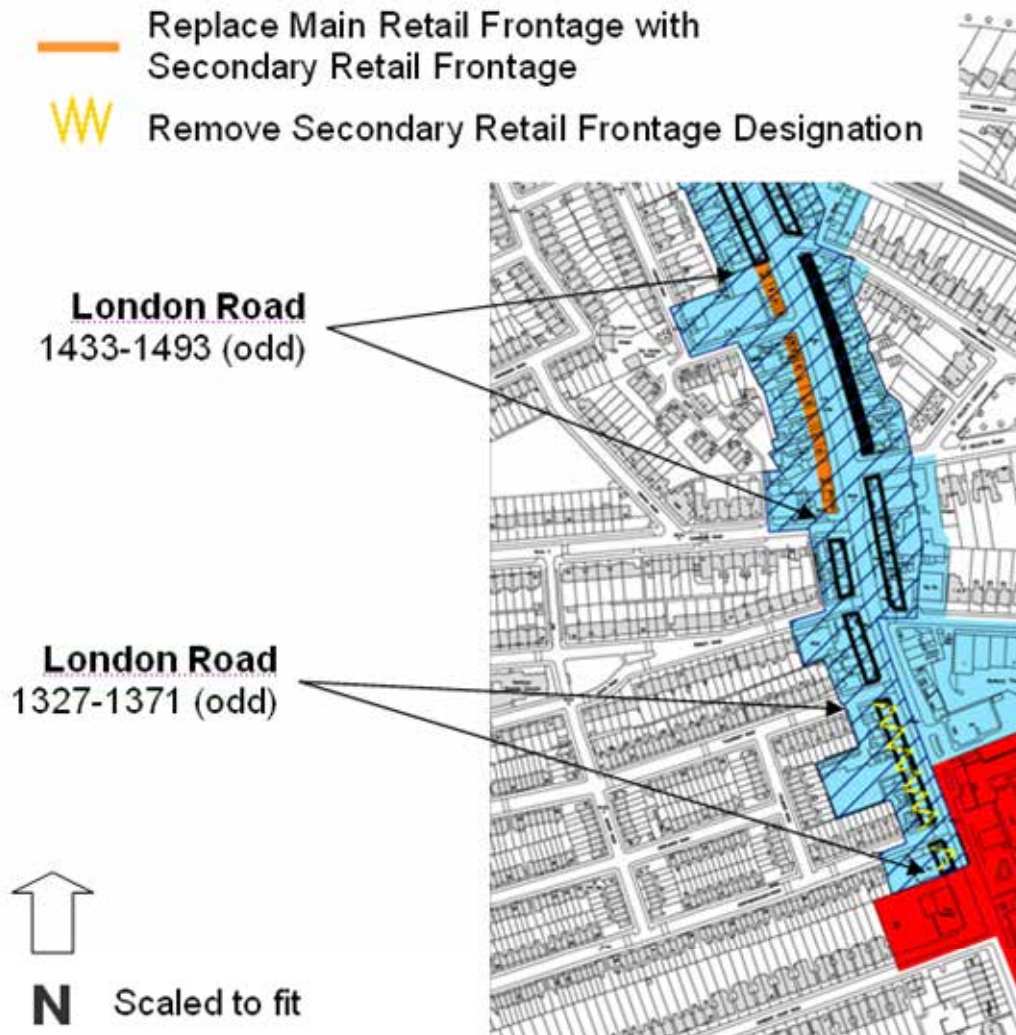
**Approach:** The point where London Road becomes Streatham High Road (the bridge over Norbury Brook) is a natural break point. There are fewer shops on the western side of the road and those on the eastern side, with the exception of Lidl, are smaller in scale.

The area proposed for removal at the southern end of the District Centre comprises, amongst other uses, large office buildings (some converted to residential use) and a fire station. Only after this point in London Road is there a predominance of A Class uses and therefore it is proposed they no longer form part of the District Centre.

**Question:** Will this change result in a more vibrant Norbury or will it reduce the vacancy rate to a point where frictional vacancy is too low to facilitate expansion of successful businesses and churn?

## Proposed Change 4: Replace part of MRF with SRF and remove part of SRF designation

**Location:** Norbury District Centre



**Aim:** To ensure Norbury remains a vibrant town centre

**Approach:** (In relation to removal of the SRF designation from 1327 – 1371 (odd) London Road) In light of the proposed boundary and in the interests of promoting flexibility where possible, it is proposed that the SRF designation in this part of London Road be removed.

(In relation to replacing MRF designation with SRF designation at 1433 – 1493 (odd) London Road) The MRF at this point is interspersed already with non A1 uses and whilst there is an argument for keeping this designation, there is a counter argument that it is stopping the development of a restaurant cluster in this location.


**Question:** Does the increased flexibility arising from the removal of the SRF designation justify the potential loss of A Use Class activity in this part of Norbury?

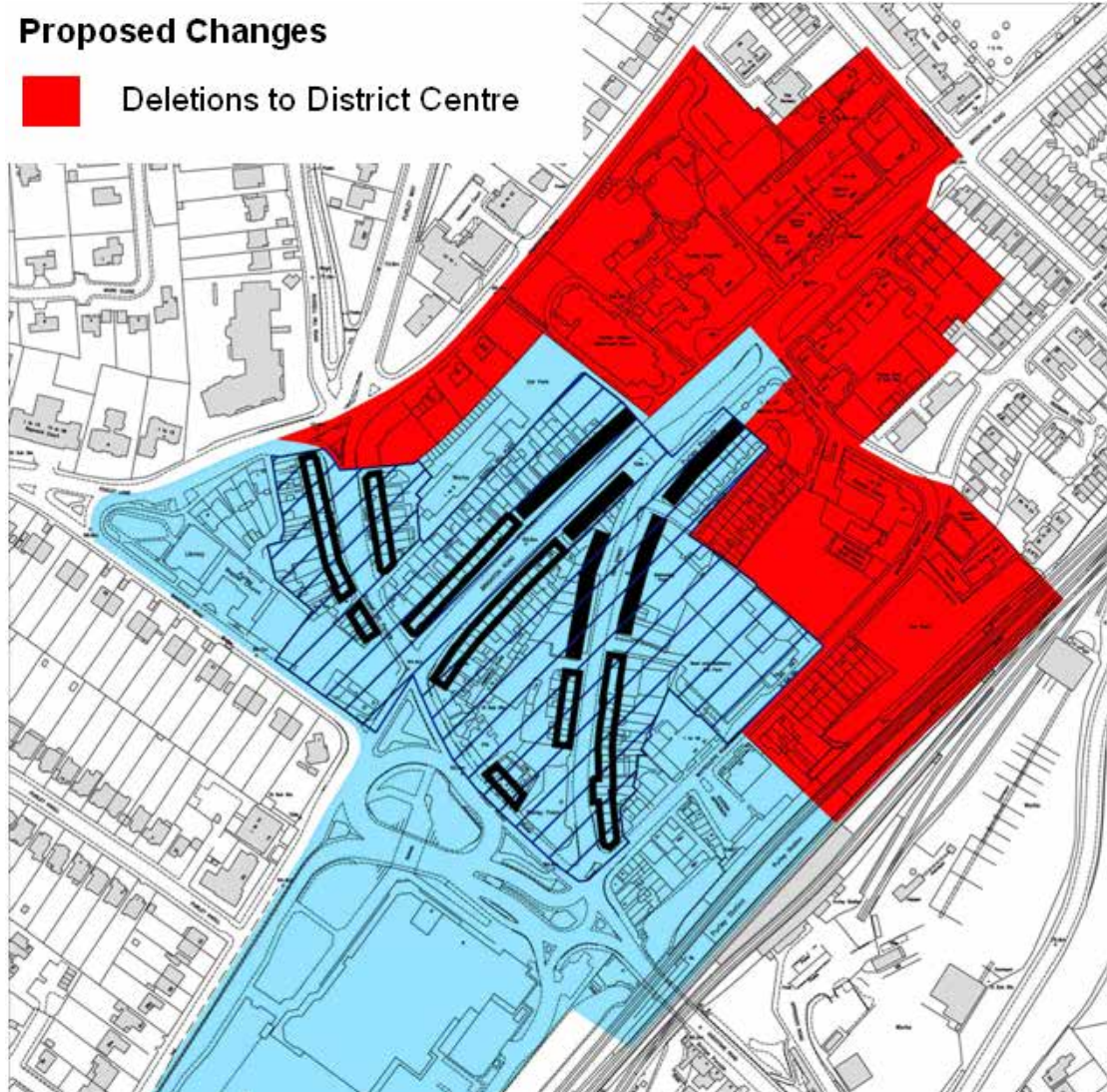
**Question:** Does the increased flexibility arising from the change from MRF to SRF justify the potential loss of A1 Use Class activity in this part of Norbury?

## Proposed Change 5: Reduce the extent of the District Centre boundary

**Location:** Purley District Centre

### Proposed Changes

 Deletions to District Centre



**Aim:** To ensure Purley remains a vibrant town centre

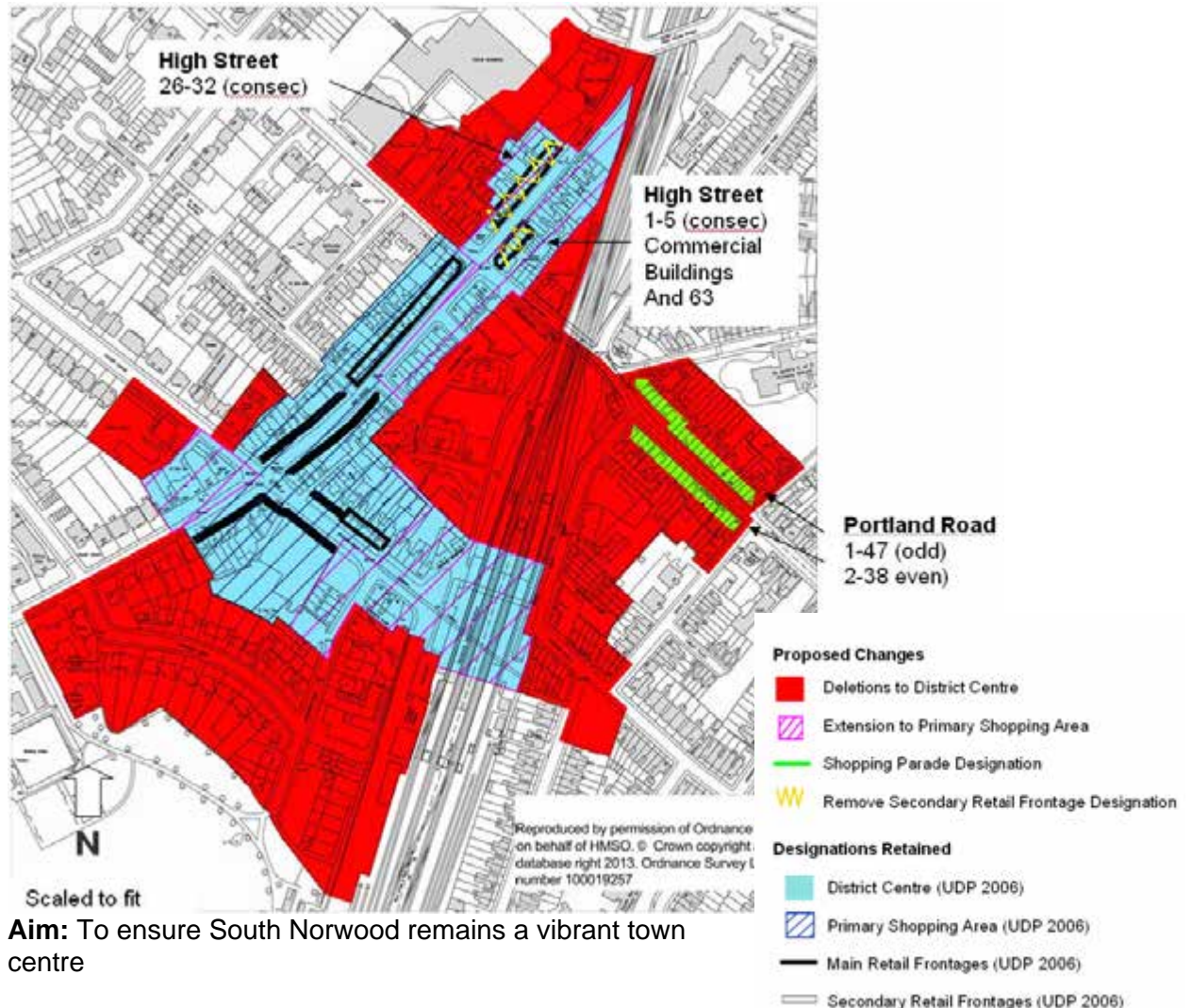
**Approach:** The existing District Centre boundary includes numerous residential flatted developments and houses. The proposed boundary better reflects the commercial core of Purley.

**Question:** Will this change result in a more vibrant Purley or will it result in a loss of sites suitable for town centre activities to the detriment of the centre?



## Proposed Change 6: Reduce the extent of the District Centre boundary, redesignate shops in Portland Rd as a Shopping Parade and modify PSA

**Location:** South Norwood District Centre



**Aim:** To ensure South Norwood remains a vibrant town centre

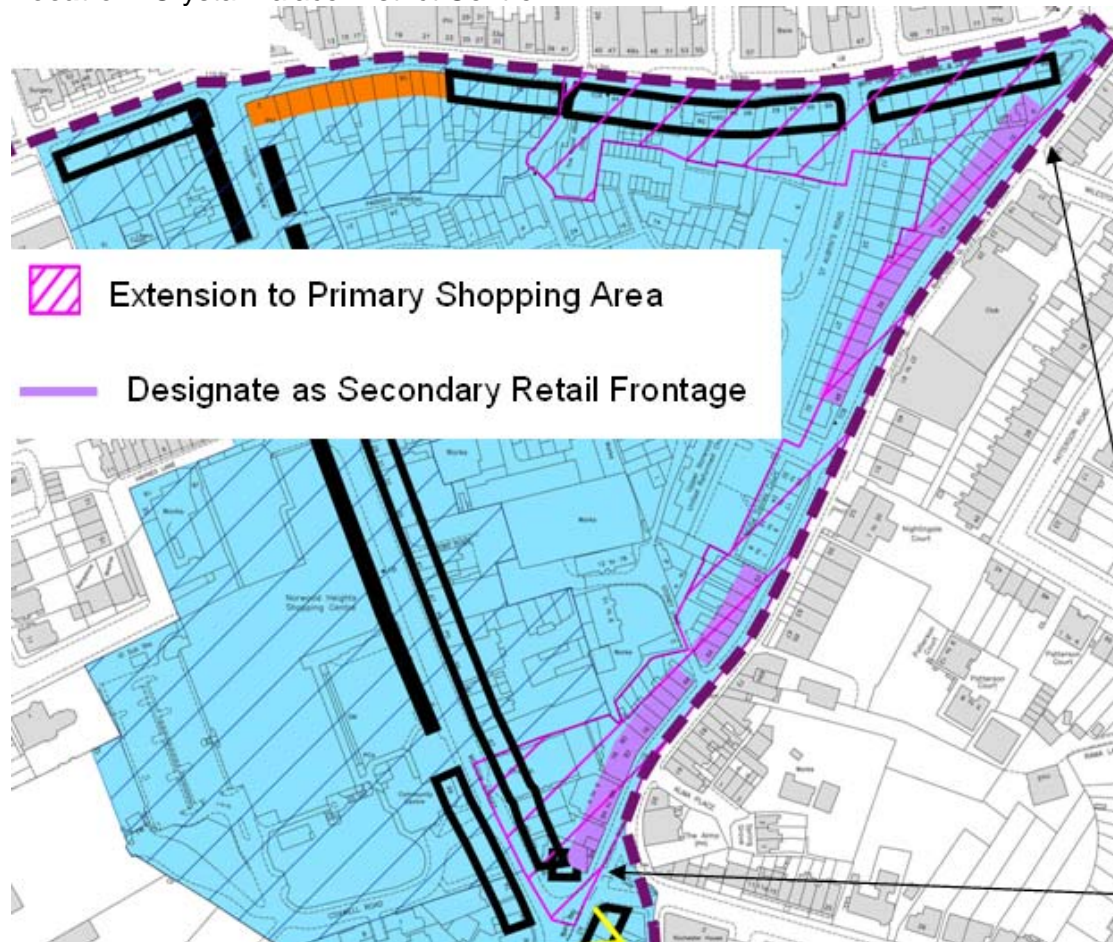
**Approach:** The boundary of the District Centre includes numerous houses and flatted developments which do not perform a town centre function but have been included as the decision was taken previously to extend the centre to include peripheral non-residential buildings such as the Library and the Police Station. The northern end of Portland Rd has also been included but this area is separated by the low rail bridge from the rest of the centre and does not comprise the shops/services associated with a District Centre. These shops still perform a valuable local shopping function and therefore, it is proposed that they be designated a Shopping Parade instead.

The proposed District Centre boundary reflects the commercial core in a way the current one does not. In principle, retail use would now be acceptable in any part of the centre. For this reason it is proposed the PSA boundary should match the revised boundary.

**Question 7:** Will this change result in a more vibrant South Norwood or will it result in a loss of sites suitable for town centre activities to the detriment of the centre?

## Proposed Change 7: Extend the PSA and SRF

**Location:** Crystal Palace District Centre



**Aim:** To ensure Crystal Palace remains a vibrant town centre

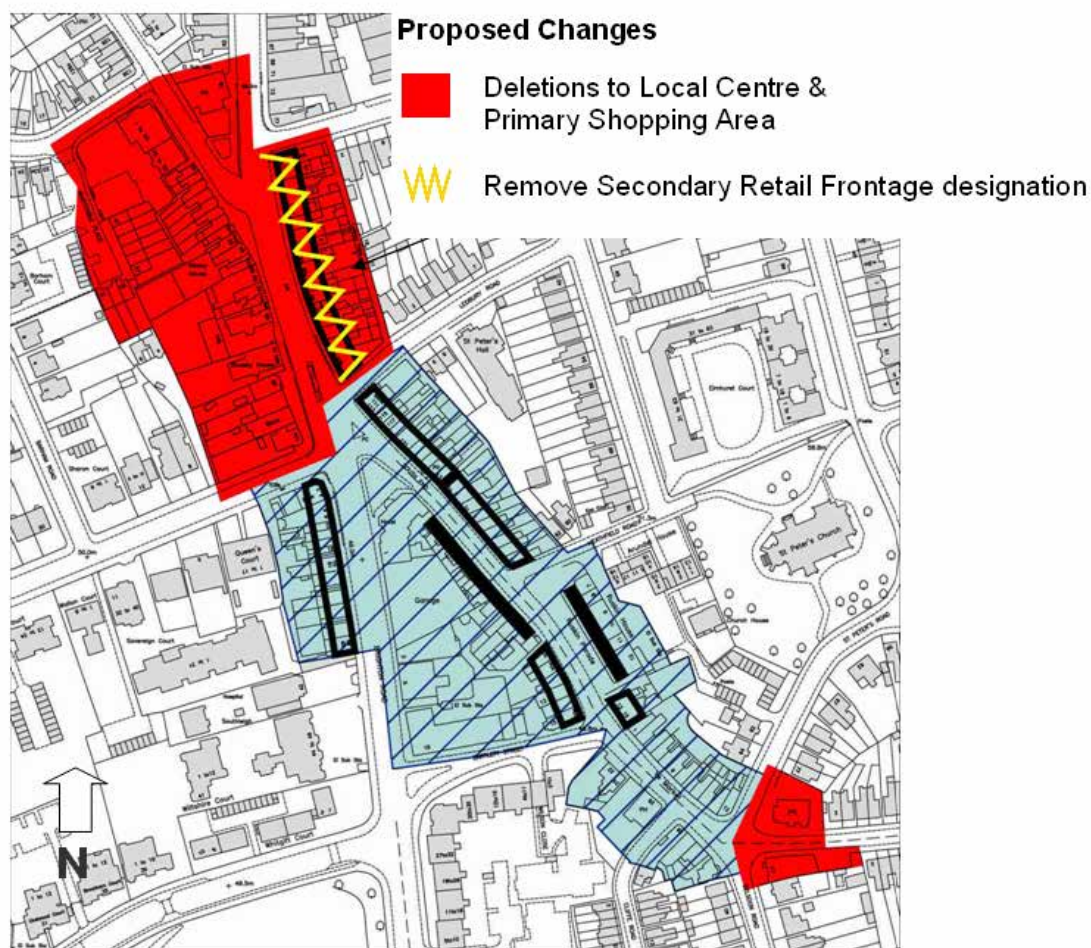
**Approach:** Increasingly Church Rd has become an integral part of the shopping offer in Crystal Palace and this has resulted in all three sides of the Triangle benefiting from ground floor commercial activity and the associated footfall. For this reason it should also be covered by the PSA designation.

Linked to the point above, it is proposed that the existing shops in Church Rd be designated SRF in order to ensure they remain in A Class uses.

**Question 7:** Are these changes likely to result in a more vibrant town centre or will the planned increase to the PSA endanger investment in the existing PSA?

## Proposed Change 8: Reduce the extent of the Local Centre and PSA boundary and remove SRF designation from 79–109 South End

**Location:** Brighton Rd (Selsdon Rd) Local Centre



Scaled to fit

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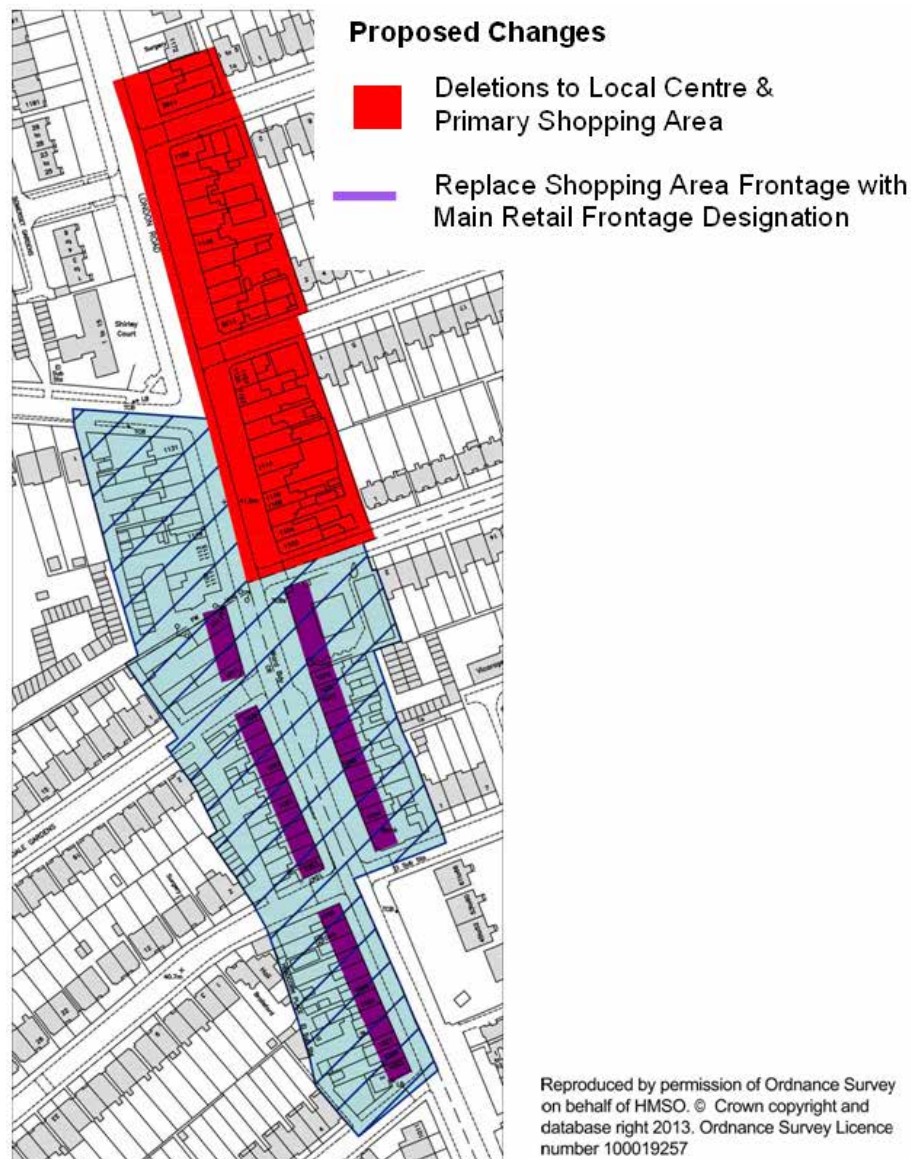
**Aim:** To reduce longer-term vacancy and ensure Brighton Rd (Selsdon Rd) Local Centre remains a vibrant town centre

**Approach:** The part of the Local Centre suggested for de-designation has high levels of vacancy, including a number of units which have been long-term vacant. Removal of the Local Centre designation may stimulate investor activity. In line with the above proposal, it is proposed the also remove the SRF designation from this part of South End.

**Question:** Will this change result in a more vibrant Local Centre or will it reduce the vacancy rate to a point where frictional vacancy is too low to facilitate expansion of successful businesses and churn?

## Proposed Change 9: Reduce extent of the Local Centre & PSA boundary and replace SAF with MRF designation

**Location:** Pollards Hill Local Centre



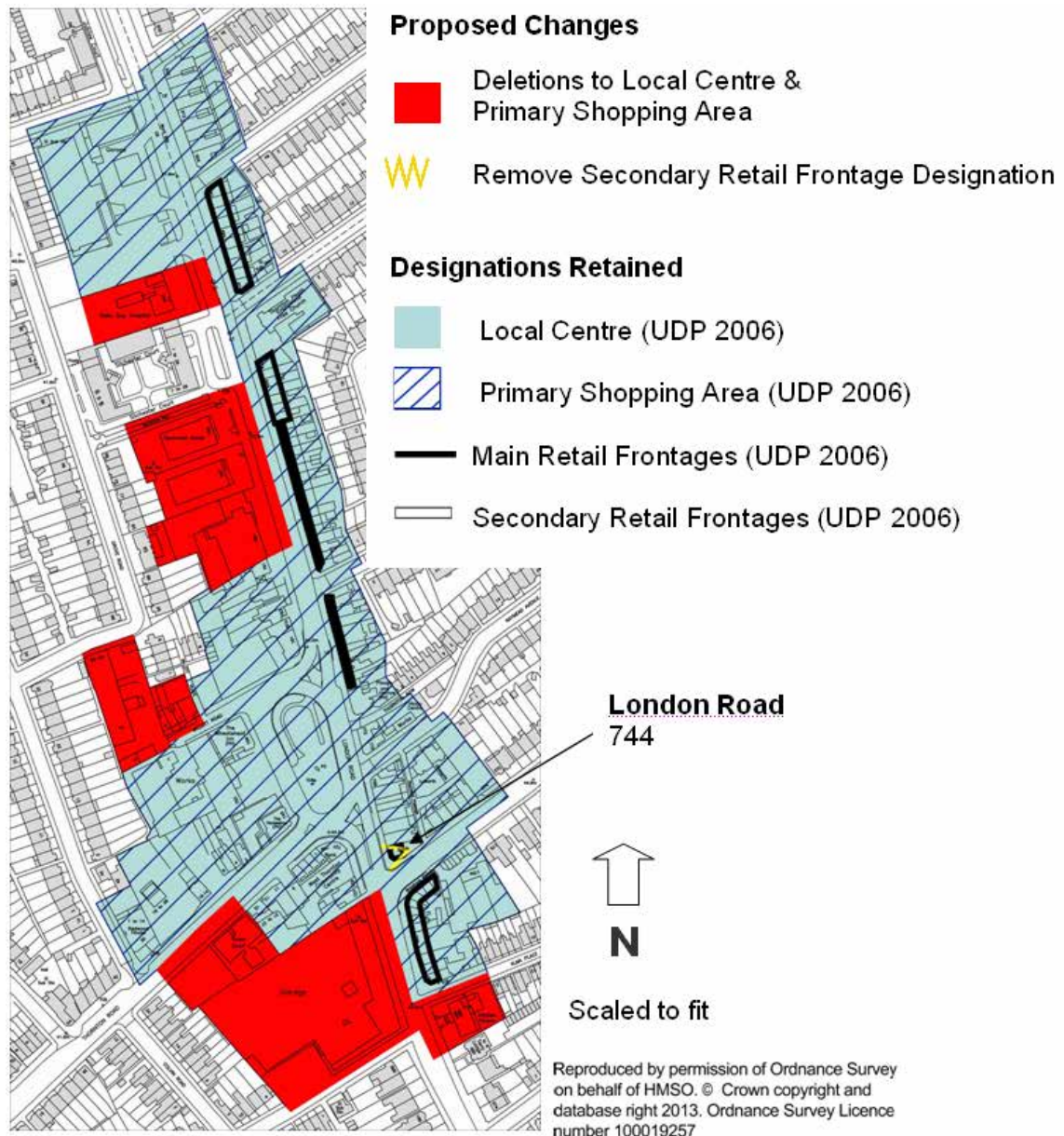
**Aim:** To ensure Pollards Hill remains a vibrant town centre

**Approach:** The part of the Local Centre suggested for de-designation on the eastern side of London Road is dominated by car showrooms which do not perform a Local Centre function. The part of the Local Centre suggested for de-designation on the western side of London Road has a number of vacant units and low levels of A1 activity and for these reasons is proposed for removal from the Local Centre. The SAF designation from the UDP is similar to the MRF designation but has an A1 threshold of 50% instead of 65%. For the purposes of making the retail policies clearer it is proposed to remove the SAF designation from the policy environment. By reducing the MRF threshold to 60% it can be applied in circumstances where a SAF designation was previously used with very little change in flexibility or policy effect.

**Question:** Will this change result in a more vibrant Local Centre or will it result in a loss of sites suitable for town centre activities to the detriment of the centre?

# Proposed Change 10: Reduce Local Centre and PSA boundary & remove SRF designation from 744 London Rd

**Location:** Thornton Heath Pond Local Centre



**Aim:** To ensure Thornton Heath Pond remains a vibrant town centre

**Approach:** Generally speaking the town centre properties on the western side of London Road do not perform a Local Centre function and are therefore proposed for removal.

744 London Rd is the only property in this part of the frontage to be designated SRF. As there is no apparent justification for this, it is proposed the designation be removed.

**Question:** Will this change result in a more vibrant Local Centre or will it result in a loss of sites suitable for town centre activities to the detriment of the centre?

# Proposed Change 11: Include further units and redesignate Beulah Rd as a Local Centre

**Location:** Beulah Rd Shopping Parade



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**Aim:** To recognise this Shopping Parade has many of the characteristics of designated Local Centres

**Approach:** This existing Shopping Parade and the immediate surrounding area performs a similar function to other Local Centres in the borough and for this reason it is proposed to designate the area a Local Centre.

**Question:** Are the impacts of this change likely to be positive. In particular, what impacts might it have on the vitality and viability of Thornton Heath District Centre?

# Appendix 2

Town and Country Planning  
(General Permitted Development)  
(Amendment) (England)  
Order 2013 SI1101

**2013 No. 1101**

**TOWN AND COUNTRY PLANNING, ENGLAND**

**The Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013**

<i>Made</i> - - - -	<i>7th May 2013</i>
<i>Laid before Parliament</i>	<i>9th May 2013</i>
<i>Coming into force</i> - -	<i>30th May 2013</i>

The Secretary of State, in exercise of the powers conferred by sections 59, 60, 61 and 333(7) of the Town and Country Planning Act 1990(a), makes the following Order:

**Citation, commencement and application**

1.—(1) This Order may be cited as the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013 and comes into force on 30th May 2013.

(2) This Order applies in relation to England only.

**Amendment of the Town and Country Planning (General Permitted Development) Order 1995**

2. The Town and Country Planning (General Permitted Development) Order 1995(b) is amended as follows.

**Amendments in relation to article 1(6A) land**

3.—(1) After article 1(6) insert—

“(6A) The land referred to elsewhere in this Order as article 1(6A) land is the land described in Part 4 of Schedule 1 to this Order (exempt office areas).”

(2) After Part 3 of Schedule 1 (Article 1(6) land) insert—

---

(a) 1990 c. 8, section 60 was amended by section 4 of the Growth and Infrastructure Act 2013 (c. 27). There are also other amendments to the 1990 Act which are not relevant to this Order. These powers are now vested in the Welsh Ministers so far as they are exercisable in relation to Wales. They were previously transferred to the National Assembly for Wales by article 2 of, and Schedule 1 to, the National Assembly for Wales (Transfer of Functions) Order 1999, S.I. 1999/672; see the entry in Schedule 1 for the Town and Country Planning Act 1990 (c. 8) as substituted by article 4 of, and Schedule 3 to, the National Assembly for Wales (Transfer of Functions) Order 2000 (S.I. 2000/253). By virtue of paragraphs 30 and 32 of Schedule 11 to the Government of Wales Act 2006 (c. 32), they were transferred to the Welsh Ministers.

(b) S.I. 1995/418. Relevant amendments were made by S.I. 2008/2362, 2010/654, 2010/2134, 2011/2056 and 2012/748. Part 24 was substituted by S.I. 2001/2718 and amended by S.I.s 2003/2155 and 2004/945.



## “PART 4

### Article 1(6A) Land

1. Land within the areas named in column 1 of the table in this Schedule is designated by reference to the area bounded externally by the outer edge of the boundary line shown on the corresponding map specified in column 3 of the table.

2. A reference in this Part of this Schedule to a map is to one of the maps numbered 1.1 to 1.36 and entitled “Maps of areas exempt from office to residential change of use permitted development right 2013”, of which copies, signed by a member of the Senior Civil Service in the Department for Communities and Local Government, are available for inspection at the offices of the Secretary of State for Communities and Local Government.

<i>Name of area</i>	<i>Local planning authority for the area</i>	<i>Map number (colour / style of boundary line)</i>
Central Activities Zone and Tech City, London	Common Council of the City of London	1.1 (red line)
	London Borough Council of Islington	1.2 (red line)
	London Borough Council of Hackney	1.3 to 1.7 (blue line)
	London Borough Council of Tower Hamlets	1.8 and 1.9 (red line and black borough boundary line, green line and black borough boundary line and pink line)
	London Borough Council of Southwark	1.10 (red line)
	London Borough Council of Lambeth	1.11 (red line)
	London Borough Council of Wandsworth	1.12 (blue line and black-dashed borough boundary line)
	Westminster City Council	1.13 (red line)
	Royal Borough Council of Kensington and Chelsea	1.14 (red line)
	London Borough Council of Camden	1.15 (red line)
The whole of the Royal Borough of Kensington and Chelsea (so far as not already designated under the entry for the Central Activities Zone and Tech City)	Royal Borough Council of Kensington and Chelsea	1.14 (red line)
Areas in the Isle of Dogs (so far as not already designated under the entry for Central Activities Zone and Tech City)	London Borough Council of Tower Hamlets	1.8 and 1.9 (blue line)
3 areas known as the Royal Docks Enterprise Zone	London Borough Council of Newham	1.16 (red line)
2 areas known as Milton Park Enterprise Zone	Vale of the White Horse Borough Council	1.17 (red line)
Harwell Oxford Enterprise Zone	Vale of the White Horse Borough Council	1.18 (red line)

2 areas known as Manchester City Centre Core	Manchester City Council	1.19 (red line)
13 areas within the Gunnels Wood Employment Area	Stevenage Borough Council	1.20 (red line)
8 areas in and around De Beauvoir	London Borough of Hackney	1.21 (blue line)
6 areas in and around Mare Street	London Borough of Hackney	1.22 (blue line)
BT Building, London Road	Sevenoaks District Council	1.23 (black line)
An area in London Road	Sevenoaks District Council	1.24 (black line)
Crown Inn, Westerham Trading Centre, Westerham	Sevenoaks District Council	1.25 (black line)
Ashford Commercial Quarter	Ashford Borough Council	1.26 (red line)
Petersfield Parish	East Hampshire District Council	1.27 (red line)
Alton Parish	East Hampshire District Council	1.28 (red line)
An area in Whitehall and Bordon	East Hampshire District Council	1.29 (red line)
Horndean Parish	East Hampshire District Council	1.30 (red line)
Liss Parish	East Hampshire District Council	1.31 (red line)
Bramshott and Liphook Ward and Parish	East Hampshire District Council	1.32 (red line)
Ropley Parish	East Hampshire District Council	1.33 (red line)
Bentley Parish	East Hampshire District Council	1.34 (red line)
Grayshott Ward and Parish	East Hampshire District Council	1.35 (red line)
Four Marks and Medstead Ward	East Hampshire District Council	1.36 (red line)”

#### **Amendments in relation to home extensions**

4.—(1) In Part 1 of Schedule 2 (development within the curtilage of a dwellinghouse), Class A is amended as follows

(2) In paragraph A.1(e) at the beginning insert “subject to paragraph (ea).”.

(3) After paragraph A.1(e) insert—

“(ea) until 30th May 2016, for a dwellinghouse not on article 1(5) land nor on a site of special scientific interest, the enlarged part of the dwellinghouse would have a single storey and—

(i) extend beyond the rear wall of the original dwellinghouse by more than 8 metres in the case of a detached dwellinghouse, or 6 metres in the case of any other dwellinghouse, or

(ii) exceed 4 metres in height;”

(4) After paragraph A.3 insert—

“A.4.—(1) The following conditions apply to development permitted by Class A which exceeds the limits in paragraph A.1(e) but is allowed by paragraph A.1(ea).

(2) Before beginning the development the developer shall provide the following information to the local planning authority—

- (a) a written description of the proposed development including—
  - (i) how far the enlarged part of the dwellinghouse extends beyond the rear wall of the original dwellinghouse;
  - (ii) the maximum height of the enlarged part of the dwellinghouse; and
  - (iii) the height of the eaves of the enlarged part of the dwellinghouse;
- (b) a plan indicating the site and showing the proposed development;
- (c) the addresses of any adjoining premises;
- (d) the developer's contact address; and
- (e) the developer's email address if the developer is content to receive communications electronically.

(3) The local planning authority shall notify owners or occupiers of any adjoining premises about the proposed development by serving on them a notice which—

- (a) describes the proposed development, including—
  - (i) how far the enlarged part of the dwellinghouse extends beyond the rear wall of the original dwellinghouse;
  - (ii) the maximum height of the enlarged part of the dwellinghouse; and
  - (iii) the height of the eaves of the enlarged part of the dwellinghouse;
- (b) provides the address of the proposed development;
- (c) specifies the date when the information referred to in paragraph (2) was received by the local planning authority and the date when the period referred to in paragraph (8)(c) would expire; and
- (d) specifies the date (being not less than 21 days from the date of the notice) by which representations are to be received by the local planning authority.

(4) The local planning authority must send a copy of the notice referred to in paragraph (3) to the developer.

(5) Where any owner or occupier of any adjoining premises objects to the proposed development, the prior approval of the local planning authority is required as to the impact of the proposed development on the amenity of any adjoining premises.

(6) The local planning authority may require the developer to submit such further information regarding the proposed development as the local planning authority may reasonably require in order to consider the impact of the proposed development on the amenity of any adjoining premises.

(7) The local planning authority shall, when considering the impact referred to in paragraphs (5) and (6)—

- (a) take into account any representations made as a result of the notice given under paragraph (3); and
- (b) consider the amenity of all adjoining premises, not just adjoining premises which are the subject of representations.

(8) The development shall not be begun before the occurrence of one of the following—

- (a) the receipt by the developer from the local planning authority of a written notice that their prior approval is not required;
- (b) the receipt by the developer from the local planning authority of a written notice giving their prior approval; or
- (c) the expiry of 42 days following the date on which the information referred to in paragraph (2) was received by the local planning authority without the local planning authority notifying the developer as to whether prior approval is given or refused.

- (9) The development shall be carried out—
- (a) where prior approval is required, in accordance with the details approved by the local planning authority;
  - (b) where prior approval is not required, or where paragraph (8)(c) applies, in accordance with the information provided under paragraph (2),
- unless the local planning authority and the developer agree otherwise in writing.
- (10) The development shall be completed on or before 30th May 2016.
- (11) The developer shall notify the local planning authority of the completion of the development as soon as reasonably practicable after completion.
- (12) The notification referred to in paragraph (11) shall be in writing and shall include—
- (a) the name of the developer;
  - (b) the address or location of the development, and
  - (c) the date of completion.”

#### **Amendments in relation to minor operations**

- 5.**—(1) In Part 2 of Schedule 2 (minor operations), Class A is amended as follows.
- (2) For paragraph A.1(a) substitute—
- “(a) the height of any gate, fence, wall or means of enclosure erected or constructed adjacent to a highway used by vehicular traffic would, after the carrying out of the development, exceed—
    - (i) for a school, two metres above ground level, provided that any part of the gate, fence, wall or means of enclosure which is more than one metre above ground level does not create an obstruction to the view of persons using the highway as to be likely to cause danger to such persons;
    - (ii) in any other case, one metre above ground level;”
- (3) After paragraph A.1 insert—

#### **“Interpretation of Class A**

**A.2** For the purposes of Class A, “school” includes a building permitted by Class C of Part 4 of this Schedule to be used temporarily as a school, from the date the local planning authority is notified as provided in paragraph C.2(b) of Class C of Part 4.”

#### **Amendments in relation to change of use**

- 6.**—(1) In Part 3 of Schedule 2 (changes of use), in paragraph B.1 of Class B, for “235” substitute “500”.
- (2) In Part 3 of Schedule 2 (changes of use) after Class I insert—

#### **“Class J**

##### **Permitted development**

**J. Development consisting of a change of use of a building and any land within its curtilage to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order from a use falling within Class B1(a) (offices) of that Schedule.**

##### **Development not permitted**

**J.1** Development is not permitted by Class J where—

- (a) the building is on article 1(6A) land;
- (b) the building was not used for a use falling within Class B1(a) (offices) of the Schedule to the Use Classes Order immediately before 30th May 2013 or, if the building was not in use immediately before that date, when it was last in use;
- (c) the use of the building falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order was begun after 30th May 2016;
- (d) the site is or forms part of a safety hazard area;
- (e) the site is or forms part of a military explosives storage area;
- (f) the building is a listed building or a scheduled monument.

### **Conditions**

**J.2** Class J development is permitted subject to the condition that before beginning the development, the developer shall apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to—

- (a) transport and highways impacts of the development;
- (b) contamination risks on the site; and
- (c) flooding risks on the site,

and the provisions of paragraph N shall apply in relation to any such application.

## Class K

### **Permitted Development**

**K. Development consisting of a change of use of a building and any land within its curtilage to use as a state-funded school, from a use falling within Classes B1 (business), C1 (hotels), C2 (residential institutions), C2A (secure residential institutions) and D2 (assembly and leisure) of the Schedule to the Use Classes Order.**

### **Development not permitted**

**K.1** Development is not permitted by Class K where—

- (a) the site is or forms part of a military explosives storage area;
- (b) the site is or forms part of a safety hazard area;
- (c) the building is a listed building or a scheduled monument.

### **Conditions**

**K.2** Development is permitted by Class K subject to the following conditions—

- (a) the site is to be used as a state-funded school and for no other purpose, including any other purpose falling within Class D1 (non-residential institutions) of the Schedule to the Use Classes Order, except to the extent that the other purpose is ancillary to the primary use of the site as a state-funded school;
- (b) before beginning the development, the developer shall apply to the local planning authority for a determination as to whether the prior approval of the local planning authority will be required as to—
  - (i) transport and highways impacts of the development;
  - (ii) noise impacts of the development; and
  - (iii) contamination risks on the site,

and the provisions of paragraph N shall apply in relation to any such application.

## Class L

### Permitted development

**L. Development consisting of a change of use of land from a use permitted by Class K to the previous lawful use of the land.**

## Class M

### Permitted development

**M. Development consisting of a change of use of a building and any land within its curtilage from use as an agricultural building to a flexible use falling within either Class A1 (shops), Class A2 (financial and professional services), Class A3 (restaurants and cafes), Class B1 (business), Class B8 (storage or distribution), Class C1 (hotels) or Class D2 (assembly and leisure) of the Schedule to the Use Classes Order.**

### Development not permitted

**M.1** Development is not permitted by Class M if—

- (a) the building has not been solely in agricultural use—
  - (i) since 3rd July 2012; or
  - (ii) for buildings first brought into use after 3rd July 2012, for ten years;
- (b) the cumulative floor space of buildings which have changed use under Class M within an original agricultural unit exceeds 500 square metres;
- (c) the site is or forms part of a military explosives storage area;
- (d) the site is or forms part of a safety hazard area;
- (e) the building is a listed building or a scheduled monument.

### Conditions

**M.2** Development is permitted by Class M subject to the following conditions—

- (a) a site which has changed use under Class M may, subject to paragraph M.3, subsequently change use to another use falling within one of the use classes comprising the flexible use.
- (b) for the purposes of the Use Classes Order and this Order, after a site has changed use under Class M the site it is to be treated as having a sui generis use;
- (c) after a site has changed use under Class M, the planning permissions granted by Class B of Part 41 of Schedule 2 to this Order apply to the building, subject to the following modifications—
  - (i) “curtilage” has the meaning given in Class M;
  - (ii) any reference to “office building” is to be read as a reference to the building which has changed use under Class M.

**M.3** Before changing the use of the site under Class M, and before any subsequent change of use to another use falling within one of the use classes comprising the flexible use, the developer shall—

- (a) where the cumulative floor space of the building or buildings which have changed use under Class M within an original agricultural unit does not exceed 150 square metres, provide the following information to the local planning authority—
  - (i) the date the site will begin to be used for any of the flexible uses;

- (ii) the nature of the use or uses; and
  - (iii) a plan indicating the site and which buildings have changed use;
- (b) where the cumulative floor space of the building or buildings which have changed use under Class M within an original agricultural unit exceeds 150 square metres and does not exceed 500 square metres, apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to—
- (i) transport and highways impacts of the development;
  - (ii) noise impacts of the development;
  - (iii) contamination risks on the site; and
  - (iv) flooding risks on the site,
- and the provisions of paragraph N shall apply in relation to any such application.

### Procedure for applications for prior approval under Part 3

N.—(1) The following provisions apply where under this Part a developer is required to make an application to a local planning authority for a determination as to whether the prior approval of the authority will be required.

(2) The application shall be accompanied by—

- (a) a written description of the proposed development;
- (b) a plan indicating the site and showing the proposed development;
- (c) the developer's contact address; and
- (d) the developer's email address if the developer is content to receive communications electronically;

together with any fee required to be paid.

(3) Where the application relates to prior approval as to transport and highways impacts of the development, on receipt of the application, where in the opinion of the local planning authority the development is likely to result in a material increase or a material change in the character of traffic in the vicinity of the site, the local planning authority shall consult—

- (a) the Secretary of State for Transport, where the increase or change relates to traffic entering or leaving a trunk road;
- (b) the local highway authority, where the increase or change relates to traffic entering or leaving a classified road or proposed highway, except where the local planning authority is the local highway authority; and
- (c) the operator of the network which includes or consists of the railway in question, and the Secretary of State for Transport, where the increase or change relates to traffic using a level crossing over a railway.

(4) Where the application relates to prior approval as to the flooding risks on the site, on receipt of the application, the local planning authority shall consult the Environment Agency where the development is—

- (a) in an area within Flood Zone 2 or Flood Zone 3; or
- (b) in an area within Flood Zone 1 which has critical drainage problems and which has been notified to the local planning authority by the Environment Agency for the purpose of paragraph (ze)(ii) in the Table in Schedule 5 to the 2010 Order.

(5) The local planning authority shall notify the consultees referred to in paragraphs (3) and (4) specifying the date by which they must respond (being not less than 21 days from the date the notice is given).

(6) The local planning authority shall give notice of the proposed development—

- (a) by site display in at least one place on or near the land to which the application relates for not less than 21 days of a notice which—
    - (i) describes the proposed development;
    - (ii) provides the address of the proposed development;
    - (iii) specifies the date by which representations are to be received by the local planning authority; or
  - (b) by serving a notice in that form on any adjoining owner or occupier.
- (7) The local planning authority may require the developer to submit such information regarding the impacts and risks referred to in paragraph J.2, K.2(b) or M.3(b), as the case may be, as the local planning authority may reasonably require in order to determine the application, which may include—
- (a) assessments of impacts or risks;
  - (b) statements setting out how impacts or risks are to be mitigated.
- (8) The local planning authority shall, when determining an application—
- (a) take into account any representations made to them as a result of any consultation under paragraphs (3) or (4) and any notice given under paragraph (6);
  - (b) have regard to the National Planning Policy Framework issued by the Department for Communities and Local Government in March 2012 as if the application were a planning application; and
  - (c) in relation to the contamination risks on the site—
    - (i) determine whether, as a result of the proposed change of use, taking into account any proposed mitigation, the site will be contaminated land as described in Part 2A of the Environmental Protection Act 1990(a), and in doing so have regard to the Contaminated Land Statutory Guidance issued by Secretary of State for the Environment, Food and Rural Affairs in April 2012, and
    - (ii) if they determine that the site will be contaminated land, refuse to give prior approval.
- (9) The development shall not be begun before the occurrence of one of the following—
- (a) the receipt by the applicant from the local planning authority of a written notice of their determination that such prior approval is not required;
  - (b) the receipt by the applicant from the local planning authority of a written notice giving their prior approval; or
  - (c) the expiry of 56 days following the date on which the application was received by the local planning authority without the authority notifying the applicant as to whether prior approval is given or refused.
- (10) The development shall be carried out—
- (a) where prior approval is required, in accordance with the details approved by the local planning authority;
  - (b) where prior approval is not required, or where paragraph (9)(c) applies, in accordance with the details provided in the application referred to in paragraph (1),
- unless the local planning authority and the developer agree otherwise in writing.

## Interpretation of Part 3

### O. For the purposes of Part 3—

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(a) 1990 c. 43. Part 2A was inserted by section 57 of the Environment Act 1995 (c.25).



“2010 Order” means the Town and Country Planning (Development Management Procedure) (England) Order 2010(a);

“adjoining owner or occupier” means any owner or occupier of any premises or land adjoining the site;

“agricultural building” means a building used for agriculture and which is so used for the purposes of a trade or business, and excludes any dwellinghouse, and “agricultural use” refers to such uses;

“curtilage” means, for the purposes of Class M only—

- (i) the piece of land, whether enclosed or unenclosed, immediately beside or around the agricultural building, closely associated with and serving the purposes of the agricultural building; or
- (ii) where it is not possible to discern such a piece of land, an area of land immediately beside or around the agricultural building no larger than the floor space of the building;

“flexible use” has the meaning given in paragraph M;

“Flood Zone 1”, “Flood Zone 2” and “Flood Zone 3” have the meaning given in Schedule 5 to the 2010 Order;

“military explosives storage area” means an area, including an aerodrome, depot or port, within which the storage of military explosives has been licensed by the Secretary of State for Defence, and identified on a safeguarding map provided to the local planning authority for the purposes of a direction made by the Secretary of State in exercise of powers conferred by article 25(1) of the 2010 Order (or any previous powers to the like effect)(b);

“network” and “operator”, for the purposes of paragraph N, have the same meaning as in Part I of the Railways Act 1993 (the provision of railway services)(c);

“original agricultural unit” means agricultural land which was occupied as a unit for the purposes of agriculture on 3rd July 2012;

“safety hazard area” means an area notified to the local planning authority by the Health and Safety Executive for the purposes of paragraph (e) of the Table in Schedule 5 to the 2010 Order (or any previous powers to the like effect);

“site” means the building and any land within its curtilage;

“state-funded school” means a school funded wholly or mainly from public funds, including—

- (i) an Academy school, an alternative provision Academy or a 16 to 19 Academy established under the Academies Act 2010(d);
- (ii) a school maintained by a local authority, as defined in section 142(1) of the School Standards and Framework Act 1998(e); and

“sui generis use” means a use for which no class is specified in the Schedule to the Use Classes Order.”

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(a) S.I. 2010/2184; to which there are amendments not relevant to Part 3.

(b) See the Town and Country Planning (Safeguarded Aerodromes, Technical Sites and Military Explosives Storage Areas) Direction 2002, which is annexed to Joint Circular 01/2003 issued on 27 January 2003 by the Office of the Deputy Prime Minister (now the Department for Communities and Local Government), the Department for Transport and National Assembly for Wales (now the Welsh Assembly Government).

(c) 1993 c. 43; see section 83.

(d) 2010 c. 32; relevant amendments were made by Part 6 of the Education Act 2011 (c. 21). The reference to educational institutions established under the Academies Act 2010 is intended to include city technical colleges, city colleges for the technology of the arts, city academies and Academies established under sections 482 and 483 of the Education Act 1996 (c. 56), which were repealed and re-enacted by the Academies Act 2010. A direct reference in this instrument to sections 482 and 483 would be construed, under section 17 of the Interpretation Act 1978 (c. 30), as a reference to sections 482 and 483 as re-enacted in the Academies Act 2010.

(e) 1998 c. 31.

## **Amendments in relation to temporary use of buildings**

7. In Part 4 of Schedule 2 (temporary buildings and uses), after Class B insert—

### **“Class C**

#### **Permitted development**

**C. The use of a building and any land within its curtilage as a state-funded school for a single academic year.**

#### **Development not permitted**

**C.1** Development is not permitted by Class C if—

- (a) the existing use of the site is not a class of use specified in the Schedule to the Use Classes Order;
- (b) the site is or forms part of a military explosives storage area;
- (c) the site is or forms part of a safety hazard area;
- (d) the building is a listed building or a scheduled monument.

#### **Conditions**

**C.2** Development is permitted by Class C subject to the following conditions—

- (a) the site must be approved for use as a state-funded school by the relevant Minister;
- (b) the relevant Minister must notify the local planning authority of the approval and of the proposed opening date of the school;
- (c) the site is to be used as a state-funded school and for no other purpose, including any other purpose falling within Class D1 (non-residential institutions) of the Schedule to the Use Classes Order, except to the extent that the other purpose is ancillary to the primary use of the site as a state-funded school;
- (d) the permission is granted for one academic year and it may be used only once in relation to a particular site;
- (e) the site reverts to its previous lawful use at the end of the academic year.

#### **Interpretation of Class C**

**C.3** For the purposes of Class C—

“academic year” means any period beginning with 1st August and ending with the next 31st July;

“relevant Minister” means the Secretary of State with policy responsibility for schools;

“state-funded school” means a school funded wholly or mainly from public funds, including—

- (i) an Academy school, an alternative provision Academy or a 16 to 19 Academy established under the Academies Act 2010(a);

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(a) 2010 c. 32; relevant amendments were made by Part 6 of the Education Act 2011 (c. 21). The reference to educational institutions established under the Academies Act 2010 is intended to include city technical colleges, city colleges for the technology of the arts, city academies and Academies established under sections 482 and 483 of the Education Act 1996 (c. 56), which were repealed and re-enacted by the Academies Act 2010. A direct reference in this instrument to sections 482 and 483 would be construed, under section 17 of the Interpretation Act 1978 (c. 30), as a reference to sections 482 and 483 as re-enacted in the Academies Act 2010.

- (ii) a school maintained by a local authority, as defined in section 142(1) of the School Standards and Framework Act 1998(a).

## Class D

### Permitted development

**D. Development consisting of a change of use of a building and any land within its curtilage—**

- (a) to a flexible use falling within either Class A1 (shops), Class A2 (financial and professional services), Class A3 (restaurants and cafes) or Class B1 (business) of the Schedule to the Use Classes Order,
- (b) from a use falling within Classes A1 (shops), A2 (financial and professional services), A3 (restaurants and cafes), A4 (drinking establishments), Class A5 (hot food takeaways), B1 (business), D1 (non-residential institutions) and D2 (assembly and leisure) of that Schedule,

**for a single continuous period of up to two years beginning on the date the building and any land within its curtilage begins to be used for one of the flexible uses.**

### Development not permitted

**D.1** Development is not permitted by Class D if—

- (a) the change of use relates to more than 150 square metres of floor space in the building;
- (b) the site has at any time in the past relied upon the permission granted by Class D;
- (c) the site is or forms part of a military explosives storage area;
- (d) the site is or forms part of a safety hazard area;
- (e) the building is a listed building or a scheduled monument.

### Conditions

**D.2** Development is permitted by Class D subject to the following conditions—

- (a) the developer shall notify the local planning authority of the date the site will begin to be used for one of the flexible uses, and what that use will be, before the use begins;
- (b) at any given time during the two year period referred to in paragraph D the site shall be used for a purpose, or purposes, falling within just one of the use classes comprising the flexible use;
- (c) the site may at any time during the two year period change use to a use falling within one of the other use classes comprising the flexible use, subject to further notification as provided in paragraph (a);
- (d) for the purposes of the Use Classes Order and this Order, during the period of flexible use the site retains the use class it had before changing to any of the flexible uses under Class D;
- (e) the site reverts to its previous lawful use at the end of the period of flexible use.

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(a) 1998 c. 31.

## Interpretation of Class D

**D.3** For the purposes of Class D “flexible use” has the meaning given in paragraph D(a).

## Interpretation of Part 4

**E.** For the purposes of Part 4—

“2010 Order” means the Town and Country Planning (Development Management Procedure) (England) Order 2010(a);

“military explosives storage area” means an area, including an aerodrome, depot or port, within which the storage of military explosives has been licensed by the Secretary of State for Defence, and identified on a safeguarding map provided to the local planning authority for the purposes of a direction made by the Secretary of State in exercise of powers conferred by article 25(1) of the 2010 Order (or any previous powers to the like effect)(b);

“safety hazard area” means an area notified to the local planning authority by the Health and Safety Executive for the purposes of paragraph (e) of the Table in Schedule 5 to the 2010 Order (or any previous powers to the like effect);

“site” means the building and any land within its curtilage.”

## Amendments in relation to industrial and warehouse development

**8.**—(1) In Part 8 of Schedule 2 (industrial and warehouse development), Class A is amended as follows.

(2) In paragraph A.1(d) at the beginning insert “subject to paragraph (da),”.

(3) After paragraph A.1(d) insert—

“(da) until 30th May 2016 for a building not on article 1(5) land nor on a site of special scientific interest the gross floor space of any new building erected would exceed 200 square metres;”

(4) In paragraph A.1(e) at the beginning insert “subject to paragraph (ea),”.

(5) After paragraph A.1(e) insert—

“(ea) until 30th May 2016, the gross floor space of the original building would be exceeded by more than—

(i) 10% in respect of development on any article 1(5) land, 25% in respect of development on a site of special scientific interest and 50% in any other case; or

(ii) 500 square metres in respect of development on any article 1(5) land or 1,000 square metres in any other case;

whichever is the lesser;”

(6) After paragraph A.2 insert—

“**A.2A**—(1) The following conditions apply to development permitted by Class A which—

(a) exceeds the limit in paragraph A.1(d) but is allowed by paragraph A.1(da); or

(b) exceeds the limits in paragraph A.1(e) but is allowed by paragraph A.1(ea).

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(a) S.I. 2010/2184; to which there are amendments not relevant to Part 4.

(b) See the Town and Country Planning (Safeguarded Aerodromes, Technical Sites and Military Explosives Storage Areas) Direction 2002, which is annexed to Joint Circular 01/2003 issued on 27 January 2003 by the Office of the Deputy Prime Minister (now the Department for Communities and Local Government), the Department for Transport and National Assembly for Wales (now the Welsh Assembly Government).

- (2) The development shall be completed on or before 30th May 2016.
- (3) The developer shall notify the local planning authority of the completion of the development as soon as reasonably practicable after completion.
- (4) The notification shall be in writing and shall include—
  - (a) the name of the developer,
  - (b) the address or location of the development,
  - (c) a description of the development, including measurements and calculations relevant to the requirements of paragraphs A.1(da) and (ea), and
  - (d) the date of completion.”

#### **Amendments in relation to development by electronic communications code operators**

**9.**—(1) Part 24 of Schedule 2 (development by electronic communications code operators) is amended as follows.

- (2) In paragraph A.2(4) at the beginning insert “Subject to paragraph (4A),”
- (3) After paragraph A.2(4) insert—
  - “(4A) The conditions set out in paragraph A.3 (prior approval) do not apply in relation to Class A development on any article 1(5) land which consists of the construction, installation, alteration or replacement of a telegraph pole, cabinet or line, in connection with the provision of fixed-line broadband, provided that the development is completed on or before 30th May 2018.”
- (4) After paragraph A.3(4)(a) insert—
  - “(aa) by the developer’s contact address, and the developer’s email address if the developer has one;”
- (5) In paragraph A.4—
  - (a) after the definition of “antenna system” insert—
    - ““fixed-line broadband” means a service or connection (commonly referred to as being ‘always on’), via a fixed-line network, providing a bandwidth greater than narrowband;”
    - ”; and
  - (b) after the definition of “mast” insert—
    - ““narrowband” means a service or connection providing data speeds up to 128 k bit/s;”

#### **Amendments in relation to schools**

**10.** In Part 32 of Schedule 2 (schools, colleges, universities and hospitals), after paragraph B.2 insert—

### **“Interpretation of Part 32**

**C.** For the purposes of Part 32, “school” includes a building permitted by Class C of Part 4 of this Schedule to be used temporarily as a school, from the date the local planning authority is notified as provided in paragraph C.2(b) of Class C of Part 4.”

#### **Amendments in relation to office buildings**

- 11.**—(1) In Part 41 of Schedule 2 (office buildings) Class A(a) is amended as follows.
- (2) In paragraph A.1(a) at the beginning insert “subject to paragraph (aa),”.

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(a) Part 41 was inserted into S.I. 1995/418 by article 2 of S.I. 2010/654.

(3) After paragraph A.1(a) insert—

“(aa) until 30th May 2016 for a building not on a site of special scientific interest the gross floor space of the original building would be exceeded by more than—

- (i) 50%; or
  - (ii) 100 square metres,
- whichever is the lesser;”

(4) After paragraph A.2 insert—

“**A.2A**—(1) The following conditions apply to development permitted by Class A which exceeds the limits in paragraph A.1(a) but is allowed by paragraph A.1(aa).

(2) The development shall be completed on or before 30th May 2016.

(3) The developer shall notify the local planning authority of the completion of the development as soon as reasonably practicable after completion.

(4) The notification shall be in writing and shall include—

- (a) the name of the developer,
- (b) the address or location of the development,
- (c) a description of the development, including measurements and calculations relevant to the requirements of paragraph A.1(aa), and
- (d) the date of completion.”

#### **Amendments in relation to shops or catering, financial or professional services establishments**

**12.**—(1) In Part 42 of Schedule 2 (shops or catering, financial or professional services establishments), Class A is amended as follows.

(2) In paragraph A.1(a) at the beginning insert “subject to paragraph (aa).”.

(3) After paragraph A.1(a) insert—

“(aa) until 30th May 2016 for a building not on a site of special scientific interest the gross floor space of the original building would be exceeded by more than—

- (i) 50%; or
  - (ii) 100 square metres,
- whichever is the lesser;”

(4) In paragraph A.1(c) at the beginning insert “subject to paragraph (ca).”.

(5) After paragraph A.1(c) insert—

“(ca) until 30th May 2016 paragraph (c) only applies where—

- (i) the land on which the building is located adjoins land or a building which is used for a purpose falling within Class C of the Schedule to the Use Classes Order;
- (ii) the development is on article 1(5) land; or
- (iii) the development is on a site of special scientific interest;”

(6) After paragraph A.2 insert—

“**A.2A**—(1) The following conditions apply to development permitted by Class A which—

- (a) exceeds the limits in paragraph A.1(a) but is allowed by paragraph A.1(aa); or
- (b) relies upon the disapplication of paragraph A.1(c) provided by paragraph A.1(ca).

(2) The development shall be completed on or before 30th May 2016.

(3) The developer shall notify the local planning authority of the completion of the development as soon as reasonably practicable after completion.

(4) The notification shall be in writing and shall include—

- (a) the name of the developer,
- (b) the address or location of the development,
- (c) a description of the development, including measurements and calculations relevant to the requirements of paragraph A.1(aa), and
- (d) the date of completion.”

Signed by authority of the Secretary of State for Communities and Local Government

7th May 2013

*Nick Boles*  
Parliamentary Under Secretary of State  
Department for Communities and Local Government

### **EXPLANATORY NOTE**

*(This note is not part of the Order)*

This Order amends, in England, the Town and Country Planning (General Permitted Development) Order 1995 (S.I. 1995/418) (“the 1995 Order”).

Article 3 amends article 1 of the 1995 Order to insert a definition of article 1(6A) land. It also inserts a new Part 4 into Schedule 1 to the 1995 Order which provides a list of article 1(6A) land. The new permitted development right in class J of Part 3 of Schedule 2 to the 1995 Order (inserted by article 6(2) of this Order) does not apply in relation to any building on article 1(6A) land.

Article 4 amends Part 1 of Schedule 2 to the 1995 Order to allow larger home extensions to be built until 30th May 2016. This temporary permitted development right is subject to a new procedure. Before beginning the development the person relying on the right must notify the local planning authority. The authority will then notify neighbouring properties. If neighbours object to the proposed development the authority must consider whether the extension should be approved. The development may not be started until the authority has notified the person of their decision or until the expiry of 42 days without such a decision being notified.

Article 5 amends Class A of Part 2 of Schedule 2 to the 1995 Order to allow schools to build a higher boundary fence or wall adjacent to a highway, provided it does not create an obstruction which is likely to be a danger for highway users. “School” is defined to include buildings which qualify for the right to change temporarily to use as a state-funded school under new Class C of Part 4 of Schedule 2 (see article 7 of this Order), from the date the local planning authority is notified by the relevant Minister that the site has been approved for temporary school use.

Article 6 amends Part 3 of Schedule 2 to the 1995 Order as follows. Article 6(1) amends Class B of Part 3 to increase the size of floor space in business premises which may change use from use classes B1 or B2 in the Schedule to the Town and Country Planning (Use Classes) Order 1987 (S.I. 1987/764) (“the Use Classes Order”) to use class B8, or from use classes B2 or B8 to use class B1, from 235 square metres to 500 square metres.

Article 6(2) inserts new Class J into Part 3 (changes of use). The new permitted development right is temporary, will expire on 30th May 2016, and does not apply on land in certain areas. Those areas are certain military sites, safety hazard areas and areas described as article 1(6A) land and are defined in article 1(6A) of, and Part 4 of Schedule 1 to, the 1995 Order (inserted by article 3 of this Order). The new permitted development right is subject to the conditions in paragraph J.2 – this requires prior approval of the local planning authority in relation to transport and highways, contamination and flooding. Paragraph N sets out the procedure for applying for approval.

Article 6(2) also inserts new Class K into Part 3 (changes of use). This new permitted development right enables various types of building to change use to use as a state-funded school,

subject to the approval of the local planning authority regarding transport and highways, noise impacts and contamination, and Class L allows reversion to the previous use.

Article 6(2) also inserts new Class M into Part 3 (changes of use). This new permitted development right allows existing agricultural buildings to change use to a flexible use falling within use class A1, A2, A3, B1, B8, C1 or D2 in the Schedule to the Use Classes Order. To qualify the building must have been in agricultural use since 3rd July 2012 or if the use began later than that date, for a period of at least 10 years. No more than 500 square metres of floor space in the building can be converted to a new use under the new right. Before beginning the development the person relying on the right must notify the local planning authority. If the change of use relates to more than 150 square metres of floor space the new permitted development right is subject to prior approval of the local planning authority in relation to transport and highways, noise impacts, contamination and flooding. Paragraph N sets out the procedure for applying for approval.

Article 6(2) also inserts, a new paragraph N into Part 3 (change of use), which is a new provision setting out the procedure to be followed where a developer is required to apply to the local planning authority for prior approval under Part 3. The procedure is similar to the existing procedures for other prior approvals under Schedule 2 to the 1995 Order.

Article 6(2) also inserts a new interpretation provision at paragraph O of Part 3 (change of use).

Article 7 amends Part 4 of Schedule 2 to the 1995 Order as follows. Article 7 inserts a new class C into Part 4 which is a temporary permitted development right allowing any building being used for a purpose which falls within one of the use classes set out in the Schedule to the Use Classes Order to change to use as a state-funded school for a single period of one academic year, provided the building has been approved for school use by the relevant Minister, the Secretary of State responsible for schools.

Article 7 also inserts a new class D into Part 4 of Schedule 2 to the 1995 Order which is a new permitted development right allowing any building within use classes A1, A2, A3, A4, A5, B1, D1 and D2 in the Schedule to the Use Classes Order to change to a flexible use falling within either use class A1, A2, A3 or B1. The new use may only be for a single continuous period of up to 2 years. The change of use may only relate to a floor space of no more than 150 square metres.

Article 8 amends Part 8 of Schedule 2 to the 1995 Order to increase the permitted development right to erect, extend or alter industrial and warehouse premises from 25% of gross floor space or 100 square metres (whichever is the lesser) to 50% or 200 square metres. The new permitted development right is temporary and will expire on 30th May 2016.

Article 9 amends Part 24 of Schedule 2 to the 1995 Order which sets out permitted development rights in relation to developments by electronic communications code operators. Article 9 provides that, in relation to article 1(5) land, the construction, installation or replacement of telegraph poles, cabinets or lines for fixed-line broadband services will not require prior approval under paragraph A.3 of Part 24 for a 5 year period. In order to rely on this change to the permitted development rights, development must be completed before 30th May 2018.

Article 10 amends Part 32 of Schedule 2 to the 1995 Order to give buildings which qualify for the right to change temporarily to school use under new Class C of Part 4 of Schedule 2 (see article 7) the benefit of existing permitted development rights which allow schools to carry out building works (including the erection, extension or alteration of buildings and the provision of hard surfaces) subject to various conditions and limitations. This will apply from the date the local planning authority is notified by the relevant Minister that the site has been approved for school use.

Article 11 amends Part 41 of Schedule 2 to the 1995 Order to increase the permitted development right to extend or alter an office building from 25% of gross floor space or 50 square metres (whichever is the lesser) to 50% or 100 square metres. The new permitted development right is temporary and will expire on 30th May 2016.



Article 12 amends Part 42 of Schedule 2 to the 1995 Order to increase the permitted development right to extend or alter a shop, catering, professional or financial services establishment from 25% of gross floor space or 50 square metres (whichever is the lesser) to 50% or 100 square metres. The new permitted development right is temporary and will expire on 30th May 2016. The exclusion of development within 2 metres of the boundary of the curtilage is removed during the same period except in relation to premises which adjoin land or buildings in residential use.

An impact assessment has been prepared in relation to this Order. The assessment has been placed in the Library of each House of Parliament and copies may be obtained from the Department for Communities and Local Government, Bressenden Place, London, SW1E 5DU or from the Department's website:

<https://www.gov.uk/government/organisations/department-for-communities-and-local-government>.

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STATUTORY INSTRUMENTS

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**2013 No. 1101**

**TOWN AND COUNTRY PLANNING, ENGLAND**

The Town and Country Planning (General Permitted  
Development) (Amendment) (England) Order 2013

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# Appendix 3

## Author CV's



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### ***Profile***

Ian Coomber joined Stiles Harold Williams in June 2007 with wide-ranging knowledge and experience of the British planning system both in terms of the planning applications/development process and local/regional policy development. His expertise extends across rural districts as well as urban/urban fringe planning authorities.

He has a total of 25 years of experience in town planning 7 of which relate to local and regional policy development within the south-east and east midlands, the remaining 17 years dealing with planning applications and the development process. Before joining the company Ian worked as Area Planning Manager for Brighton & Hove City Council managing and leading a team of planning and administrative staff and presenting applications to the Planning Committee.

### ***Project Experience***

Ian has experience covering a full range of town planning services including:

- Preparation of planning applications, appraisals and project management of the planning process.
- Expertise in dealing with: industrial, business, retail, housing, and specialist/mixed use developments.
- Development Plan representations.
- Expert advice in relation to planning appeals including attendance at Public Inquiries and Hearings to give planning evidence as witness.
- Co-ordinating the work of multi-disciplinary professional teams.
- Advising on the planning implications of surplus land and buildings to be marketed on behalf of a variety of clients.
- Negotiations with senior local authority officers on planning related matters including planning obligations.
- Planning enforcement work.

### ***Employment History with SHW***

Joined SHW, 2007  
Partner - 2013

*Date: January 2013©*



**NIGEL EVANS** BSc (Hons) MRICS  
**Partner**  
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### ***Profile***

Nigel Evans joined Stiles Harold Williams in 1993. He has more than 20 years experience in all aspects of retail agency including disposals, acquisitions and giving development advice to numerous clients. Nigel believes in long term relationships with clients, aiming to fully understand their business and retail property needs in order to give the best advice. Prior to joining SHW Nigel spent 6 years in the Retail Department of Hillier Parker.

### ***Project Experience***

Nigel has detailed knowledge of London and the South with considerable experience of High Streets and shopping centres. Some of those he has dealt with include: Queensgate Centre, Peterborough, Ealing Broadway Centre and Eastbourne's Andale Centre. In the area of development agency Nigel advised on Market Place, Romford and The Pavilion, Crawley. Over the past 10 years he has worked closely with Subway in the Greater London area, advising on some 190 acquisitions as the brand has grown to over 200 stores in the region. Other retailers where he has advised in various capacities include Graham and Green, Powerplay, BT, Virgin and Gamleys.

Nigel has significant experience within the Convenience store sector and has advised on a number of transactions throughout the South of England in recent years

### ***Employment History with SHW***

Joined SHW as an Associate, 1993  
Appointed Director and Head of retail agency, 1995  
Shareholder Director, 1999  
Member of Management Board, 1999-2009  
Head of London Office, 2005-2009  
Member of Company Board, 2003-present  
Director and Board member of Croydon BID 2012 - present  
Partner, 2012

*Date: June 2013*©