

## **SHBC response to Inspectors Additional Question – Changes to the General Permitted Development Order (GPDO) (INSP011)**

This statement sets out St Helens Borough Council's response in relation to the Inspectors' Inspectors Additional Question relating to changes to the General Permitted Development Order (GPDO) received dated 27 April 2021 (INSP011).

The Town and Country Planning (General Permitted Development etc) (England) (Amendment) Order 2021 came into force on 21 April 2021, and allows for the change of use from Commercial, Business and Service use (Class E) to residential use (Class C3). The Council has therefore reviewed the contents of the submitted Plan and believes that this change will have an impact on several policies within it. The detailed text of any necessary modifications will be provided in a future iteration of the draft Main Modifications schedule.

The NPPF sets out in paragraphs 8 and 9 that in order to achieve sustainable development there needs to be "sufficient land of the right types [is] available in the right places and at the right time to support growth, innovation and improved productivity" (NPPF 2019, paragraph 8). Paragraph 20 requires plans to be prepared using strategic policies and an "overall strategy for pattern, scale and quality of development, and make sufficient provision for: housing (including affordable housing), employment, retail, leisure and other commercial development; and community facilities (such as health, education and cultural infrastructure)" (NPPF 2019, paragraph 20).

In order to address the consequences of the change and to plan positively in a way that is consistent with and meets the requirements of the NPPF, the Council considers that it will be necessary in some cases to use conditions and/or planning obligations to put restriction on uses within new Class E development. This will involve a minor amendment to several policies in the plan in order to ensure proposals are determined in accordance with the development plan.

### **Policy LPA02: Spatial Strategy**

No change necessary. As this policy sets out the Council's vision for key growth areas and does not impose prescriptive requirements on the precise mix of uses within them, it is not materially affected by the change.

### **Policy LPA04: A strong and sustainable Economy**

The policy sets out an overall strategy to make sure that SHBC has a strong economy and provides a number of ways to achieve this, including the identification of how much employment land is needed, and the allocation of sites to deliver this. The approach taken by the policy generally includes the management of the scale of employment floorspace throughout the plan period, i.e. through retaining and/or increasing floorspace and the description of the circumstances where losses of employment land may be acceptable. Changes of use within Class E no longer constitute development and therefore amendments will be required to ensure the plan meets the need identified in the evidence base. Additionally, the monitoring of development in the Borough against strategic targets will need an amended approach. A number of modifications are considered necessary:

- to reflect the scope that now exists for the conversion of office space to Use Class C3 without planning permission (Part 5 of the policy).

- to refer to the use of conditions as appropriate as a means of ensuring that where new office floorspace is proposed in a planning application, it can (on a case by case basis) be protected for such purposes, in order to support necessary office provision in St Helens and in recognition that conversion to residential use may result in different servicing and amenity impacts that need to be considered.
- to ensure that protection still exists against large-scale loss of office floorspace, paragraph 4.12.16 of the Reasoned Justification outlines the Council's approach to alternative uses on Employment sites. Whilst this approach remains largely unchanged, some modification may be necessary to provide more confidence in the monitoring of loss of office space against targets.

### **Policy LPB01: St Helens Town Centre and Central Spatial Strategy**

The policy makes reference to proposals for housing and other suitable uses within or on the edge of Town Centre being supported where they would avoid prejudicing the retail and service role of the Town Centre. Whilst this is not a concern in some parts of the Town Centre, where the additional flexibility is supported, it does inhibit the ability to manage the mix of ground floor uses in specific locations. Retail and commercial uses on town centres are co-dependent on one another, shops and restaurants may be purposefully planned to be near each other to benefit one another and benefit the ecosystem of the Town Centre. By eliminating these with unplanned residential development, the value of the businesses left will be diminished and the appeal and footfall of the area potentially reduced. These elements of the policy are necessary to respond to local circumstances. It also restricts the ability to plan for and monitor the level of retail floor-space in the Borough as required by the NPPF. Modifications are therefore required:

- to reflect the scope that now exists for the conversion of shops to Use Class C3 without planning permission
- to refer to the use of conditions, in appropriate circumstances, as a means of ensuring that where new retail floorspace is proposed in a planning application it can, on a case by case basis, be protected for such purposes, in order to support the role and function of the relevant centre, and recognise conversion to residential use may result in different servicing and amenity impacts needing to be considered.

### **Policy LPB02: Earlestown Town Centre**

The change is likely to somewhat restrict criterion 3 of the policy that seeks to resist development that would result in a significant adverse impact on the Town Centre's vitality and viability in accordance with Policy LPC04. Modifications are considered necessary as shown in response to Policy LPB01: St Helens Town Centre and Central Spatial Strategy principally:

- to make clear the Council's intention to use conditions to limit uses consented with Class E from changing to Class C3, where necessary and justified, in order to achieve the policy objectives and support the town centre first principle.

### **Policy LPC04: Retail and Town Centres**

The policy LPC04 provides a broad framework for retail and town centres and defines the Borough's Town, District and Local Centres and introduces sequential assessment. The thrust of the and the integrity of the Town Centre first approach which is highlighted in the

Town Centre Strategy should remain unchanged. However, concerns remain with regard to the lack of control in terms of protection for retail uses and the impact on the vitality of the Town Centre, which will be addressed through the modifications proposed for Policy LPB01 and Policy LPB02 above.

### **Policy LPD01: Ensuring Quality Development**

The Council is concerned that the permitted development rights to allow a change from Use Class E to Use Class C3 could provide sub-standard living accommodation. A modification may be required (as an additional criterion to the Policy):

- to ensure the living conditions of potential future residential occupiers are not undermined in developments that have been converted from Class E to C3 use (at the point where planning permission is granted for Class E in the first instance, and planning conditions could be applied).

It is acknowledged that the application of conditions is only possible for new build developments, and so won't be applicable in every circumstance where Class E changes to Class C3. However, it is still considered a valuable tool to ensure the effectiveness of Policies in the Plan.