



NEWS

Town centres & retail planning news, April 2018

03 Apr 2018

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Headline news

New Retail Sector Council launched

The Retail Sector Council was officially launched on 7 March 2018 by Retail Minister Andrew Griffiths and Richard Pennycook, Chairman of Fenwick, The Hut Group and Howden Joinery Group. It is the first industry-led body of this kind and will meet regularly 'to discuss the challenges the sector faces'.

In particular, the Council will review:

'[...] how best retailers could adapt to changing consumer behaviour, the business environment and opportunities such as the development of new technologies to improve customer service, the chances to grow skills through a sector push on high-value training and ways to boost sector productivity and its economic health.'

Senior management from renowned retailers will sit on the Council, as well as the British Retail Consortium. Together, with government, they intend to provide 'expert advice to the sector and contribute to its future direction'.

[Department for Business, Energy & Industrial Strategy, Industry-led Retail Sector Council launched to act as champion for future growth](#)

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Quote of the month



Our new collaborative Retail Sector Council will bring government and industry together to look at how best to ensure the industry adapts to meet the changing demands of consumers.

Retail Minister Andrew Griffiths, on the launch of the Retail Sector Council, 7 March 2018

The future of the high street: more than ensuring shops are not empty

In his response to a Written Parliamentary Question on 8 March, on 'the steps he is taking to ensure that High Street stores are not empty', Secretary

of State for Housing, Communities and Local Government Sajid Javid replied very comprehensively, placing the onus on councils initially:

'Issues about individual high streets are for the relevant local authority to address. They are best placed to determine how to help their local high streets, ensuring that their high streets meet the needs of the local community and maximise local growth in their areas. Ultimately, if a high street is to flourish, then local people, businesses and councils in an area need to work together to develop their own unique offer for the high street that resonates with the local community.'

He went on to explain a series of Central Government initiatives:

'However, this Government is committed to supporting diverse high streets with a broad range of retail, service businesses, leisure and residential. High streets are a crucial part of our local and regional economies, and we want to see vibrant hubs where people live, shop, use services, and spend their leisure time, and that includes a welcoming and safe night-time economy. Since 2010, the Government has helped create over 360 town teams, and given over £18 million to towns, funding successful initiatives such as 'Love your Local Market' and the 'Great British High Street'.

The Government does recognise that this is a difficult time for high streets and has taken significant actions to help them adapt and thrive. In England, these include introducing permitted development rights to allow certain changes of use without the need for a planning application, enabling businesses to respond quickly to changing market demands, and avoiding premises being left vacant.'

Last but not least, he covered off the new draft revised National Planning Policy Framework (NPPF), and the new Retail Sector Council launched the day before:

'Separately the Government is consulting in England on proposed changes to the NPPF that will require local planning authorities to plan proactively for retail centres in a way that can support their continuing vitality and viability.

Earlier this month the Government announced the creation of a Retail Sector Council. Through the Council, the Government and retailers will work together to contribute to the retail sector's future direction, and to boost its productivity and economic health.'

House of Commons Written parliamentary Answer: empty property

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Prime Minister launches revised NPPF

A major overhaul of the National Planning Policy Framework (NPPF) has been launched, the primary intention being to deliver the homes that England needs. Optimising the use of land, creating well-designed places, strengthened protection for the Green Belt and a greater emphasis on converting planning permissions into new homes are all at the heart of the

new draft Framework.

To provide increased certainty for the development industry, the new draft national policy also intends that plans should set out the contributions expected in association with particular sites and types of project. Draft planning practice guidance to accompany the new Framework refers to developer accountability and transparency in the context of viability assessments, in order to enable communities 'to understand the outcomes of viability assessment and see what infrastructure and affordable housing has been delivered through developer contributions'.

[DCLG, National Planning Policy Framework, 2012](#)

[MHCLG, National Planning Policy Framework, draft text for consultation, 5 March 2018](#)

[Prime Minister's Office, 10 Downing Street, Theresa May's speech on making housing fairer, 5 March 2018](#)

[MHCLG, Draft Revised National Planning Policy Framework: consultation proposals, draft text, and associated documents including draft planning practice guidance and Housing Delivery Test: draft measurement rulebook](#)

[Lichfields, National Planning Policy Framework Review: what to expect? \(focusing on the then most anticipated elements of the subsequently published draft\)](#)

[Lichfields, Draft revised National Planning Policy Framework: a change in narrative, \(a post-publication blog, covering draft policies not included in the blog above\)](#)

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Expansion of change of use permitted development rights

On 12 March 2018, the Government announced an expansion of permitted development rights (PDRs) including a one-year extension to the temporary PDR allowing the conversion of storage and distribution uses to housing. The Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2018 was laid on the same day.

These latest amendments to the 2015 Order include:

- clarifying that Schedule 2, Part 3 (changes of use) Classes C, M and N (retail/casino/amusement arcade/pay day loan etc. to residential PDRs) do not provide a PDR for works only, without a change of use;
- a technical change, introducing a 'modified procedure' regarding PDR prior approval applications, to provide time for the Secretary of State (SoS) to consider call in to determine the proposal, 'as appropriate'; and
- points of clarification and amendments to some definitions, notably to revise that of 'building' in Article 2(1) ('Interpretation') to add Classes P (storage or distribution centre to dwellinghouses) and PA (premises in light industrial use to dwellinghouses) to the list of classes for which the definition of 'building' does not include any part of a building.

The provisions come into force on 6 April 2018.

[The Town and Country Planning \(General Permitted Development\) \(England\) \(Amendment\) Order 2018](#)

[Explanatory Memorandum](#)

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Changes to rules for compulsory purchase procedures

Following on from a 2015 DCLG consultation on improving the compulsory purchase process, the Housing and Planning Act 2016 included provisions relating to the SoS publishing timetables setting out the steps to be taken by confirming authorities in confirming a compulsory purchase order (CPO), and a requirement to publish an annual report to Parliament, setting out the extent to which confirming authorities had complied with any such published timetable.

A further consultation (in early 2017) sought views on the criteria to be used to delegate the decision on whether to confirm a non-ministerial CPO to an inspector and the timescales for issuing a decision on delegated cases.

The Housing and Planning Act 2016 (Commencement No. 7 and Transitional Provisions) Regulations 2018 bring into force a number of provisions in the Housing and Planning Act relating e.g. to time limits for CPOs and claims for compensation. The Neighbourhood Planning Act 2017 (Commencement No. 4 and Transitional Provisions) Regulations 2018 bring into force s38 of the Act, which also makes changes to claims for compensation.

The Compulsory Purchase of Land (Written Representations Procedure) (Ministers) (Miscellaneous Amendments and Electronic Communications) Regulations 2018 and the Compulsory Purchase (Inquiries Procedure) (Miscellaneous Amendments and Electronic Communications) Rules 2018 give effect to the above referred-to procedural changes for delegated cases; they come into effect on 6 April 2018.

[HM Treasury and DCLG, Improving the compulsory purchase process](#)

[HM Treasury and DCLG, Technical consultation on improvements to compulsory purchase processes \(2015\)](#)

[HM Treasury and DCLG, Technical consultation on improvements to compulsory purchase processes: Government response to consultation \(2015\)](#)

[MHCLG, Compulsory purchase orders streamlining: delegated decisions and timescales for decision, Government response to consultation \(2018\)](#)

[The Housing and Planning Act 2016 \(Commencement No. 7 and Transitional Provisions\) Regulations 2018](#)

[The Neighbourhood Planning Act 2017 \(Commencement No. 4 and Transitional Provisions\) Regulations 2018](#)

[The Compulsory Purchase of Land \(Written Representations Procedure\) \(Ministers\) \(Miscellaneous Amendments and Electronic Communications\) Regulations 2018](#)

[The Compulsory Purchase \(Inquiries Procedure\) \(Miscellaneous Amendments and Electronic Communications\) Rules 2018](#)

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'Supporting housing delivery through developer contributions': new consultation proposes changes to planning obligations and CIL

An MHCLG consultation on developer contributions launched alongside the new draft NPPF follows on from announcements made at the Autumn Budget, 2017. The Government is seeking views until 10 May on a series of reforms to the existing system of contributions; the intention is that the proposed reforms will 'benefit the local authorities who administer them, developers who pay them and the communities in which development takes place'.

The proposals that are of particular note - all of which would require changes to legislation - are as follows:

- streamlining requirements for setting/reviewing community infrastructure levy (CIL) charging schedules;
- removing s106 pooling restrictions (for authorities that have adopted CIL, or that satisfy other requirements);
- allowing CIL to be based on the existing use of land;
- introducing a 'Strategic Infrastructure Tariff', for combined authorities, and joint committees with plan-making powers; and
- indexation being linked to house prices, or CPI/CPI and a factor of house prices for non-residential development.

The consultation makes it clear that the Government:

'[...] will continue to explore options to create a clearer and more robust developer contribution system that really delivers for prospective homeowners and communities accommodating new development.'

And in the longer term:

'[...] the Government will continue to explore options for going further. One option could be for contributions to affordable housing and infrastructure to be set nationally, and to be non-negotiable.'

The proposed reforms have been informed by the independent report of the CIL Review Group (February 2017), as previously reported by Lichfields, and a research 'Report of Study' that was published alongside the consultation. This latest report provides a number of key findings regarding the operation and value of CIL and s106 obligations across England. For example, despite CIL having been introduced in 2010, 85% of the value of planning obligations and CIL levies in England is from negotiated s106s – only 39% of authorities were charging CIL by the end of 2017.

MHCLG, Supporting housing delivery through developer contributions: consultation

MHCLG, Section 106 planning obligations and the Community Infrastructure Levy in England, 2016 to 2017: report of study: The Incidence, Value and Delivery of Planning Obligations and Community Infrastructure Levy in England in 2016-17

[Lichfields Planning News March 2017, report of the independent CIL Review Group \(page 7\)](#)

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Draft revised NPPF: themes and the detail on housing and other land uses

Lichfields has published a series of blogs on the draft NPPF's themes and proposed policies for different land uses that are relevant to town centres.

In addition, the Lichfields' Insight Focus on the draft revised NPPF provides an overview and commentary on the housing-related policy proposals of the NPPF, including:

- the staged introduction of a standard methodology for identifying local housing need;
- the housing delivery test;
- the Statement of Common Ground (that in effect would document steps taken in the Duty to Cooperate);
- viability and developer contributions at plan-making stage; and
- the allocation of housing sites for achieving a sufficient supply of land for new homes.

[Lichfields Insight Focus, Draft Revised National Planning Policy Framework](#)

[Lichfields blog, NPPF consultation proposals – what could they mean for town centres?](#)

[Lichfields blog, NPPF consultations – what could they mean for designers?](#)

[Lichfields blog, Draft NPPF: heritage policy is conserved...](#)

[Lichfields blog, Draft NPPF: business as usual?](#)

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Draft planning practice guidance on viability and housing matters

Following the launch of the draft NPPF and developer contributions' consultations, MHCLG published draft Planning Practice Guidance on:

- Viability (also published as a separate draft, on 5 March);
- Housing delivery;
- Local housing need assessment;
- Neighbourhood plans;
- Plan-making; and
- Build to rent.

No formal consultation deadline is given for the submission of comments although it is assumed that responses should be made as for the main consultations i.e. by 10 May.

[MHCLG, Draft Planning Practice Guidance: Draft updates to planning guidance which will form part of the Government's online Planning Practice Guidance](#)

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The Lichfields perspective



Theresa May's speech when launching the draft NPPF was extremely important for the planning profession; she has successfully conveyed how planners are perceived by this Government as very much part of the solution to the housing crisis. This stance is entirely different to the negative picture simplistically painted by Cameron and Osborne in the run-up to the 2012 NPPF. Sir Oliver Letwin's Preliminary Update from his build out review shows too, how his findings so far confirm that the Prime Minister is taking the right stance now, on the positive role of planning.

Jim Fennell, Chief Executive

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