



NEWS

Commercial planning news, June 2018

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Headline news

Parliamentary inquiry: high streets and town centres in 2030

The House of Commons HCLG Committee launched a new inquiry on 10 May, looking into the future of high streets and town centres in England in 2030.

The inquiry will examine:

- the future role of the high street in contributing to the local economy and the health, cohesion and cultural life of the local community; and
- 'the challenges faced amid changing demographic, technological and other trends in recent decades'.

The Committee will also look at how the future of high streets and town centres are being planned for in local areas, and how stakeholders are 'planning for and creating the conditions to sustain them in the years ahead'. In addition, the inquiry will examine whether councils have the planning, licensing, tax raising 'and other tools needed to help local areas flourish'.

In considering what high streets and town centres will look like in 2030, submitters are given the following list of matters they may want to address:

1. The role of high streets and town centres in contributing to the local economy and the health, wellbeing, cohesion and cultural life of the local community;
2. The economic, demographic, social and technological challenges facing high streets and town centres and how they are likely to develop over the next ten years;
3. How high streets and town centres are adapting to meet these challenges, the conditions necessary for sustainability, for example, residential development and related infrastructure, and how local areas are planning for the future;
4. The outlook for high streets and town centres that cannot rely on consumer spending and business growth and investment;
5. Whether councils have the planning, licensing, tax raising and other tools needed to help local areas flourish and how they make use of these; and
6. The legacy of the Government's previous work on the high street, including the Portas Pilots, the Future High Streets Forum and the Great British High Street.

The closing date for written submissions is 22 June 2018.

[House of Commons HCLG Committee, High streets and town centres in 2030 inquiry launched](#)

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Quote of the month



Our high streets and town centres have an important social, civic and cultural place in our society. But, many of our high streets are now struggling, facing a range of challenges including the threat posed by

online retailers. Indeed, changing trends and behaviours in recent decades – driven by a range of economic, demographic, social and technological factors – have affected the prosperity and vibrancy of our high streets.

Clive Betts MP, Chair of the House of Commons HCLG Committee, announcing a new inquiry on 10 May, looking at the future of England's high streets and town centres in 2030.

Regulations made for pre-commencement conditions

On 3 May, two statutory instruments were made by the Government in relation to s14 ('Restrictions on power to impose planning conditions') of the Neighbourhood Planning Act 2017.

Commencement regulations provide that s14(1) and (3) will come into force on 1 October 2018, bringing into force parts of s100ZA of the Act, which specifies that planning permission for the development of land may not be granted subject to a pre-commencement condition without the written agreement of the applicant.

The related pre-commencement conditions' Regulations, made in exercise of the powers conferred by s100ZA(6), provide that the requirement for a written response by the applicant does not apply where the local planning authority (or the Secretary of State) has given notice to the applicant of the intention to grant the permission subject to pre-commencement condition(s) and the applicant does not provide a 'substantive response' to the notice before the expiry of a 10 working days period from when the notice was served.

The Regulations do not go as far as expected; in the Government response to the consultation, a number of respondents requested that exceptions should be made to the requirement for applicants to agree certain pre-commencement conditions, notably for matters regarding heritage, nature conservation and environmental protection. Such exemptions were originally proposed when the Neighbourhood Planning Bill was published in 2016, but had disappeared by the time of the first 'indicative draft' regulations in December 2016. Accordingly, no such exceptions have been made, and where complications arise and an applicant does not agree to a condition relating to such matters, the authority will refuse permission.

For more details of the potential implications of the new secondary legislation when it comes into force, our blog looks at some procedural matters that may well need to be ironed out between applicants and planning authorities.

[The Neighbourhood Planning Act 2017 \(Commencement No.5\) Regulations 2018](#)

[The Town and Country Planning \(Pre-commencement Conditions\) Regulations 2018](#)

[MHCLG, Government response to the consultation on pre-commencement conditions regulations](#)

[Lichfields Planning Matters: New procedures for pre-commencement conditions come into effect from October 2018](#)

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Government still targets end of July for revised NPPF

It was reported from the National Planning Summit held in early May that the Government still expects to publish the revised NPPF by the end of July, despite an overwhelming volume of responses to the consultation that closed on 10 May.

Chief Planner Steve Quartermain was reported as saying there had been more than 27,000 responses, although this total includes multiple submissions from campaign groups (including 5,000 duplicate responses seeking better protection for veteran trees).

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Historic England reports on role of heritage in planning decisions

A research report was published on 8 May that has been prepared for Historic England, entitled, 'Heritage in Planning Decisions: the NPPF and Designated Heritage Assets'.

The research was based on a review of a sample of more than 300 planning applications, mostly from 2016/17, 'where heritage assets were likely to be worthy of examination'.

Key findings include:

- The take-up of NPPF policies in heritage-related planning applications as a whole is seen as 'patchy', and 'less than might reasonably have been expected';
- Applicants, local authority heritage advisers and planning case officers alike did not perform 'obviously well'; and
- The overall picture of the protection of designated heritage is 'disappointing'.

It is recommended in the report that Historic England, supported by MHCLG and DCMS, 'make an effort to raise standards' by promoting a lengthy, Historic England-published checklist to all parties involved in planning applications.

Another recommendation is that an amendment is made to the NPPF, to the effect that the potential consequences for heritage should be fully examined in the process of allocating land for development in all development plans, 'so that any necessary limitations on development can be established at this time'.

National Planning Practice Guidance should also be amended, according to the report's recommendations, to make it clear that 'real efforts should be made to find alternatives to submitted proposals in order to reduce heritage impacts' – this should include design alternatives.

[Green Balance report for Historic England, 'Heritage in Planning Decisions: the NPPF and Designated Heritage Assets'](#)

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Newly formed Heritage Council intends to help ensure sector thrives

On 3 May, DCMS announced a newly formed 'Heritage Council' that 'seeks to strengthen the link between the country's heritage and the wider regeneration and place-making agenda as well as helping government to best support the heritage sector'.

The Council is intended to create closer links between the Government and the heritage sector, to 'enable dialogue to drive progress in key policy areas affecting heritage'. In addition, it is proposed that the Council and government will work together on issues such as planning, environmental protection, social and economic development, and education.

The core members of the Heritage Council are: DCMS; DEFRA; MHCLG; HMT; Historic England; The Heritage Lottery Fund; The Heritage Alliance; Natural England; The National Trust and Historic Houses.

[DCMS, Newly formed Heritage Council will help ensure sector thrives](#)

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The Lichfields perspective



Everyone wants high streets and town centres to play an important part in communities and place-making. We all know that for them to do so, they must not only be for shopping, as highlighted by recent store closure news from across England. They must be promoted as vibrant places to visit, attractive and well-connected places to work, and great places to live. The right mix and balance of uses will be of paramount importance in the future. We have already started to plan differently for longer term high street and town centre vitality and viability. Centre health will need increasingly flexible, creative and innovative thinking in devising policy and in putting together new development projects. July's National Planning Policy Framework will just be the starting point.

Steven Butterworth, Senior Director

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