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1) Viability
Market research
Financial projections
Purchase price, build cost, Gross
Development Value (GDV), cost of
finance.
Options, keep as offices?

2) Pre-construction
Building survey, services, asbestos
register, existing layouts.

3) Design and engineering
Structural considerations, steel frame
Mechanical, electrical, plumbing (MEP)
Foundations (vertical extensions),
underpinning
High floor to ceiling heights offer
opportunities
Large spans offer 'blank canvas'.
Rationalise floor layout increase useable
space and minimise circulation areas.
Building regulations e.g. acoustics,
heating (larger areas), fire safety and
protection (boxing, intumescent paint),
plant room options.

Commercial to residential
Project management and
engineering considerations.
Monday 12th July 2021.

4) Project Management
Budget, preferable elemental cost
analysis
Programme, take advantage of
'ready made structure'.
Quality considerations to match
market expectations. Research local
property market.
Procurement. Project management
route or appoint main contractor.
Risk register.

6) Advantages
Speed of construction, ready made 'shell'
Open plan – 'blank canvas'
Removes ground or foundations risks
Offices as usually well serviced, power,
drainage etc.

5) Key considerations
New methods of construction compared
to traditional construction.
Structural considerations
Underpinning foundations for vertical
extensions
Asbestos
Do not overbuild, consider cost verses
benefit
Consider options at early stage of the
project
Build costs including material costs have
gone up and contractors are busy

SURREY PROPERTY EXCHANGE – PLANNING CLINIC

PERMITTED DEVELOPMENT - CASE STUDIES

BY

JAMES HUTCHISON BA MA MRTPI

12 JULY 2021



RTPI

Chartered Town Planner



PERMITTED DEVELOPMENT: CASE STUDIES

What is development and what needs planning permission?

The starting point is that planning permission is required for all **development**.

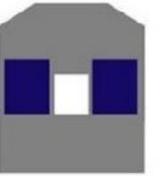
Development is defined under s.55 of the Town and Country Planning Act 1990 as follows:

*Subject to the following provisions of this section, in this Act, except where the context otherwise requires, “development,” means the **carrying out of building**, engineering, mining or other operations in, on, over or under land, or the making of any **material change in the use** of any buildings or other land.*



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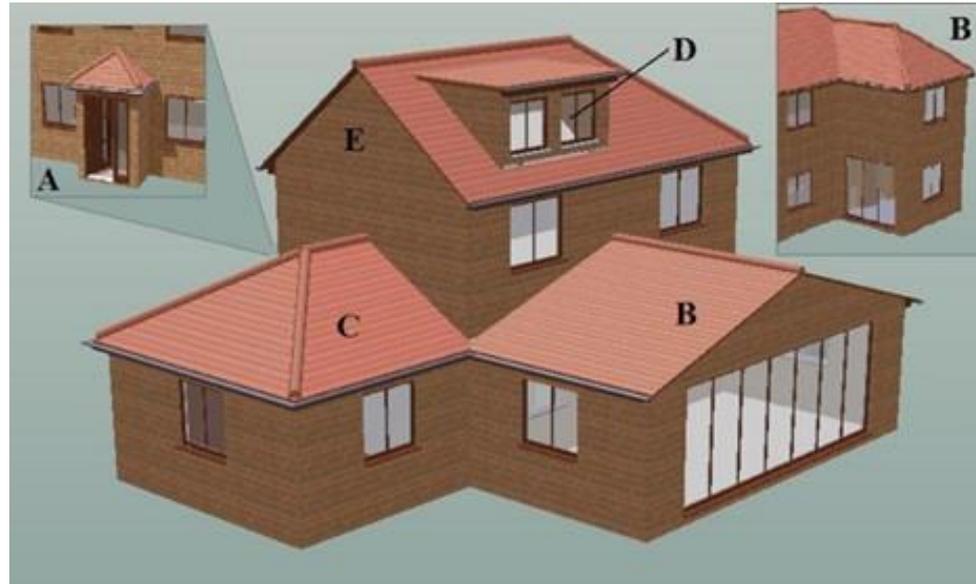
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When does development not need planning permission?

Planning permission is not required for development when it is allowed by virtue of certain rights embedded within legislation, and most of us are aware of the most commonly used examples of permitted development rights which allow residential properties to be extended.



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PERMITTED DEVELOPMENT: CASE STUDIES

Why are permitted development rights important?

Permitted development rights are an important part of the UK planning system for the following reasons:

- The definition of development includes a substantial amount of work that is innocuous by its nature
- Speeds up the ability of projects to progress straight to site without delay
- Reduces the burden on the resources of Local Planning Authorities
- In the case of changes of use, allows for commercial properties to adapt quickly
- Mechanisms are in place for Local Planning Authorities to control the pace of change (article 4s)



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Why the sudden rush to release permitted development rights?

Speech of Rt Hon Robert Jenrick, Ministry of Housing, Communities & Local Government

Our current planning system is broken.

It doesn't deliver beautiful homes, and it importantly doesn't deliver nearly enough homes.

Local building plans were supposed to help councils and their residents deliver more homes in their area.

Yet they take on average 7 years to agree in the form of lengthy and absurdly complex documents and accompanying policies - understandable only to the lawyers who feast upon every word.

Under the current system, it takes an average of 5 years for a standard housing development to go through the planning system - before a spade is even in the ground.

Seven years to make a plan, 5 years to get permission to build the houses and slow delivery of vital infrastructure.

This is why the Prime Minister has been clear that we need an ambitious response that matches the scale of the challenge in front of us – **meeting the target of building 300,000 homes per year.**



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23 September 2020



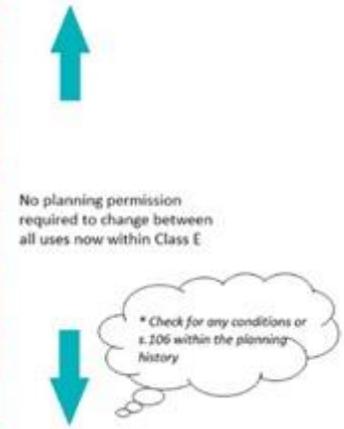
PERMITTED DEVELOPMENT: CASE STUDIES

Where has the government targeted the extended permitted development changes?

1st September 2020: Group the commercial uses together through the introduction of the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020



Use	Use Class up to 31 August 2020	Use Class from 1 September 2020
Shop not more than 280sqm usually selling essential goods, including food and at least two from another similar shop	A1	F2
Shop	A1	E
Financial and professional services (not medical)	A2	E
Cafe or restaurant	A3	E
Office other than a use within Class A2	B1a	E
Research and development of products or processes	B1b	E
For any industrial process (which can be carried out in any residential area without causing detriment to the amenity of the area)	B1c	E
Clinic, health centre, coaches, day centre, day nurseries	D1	E
Synagogues, indoor recreation not involving motorised vehicles or firearms	D2	E



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PERMITTED DEVELOPMENT: CASE STUDIES

Where has the government targeted the extended permitted development changes?

1st April 2021. Introduce Class MA of the Town and Country Planning (General Permitted Development etc.) (England) (Amendment) Order 2021 (coming into force **1st April 2021**)

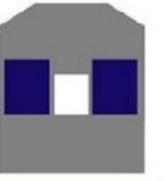
This legislation has been brought into force to allow all of the 'new' Class E category uses to convert to residential under permitted development.

Subject to a prior approval process that allows for applications to be made at the beginning of next month **1st August 2021**.



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PERMITTED DEVELOPMENT: CASE STUDIES

Case Study 1

Pending: Change of use of existing retail use (back-room store) to a studio dwelling unit

Prior approval required for:

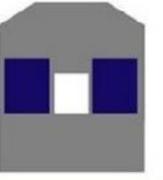
- (a) transport risks
- (b) Contamination
- (c) Flooding
- (d) Noise (commercial premises)
- (e) Natural light
- (f) Impact on Neighbouring Occupiers

*Note: Vacant for 3 months before appn,
and in qualifying use for at least 2 years*



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PERMITTED DEVELOPMENT: CASE STUDIES

Case Study 1

Pending: Change of use of existing retail use (back-room store) to a studio dwelling unit

To note:

Whilst these rights are available within a conservation area, prior approval must also be sought for the impact of the proposed change of use on the character and sustainability of the area.

No such vitality check is in place now for areas outside of conservation areas but check for Article 4 Directions!



Image front and rear of unit



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PERMITTED DEVELOPMENT: CASE STUDIES

Case Study 1

Pending: Change of use of existing retail use (back-room store) to a studio dwelling unit

Also to note:

- Not more than 1,500sqm
- Floor space to meet the Nationally Described Space Standards (2015)
- Natural light to all habitable rooms



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PERMITTED DEVELOPMENT: CASE STUDIES

Case Study 2

Granted under Class O. Change of use of first and second floor of mixed use building (offices only) to residential – creation of 16 x one and two bed flats

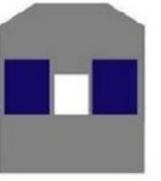
Whilst this office space was converted at the beginning of this year under the current Class O permitted development rights, it would also have qualified for PD conversion under the new class MA.

Note: This conversion took place just before the floor space standards were introduced in April 2021.



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PERMITTED DEVELOPMENT: CASE STUDIES

Where has the government targeted the extended permitted development changes?

31st August 2020. Introduces Classes AA to AD, Part 20, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) (Amendment) No.2) Order 2020

- *Class AA – new dwelling houses on **detached buildings in commercial or mixed use***
- *Class AB - new dwelling houses on **terrace buildings in commercial or mixed use***
- *Class AC - new dwelling houses on **terrace buildings in use as dwelling houses***
- *Class AD - new dwelling houses on **detached buildings in use as dwelling houses***



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PERMITTED DEVELOPMENT: CASE STUDIES

Case Study 3

Granted under Class AB (February, 2021)

Prior approval required for:

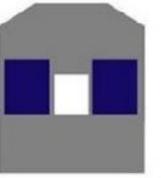
- (a) Transport risks
- (b) Air traffic asset impacts
- (c) Contamination risks
- (d) Flooding risks
- (e) External appearance (principal elevation)
- (f) Natural light to all dwellings
- (g) Amenity of neighbouring properties
- (h) Noise from commercial premises
- (i) Impact on trade and business of adjoining properties
- (j) Impact on protected views
- (k) Fire safety (recently introduced)

Upward extension to create new dwelling houses (x8)



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Case Study 3

Granted under Class AB. Upward extension to create new dwelling houses (x8)

To Note:

- Height restrictions apply across the terrace
- NDSS now applies
- External appearance can be subjective
- Determining the extent of any impact on neighbouring amenity
- Potential need for additional reports



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PERMITTED DEVELOPMENT: CASE STUDIES

Case Study 3

Granted under Class AB. Upward extension to create new dwelling houses (x8)

This image shows the existing roof plan (left) and the new top floor containing 8 new dwelling units (right)

The plant area has been removed and replaced on top of the new third floor

Note: This application was approved just before the NDSS requirements came into force in April 2021.

With the new NDSS now in force, it is likely that only x6 flats would be approved



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PERMITTED DEVELOPMENT: CASE STUDIES

Case Study 4

Combining Classes MA & AB.

Office to residential conversion & 2 x additional floors of residential

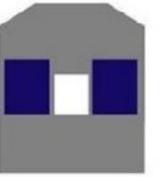
This is a site that we are currently working on in South-East London. The planning strategy is to maximise the office to residential capacity of the building at first to fourth floors providing 20 new dwelling units. This is to be achieved either through existing Class O rights or the new Class MA rights as of the end of this month.

Class AA rights exist to add an additional two floors to the existing building subject to prior approval, with the replacement of existing plant onto the roof of the new top floor as with previous example.



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PERMITTED DEVELOPMENT: CASE STUDIES

Case Study 4

Combining Classes MA & AB.

Office to residential conversion & 2 x additional floors of residential

This plan shows the conversion of the existing layout of the upper floors to a residential use and the creation of five dwelling units per floor.

All new dwellings meet the minimum floor space requirements and have a good level of natural light to all habitable rooms.

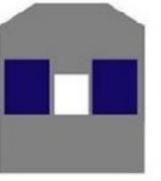
In total, the development has the ability to deliver 30 residential units in a mix of studios, one and two beds.

CIL is applicable to new floor space, however there are no planning contributions (inc. affordable housing) required under permitted development.



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PERMITTED DEVELOPMENT: CASE STUDIES

Useful Information:

Space Standards...

- These floor space standards now apply to all new residential development brought about under permitted development rights.

Number of bedrooms(b)	Number of bed spaces (persons)	1 storey dwellings	2 storey dwellings	3 storey dwellings	Built-in storage
1b	1p	39 (37) ²			1.0
	2p	50	58		1.5
2b	3p	61	70		2.0
	4p	70	79		
3b	4p	74	84	90	2.5
	5p	86	93	99	
	6p	95	102	108	
4b	5p	90	97	103	3.0
	6p	99	106	112	
	7p	108	115	121	
	8p	117	124	130	
5b	6p	103	110	116	3.5
	7p	112	119	125	
	8p	121	128	134	
6b	7p	116	123	129	4.0
	8p	125	132	138	

This table is based on the current 2015 standards. Other dimensions also apply, including room and height dimensions



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PERMITTED DEVELOPMENT: CASE STUDIES

Some key points:

- Check that the building has got a lawful use that qualifies for the permitted development rights that you intend to use (VOA database maybe useful)
- Make sure that all planning policy constraints are checked (and double checked) before proceeding, especially for matters such as flooding and listed buildings.
- Upward extensions are only applicable on buildings post-1948
- Make sure to check for Article 4 directions (as a generalisation, many LPAs do not like these new rights, and so will try and restrict them wherever possible)
- Obtain specialist reports on any prior approval matter that maybe relevant to the determination of your application – there is no ability to amend or submit later!



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PERMITTED DEVELOPMENT: CASE STUDIES

DISCLAIMER

The information contained within this presentation was correct at the time that the information was presented

Permitted development legislation and government guidance is subject to frequent review and changes, and there may be high court judgements that set precedents for new interpretations of the relevant legislation.

Your rights to carry out building works under permitted development do not affect other requirements of legislation such as those imposed by the Planning (Listed Buildings and Conservation Areas) Act 1990.

No action should be taken on the basis of the aforementioned advice contained within this presentation without seeking prior professional advice in respect of your specific property, and at the appropriate time for when you will be looking to make an application and/or carry out works.



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PERMITTED DEVELOPMENT: CASE STUDIES

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