

Birmingham City Council

Planning Committee Briefing Note

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Author: Sean Hannaby, Interim Assistant Director Planning

Email Address: sean.hannaby@birmingham.gov.uk

Introduction:

The Government has recently introduced a number of changes to planning regulations to increase permitted development rights, some of which are intended to be temporary during the Covid 19 pandemic whilst others are permanent:

Temporary Provisions during the pandemic:

1. Between 24th March 2020-23rd March 2021 restaurants, cafes, drinking establishments and drinking establishments with expanded food provision are temporarily allowed to provide takeaway food.
2. Between 1st July 2020-31st December 2020 the temporary use of land is extended to include use for film making and to include buildings or land within the curtilage of a building.
3. Between 25th June 2020-23rd March 2021 Local Authorities are allowed to hold markets on any land (unless it is a site of scientific interest).
4. Between 9th April 2020 -31st December 2020, carrying out development by a Local Authority or Health Service body, to prevent, mitigate or in connection with an emergency which threatens serious damage to human welfare is allowed, subject to a number of restrictions.

Permitted Development:

1. **New dwellings on detached blocks of flats.** (Came into effect 1st August 2020)
This provision allows an additional 2 storeys to be built on top of a block of flats to provide additional residential units.
There are a number of restrictions, including that the block of flats must be at least 3 storeys high and built between 1st July 1948 and 5th March 2018. The additional storeys cannot be more than 7m higher than the original building and the extended building cannot exceed 30m high.
Buildings within certain designated areas and listed buildings are excluded.
Prior approval is required from the LPA.
2. **New flats on detached buildings in commercial or mixed use.** (Comes into effect 31st August 2020)
This provision allows an additional 2 storeys to be built on top of a commercial building (or a building that is a mix of commercial and residential) to provide additional residential units.
The commercial uses affected are shops, financial and professional services, restaurants, cafes, offices, a betting office, pay day loan shop or a launderette.

There are a number of restrictions, including that the block of flats must be at least 3 storeys high and built between 1st July 1948 and 5th March 2018. The additional storeys cannot be more than 7m higher than the original building and the extended building cannot exceed 30m high.

Buildings within certain designated areas and listed buildings are excluded.

Prior approval is required from the LPA.

3. New flats on terraced buildings in commercial or mixed use. (Comes into effect 31st August 2020)

This provision allows an additional two additional storeys to be built on top of a commercial building (or a building that is a mix of commercial and residential), where the building is two or more storeys or one additional storey where the existing building is one storey high, in order to provide additional residential units.

The commercial uses affected are shops, financial and professional services, restaurants, cafes, offices, a betting office, pay day loan shop or a launderette.

There are a number of restrictions, including that the building must have been built between 1st July 1948 and 5th March 2018. The additional storeys cannot be more than 3.5m higher than the original building if it is single storey or 7m if the dwelling is 2 storeys or more; and the extended building cannot exceed 18m high. The provision does not apply if additional floors have previously been added.

Buildings within certain designated areas and listed buildings are excluded. Prior approval is required from the LPA.

4. New flats on top of existing dwellings. (Comes into effect 31st August 2020)

This provision allows up to two additional storeys, where the existing dwelling is of two or more storeys; or one additional storey, where the existing dwelling is one storey high.

It applies to existing dwellings which are detached, semi-detached or in a terrace.

There are a number of restrictions, including that; the dwelling must have been built between 1st July 1948 and 5th March 2018; the provision does not apply if additional floors have previously been added; the additional storeys cannot be more than 3.5m higher than the original building if it is single storey or an attached dwelling or 7m if the dwelling is 2 storeys or more; and the extended building cannot exceed 18m high. Where the house is in a terrace (2 or more dwellings) its height cannot be more than 3.5 metres higher than the next tallest house in the terrace.

Buildings within certain designated areas and listed buildings are excluded.

Prior approval is required from the LPA.

5. Additional floors on top of existing dwellings. (Comes into effect 31st August 2020)

This provision allows up to two additional storeys, where the existing dwelling is of two or more storeys; or one additional storey, where the existing dwelling is one storey high.

It applies to existing dwellings which are detached, semi-detached or in a terrace.

There are a number of restrictions, including that; the dwelling must have been built between 1st July 1948 and 28th October 2018; the provision does not apply if additional floors have previously been added; the additional storeys cannot be more than 3.5m higher than the original building if it is single storey or an attached dwelling or 7m if the dwelling is 2 storeys or more; and the extended building cannot exceed 18m high. Where the house is in a terrace its height cannot be more than 3.5 metres higher than the next tallest house in the terrace.

Buildings within certain designated areas and listed buildings are excluded.

Prior approval is required from the LPA.

6. The demolition of buildings that have been vacant for at least 6 months and the construction of new dwellings in their place. (Comes into effect 31st August 2020)

This provision allows the demolition of vacant, freestanding flats, offices, industrial or research buildings constructed before 1st January 1990 and its replacement with a block of flats or a dwelling.

There are restrictions which exclude listed buildings and buildings within certain designated areas and buildings over 1000sqm. The height of the new building cannot exceed 7m. above the height of the old building or 18m in total. The new building may differ to, but no larger than, the original building in any direction. The new building may not come forward of the wall of the old building where it fronts a highway.

Prior approval is required from the LPA.

Use Classes Order:

(Comes into effect 1st September 2020)

The current Use Classes Order groups use classes into four main types:

Class A uses - retail, food and drink;

Class B uses - offices, research, manufacturing and distribution;

Class C uses - Hotels, residential institutions, HMOs and dwellings,

Class D uses - Health, education, meeting places and leisure.

The new regulations create new use classes into which some of the above uses will now fall; Class E (Commercial, Business and Service), Class F.1 (Learning and Non-residential institutions) and Class F.2 (Local community). However, some uses will remain in their current class and some uses that were previously within a use class will now be regarded as outside any of the use classes (*Sui generis*).

Changes between uses that fall within the same use class do not require planning permission.

The table at Appendix 1 sets out the new use classes and shows their previous classification.

Appendix 1:

Description of Use	New Use Class (from 1 September 2020)	Old Use Class
Industrial Uses		
General Industrial	B2	B2
Storage or distribution	B8	B8
Residential Uses		
Hotels, boarding and guest houses	C1	C1
Residential institutions	C2	C2
Secure residential institutions	C2a	C2a
Dwelling houses	C3	C3
Use of a dwelling house by 3-6 residents as a 'house in multiple occupation'	C4	C4
Commercial, business and service uses		
Shop	E	A1
Financial and professional	E	A2
Café or restaurant	E	A3
Office (other than a financial & professional service)	E	B1a
Research and development	E	B1b
Light industrial	E	B1c
Clinics, health centres, crèches, day nurseries, day centre	E	D1
Gymnasiums, indoor recreations not involving motorised vehicles or firearms	E	D2
Learning and non-residential institutions		
Schools, non-residential education and training centres, museums, public libraries, public halls, exhibition halls, places of worship, law courts	F1	D1
Local community uses		
Shop not more than 280sqm mostly selling essential goods, including food and at least 1km from another similar shop	F2	A1
Hall or meeting place for the principal use of the local community	F2	D2
Indoor or outdoor swimming baths, skating rinks, and outdoor sports or recreations not involving motorised vehicles or firearms	F2	D2
Sui Generis		
Pub or drinking establishment	Sui generis	A4
Take away	Sui generis	A5
Cinemas, concert halls, bingo halls and dance halls	Sui generis	D2