

# Turning shops into housing? Planning deregulation, design quality and the future of the high street in England

## Abstract

The changing fortunes of the high street has been a subject of interest for some time, with a view that trends such as the shift to more online retailing as well as changing patterns of work, mobility and prosperity may impact viability and vacancy of retail units. These patterns and concerns have been exacerbated by recent governance reforms in England. At the same time as a global pandemic has reduced footfall and threatened many shops with closure, the government has been deregulating the urban planning system so that local governments have less ability to exert control over the use and design of buildings. This has been particularly seen in the form of what is known as ‘permitted development’, which allows commercial buildings to be converted to residential use without needing planning permission and which was increased in scope in August 2021. This deregulation has been driven by a neoliberal, market utopian understanding of the so-called ‘housing crisis’ in England. An existing trend of converting high street shops to residential use is thus likely to accelerate. In this article, we examine the drivers for adaptive reuse of commercial buildings as residential use and the deregulatory governance context currently surrounding this in England. We then consider data on the rate of conversion and provide case studies of different quality conversions of shops to dwellings, arguing that there is insufficient attention being paid to design quality, particularly in terms of the quality of housing being provided for residents of these conversions. This might mean that conversions threaten the wellbeing of residents – consigning them to ‘future slums’ (BBBCC, 2020) – and also the vibrancy of high streets and the broader quality of public realm. We argue that incremental conversions, not bound within any broader planning, of high street functions (or what it means to lose active frontages, without compensation) are a threat to overall place quality. We therefore propose design principles and make policy recommendations that seek to achieve the effective governance of commercial to residential conversion whilst sustaining that place quality.

## Key words

High street, retail, urban planning, deregulation, permitted development, design quality, England

## **Introduction: the post-retail high street in an age of 'housing crisis'**

The changing fortunes of the high street has been a subject of interest for some time, with concerns that nearly half of retailers in the UK are at risk of failure and a view that trends such as the shift to more online retailing as well as changing patterns of work, mobility and prosperity may impact viability and vacancy of retail units (Hughes and Jackson, 2014). These trends can be seen internationally. In the UK, this has led to a policy focus around town centres and high streets from central government over a number of years, for example the 2011 independent review into the future of high streets led by consultant and broadcaster Mary Portas. This noted the rise of online retail and changing expectations around value, service, entertainment and experience against which many high streets apparently failed to deliver. The recommendations of the review focussed heavily on proactive management by local authorities and business improvement districts, more support for independent retailers and community involvement as well as removing some planning controls preventing change between different businesses uses (Portas, 2011).

These already-established patterns of changing demand for retail, and concerns around the future of the high street, have been exacerbated by the Covid-19 pandemic. Across Great Britain the vacancy rate for retail units increased rapidly through 2020, with the growth in this rate continuing at a slower pace in 2021 so that by summer 2021 it stood at 14.5% (Local Data Company, 2021). This overall national vacancy rate can be further disaggregated by sector and location, for example independent retailers and fast-food takeaways are apparently more resilient than chain store retailers and with shopping centres performing particularly poorly, and there is considerable geographical variation at all scales. A complex retail sector comprises a hierarchy of centres varying considerably in terms of size and catchment and diverse micro-locations with a wide variety of types of retail unit. In general, however, there is clearly a need to think about certain retail locations becoming obsolete for their current use and how to manage that (Hughes and Jackson, 2014).

At the same time as this contracting retail landscape that is resulting in vacancies along high streets, there is a 'housing crisis' in the UK (Gallent et al, 2018). The crisis is actually multi-faceted, involving issues around the type, size, design and affordability of housing as well as the number of new homes being developed, but has been frequently reduced to a debate about the supply of new housing by the private sector. This is reflected in central government policies including a 'Housing Delivery Test' in England whereby over 300 local authorities across the country are held to account for the number of new housing units delivered each year (DLUHC, 2022) against predicted need based on a tenure and type-blind overall target produced by planners. Given the demand for new housing in most parts of the country, a number of large chain retail companies in the UK have announced they are looking at conversion of former retail premises into housing and there is a view that the future of the high streets is likely to involve a mix of retail, leisure and housing uses (Nazir, 2021).

Whilst a rise of retail vacancy in a time of housing need may naturally lead to calls to convert shops into housing, and there can be sustainability benefits from the adaptive reuse of buildings given their embodied carbon (Clifford, 2021), the issue is more complex in practice. In particular, these trends raise important questions about the role of the state in steering and managing change in the built environment. In England (urban planning being a devolved matter in the UK dealt with separately for Northern Ireland, Scotland and Wales), at the same time as a global pandemic has reduced footfall and threatened many shops with closure, the government has been deregulating the planning system so that local governments have less ability to exert control over the use and design of buildings. This has been particularly seen in the form of what is known as 'permitted development' (PD), which allows certain activities usually counted as 'development' to proceed without requiring a planning permission. In the UK discretionary tradition, planning permission is granted by the local state on a case-by-case basis following consideration by a professional planner of the merits of a proposal against

the local development plan's policies and a range of other 'material considerations', including design issues. Over time central government have expanded the range of what is considered PD to include conversion of shops to houses.

In this paper, we consider the implications of these changes to the governance of converting retail to housing, paying particular attention to the design and quality of the homes produced. In the next section, we explain the changing planning policy landscape in England, before briefly considering the potential drivers for deregulation. We then consider data on the trends for retail to residential conversion nationally, before examining some case studies of conversions allowed through both traditional planning permission and the PD route. Given concerns that PD has resulted in poorly designed housing which could be detrimental to the health and wellbeing of occupants, and an inconsistent pattern of conversions which can threaten the integrity of local high streets, we conclude with some recommendations about what should be done in terms of planning policy and design principles for governing the transformation of shops into homes.

### **Planning deregulation and market utopian solutions to the housing crisis**

Since 1948, the conversion of buildings between different uses has required planning permission in the UK. This would involve consideration of the principle of development as well as its design and a decision based on a holistic view of the merits of the proposal. These cannot be considered through the deregulated PD route. The expansion of PD to incorporate commercial-to-residential change of use began in England in 2013, specifically for office-to-residential conversion. This practice was reviewed by the government in 2014. It was claimed to have achieved significant success given the number of conversion to residential use and therefore expanded, in the following year, to include retail-related buildings; these included 'shops', 'financial and professional services premises' and some associated bespoke uses such as 'laundrettes', which could thereafter be converted to residential use, through the PD route, where schemes did not exceed an upper limit of 150m<sup>2</sup>.

In August 2021 the government increased this size limit to 1,500m<sup>2</sup> per scheme as well as dramatically increasing the range of commercial buildings eligible for conversion to housing under PD, to include premises like gyms, restaurants and clinics. It's estimated that 80.3% of shops and other commercial buildings could now in theory be converted to residential use through PD (Clifford et al, 2021). The government have argued that this further deregulation of planning control would help 'revitalise England's cherished high streets and town centres' by apparently helping to create 'much-needed homes while also giving high streets a new lease of life – removing eyesores, transforming unused buildings and making the most of brownfield land' (MHCLG, 2021). An existing trend of converting high street shops to residential use is thus likely to accelerate. The emphasis of government planning reforms in this area has been placed on conversion of retail units to housing through deregulation, so whilst this change is still possible under PD, converting a shop to community hall or live music venue, for example, would still require full planning permission. For this reason, we focus in this paper on conversion of retail to residential use under PD.

Claims from the government, that this form of PD will help support the regeneration of high streets, have been disputed, with a parliamentary select committee hearing concerns that still-occupied retail units could be converted to housing where landowners and developers consider it more profitable to do so: such incremental conversions could, in turn, further threaten the viability of high streets (House of Commons, 2021). There are additional concerns over the design quality of the housing created through PD, with another government review on development design expressing the view that these conversions threaten the wellbeing of residents – consigning them to 'future slums' (BBBBC, 2020) – and also the vibrancy of high streets and the broader quality of public realm. These worries are shared

by industry professionals, with the Royal Town Planning Institute and Royal Institute of British Architects warning that an expansion of PD will negatively impact on local character, jeopardise high street vitality and deliver sub-standard housing (Morris, 2021).

Despite such warnings, the current UK government seems committed to deregulation of planning through PD, seemingly convinced that liberalising the governance controlling the supply of housing will solve the 'housing crisis' (Gallent et al, 2018). As already noted, this housing crisis is complex and multi-dimensional, ranging from problems of affordability of market housing, lack of social rented housing to poor housing quality and insecure tenures. A key narrative has emerged in England, however that there is significant under-supply of new homes (usually referenced against a national target of 300,000 new housing units needing to be delivered each year despite significant geographical variation in the character of housing markets across the country) and that this under-supply is the root cause of low housing affordability. The government's view of the housing crisis is partial. It emphasises the role that supplying new housing plays in addressing market disequilibrium but entirely ignores the diverse forms of housing consumption that eat into the supply of old and new housing for reasons of investment and wealth accumulation (Ryan-Collins, 2018).

A neoliberal turn against planning's public interest value has seen central government in England respond to the 'frenzied atmosphere of anti-planning rhetoric' (Haughton and Allmendinger, 2016: 1688), from right-wing think tanks, by deregulating the planning system with measures such as PD (Ferm et al, 2021). The drive has been centred on housing delivery, but the solution of planning deregulation is reflective of a market fundamentalism that argues that management of the built environment is best left to 'the market' compared to government regulation, which is seen as misguided interference despite the socially destructive effects that can result from such a 'market utopia' (Clifford and Ferm, 2021). The government's logic is that whilst retail demand is declining, housing demand remains high, therefore reusing shops as residential units should be the future of the high street, and that regulatory barriers standing in the way of such reuse should be removed. The government had previously argued that reduced regulation would not lead to lower quality housing, as any decline in quality is not in the business interest of developers, which have reputations to defend (DCLG, 2013). However, whilst this might be true for established market players, government underestimated the role that would be played by smaller and start-up developers, who were quick to grasp the opportunity presented by PD. Low quality schemes readily exploited both the PD mechanism *and* the housing crisis, with the latter limiting the housing choices of a significant sub-section of households who found that they had little choice but to accept being housed in converted commercial premises. PD owes much of its 'success' to the deepest housing crisis in a generation. It is also important to note that the highly centralised nature of the planning system in England means reforms like PD cannot simply be ignored by local authorities and communities.

## **Permitted development and retail-to-residential conversion in England**

The largest number of conversions after deregulation for commercial-to-residential change of use schemes came through the office-to-residential route: government statistics show 73,575 new housing units created from former office buildings under PD in 2015-21 across England compared to 4,245 from former shops and similar buildings (DLUHC, 2021).. These PD office conversions attracted controversy fairly soon after their introduction (Muldoon-Smith and Greenhalgh, 2016; Holman et al, 2017; Remøy and Street, 2018), both because of concerns over issues like the internal space standards of the housing units being created and a concern over loss of ability for local planners to exert control, and so apply local policies and extract planning gain. A case-study based research of over five hundred

schemes across five different English local authorities systematically considered the consequences of this route to creating new housing (Clifford et al, 2018; Clifford et al, 2019). There were found to be cases of occupied offices being converted, and businesses struggling to find suitable new premises, economic impacts because conversions did not need to make planning gain contributions towards new infrastructure to support the change of use and additional residents and because the fee payable to the local authority for processing the consent was reduced by more than the workload. There were also social impacts because PDR schemes do not need to provide any affordable housing contributions, unlike schemes taken through the usual planning permission route and despite housing affordability widely being seen as a key feature of the housing crisis across England. Most seriously, important issues with the design quality of the new housing created through conversion were found, including poor space standards, often substantially below the recommended Nationally Described Space Standards (NDSS) (DCLG, 2015), which could not be applied to these schemes..

Following this report, in 2019 the government announced some further extensions to PDR, but also that they would commission an independent review into the quality of housing created through it. This was published in 2020 (Clifford et al, 2020). This report looked at retail-to-residential schemes, alongside office-to-residential and storage/light industrial-to-residential projects, in 11 case study local authorities across England, considering over six hundred schemes in total. As some conversions still required a full planning permission (e.g. those exceeding the maximum PD size threshold or involving historic buildings), these can be compared to those allowed via the deregulated PD route. Across all categories of conversion studied, a comparison of PD versus regular planning schemes found that PD-based projects were delivering lower housing quality, judged in terms of internal space, natural light, and access to amenity space (balconies, roof terraces, gardens). There were a predominance of studio and one-bedroom flats. There were also some dwellings being created in immediate neighbourhoods unsuitable for residential use, such as business parks and industrial estates. Taken together, this led to the conclusion that PD was leading to housing being produced which could have a detrimental impact on the health and wellbeing of residents (see also Marsh et al, 2020).

Nevertheless, in some respects, PD and regularly-planned schemes displayed less difference, for example, in relation to energy efficiency and access to services, green space and public transport. This was, in part, down to the well-connected urban locations of PD schemes. It may also relate to the poor performance, in terms of quality and location, of many planned schemes (Carmona et al 2020) which do not, therefore, present high quality benchmarks for comparison. A further finding from Clifford et al (2020) was that whilst space standards for PD and planned schemes were poor in the most deprived locations, PD standards were consistently worse than for planned schemes across all different places studied. Planning control clearly lifts design quality – regulatory governance can and does make a positive difference – although economic conditions, determining extractable value, plays a broader geographical role in determining achieved quality.

As well as the general findings across all categories of conversion, Clifford et al (2020) also contains an analysis differentiating between types of commercial-to-residential change of use. Looking specifically at the retail-to-residential category, it was notable that these conversion schemes were less likely to use the deregulated PD route as opposed to the planning permission route than office-to-residential conversions. This may be because a planning permission can allow more extensive changes to the exterior of the building as part of the conversion, and the large incentive of using PD to avoid having to provide any affordable housing only usually applies for schemes of 10 housing units or larger, but the average retail-to-residential scheme is smaller than this. The report found that the average retail-to-residential scheme under PD created 3.3 new housing units compared to 29.1 new housing units for office-to-residential conversions, reflecting both the physical characteristics of the buildings but

also the 150m<sup>2</sup> space limits for retail-to-residential PD conversions in force in England during the study period. Interestingly, in terms of bedrooms, only 58.3% of the retail conversions were into studio or one-bedroom homes compared to 69.2% of the office conversions. In other words, larger family housing was more likely to have been created from retail-to-residential conversions than office-to-residential, reflecting perhaps the smaller buildings with direct street access being considered more suitable for family housing by developers when not restricted through planning control.

In relation to compliance with NDSS, 61.1% of retail-to-residential PD housing units achieved this, far better than the 20.0% for office-to-residential housing albeit still less than the 74.5% for the planning permission retail conversions. Further, permissioned schemes tended to be only marginally below the NDSS, e.g. 35m<sup>2</sup> as against 37m<sup>2</sup> for a studio. An officer had often commented on the reason for allowing the smaller unit: for example, because of access to private amenity space, a building listing, or adherence to policies predating the NDSS. PD schemes, on the other hand, were usually well below the standard: studios of 15m<sup>2</sup> for instance. Sufficient space in the dwelling has, of course, been widely linked to health and wellbeing of occupiers (Carmona et al, 2010; Madeddu et al, 2015; Clifford and Ferm, 2021).

In terms of access to private amenity space, just 16.7% of housing units created under PD retail-to-residential conversion benefitted from this, compared to 36.4% created from retail conversions allowed through a planning permission, and compared to the 2.5% of the housing units created from office conversions under PD. Access to outdoor space has been widely linked to health and wellbeing (de Bell et al, 2020) and so is something many local planning policies seek to achieve (e.g. Mayor of London, 2016), but such policies do not apply in the case of deregulated PD conversions. In terms of window arrangements, Clifford et al (2020) report that 2.8% of retail-to-residential units only had windows facing a central atrium area (likely to be as part of larger conversions and lead to very poor daylight penetration into the dwellings), whilst 51.9% only had single aspect windows. This is better than the 73.2% of the office conversion under PD but worse than the 27.4% of planning permission governed retail-to-residential conversion housing units being single aspect. Promoting dual aspect buildings is another now fairly standard residential design quality requirement in many local plans and important given the relationship between natural light and health and wellbeing (Bird et al, 2018). The report therefore finds that permitted development retail conversions tend to be lower quality than those created through planning permission approval, but on average the residential quality was higher with the (usually smaller) retail conversions than some of the (usually larger) office conversion schemes.

Following their consideration of the findings of the Clifford et al (2020) report, the government amended regulations in June 2020 so that in future all housing units created through PD would need to have 'adequate natural light to all habitable rooms'. A further change to the regulations applying from April 2021 meant that in future any housing created through PD would need to compulsorily comply with NDSS as a condition of their prior approval. These amendments to the regulations have addressed some of the most pressing issues identified with housing created under PD, but other issues such as access to outdoor space, interface with the public realm, and the principle of development (and potential loss of space still utilised by businesses) remain (House of Commons, 2021). Such concerns remain at the very moment that, as already mentioned, the government have dramatically increased the range of commercial premises eligible for conversion to residential use under the deregulated PD route across England. In order to further consider some of the regulatory and design issues relevant to the conversion of retail premises into housing, we now turn to some case study change of use schemes.

## **Case studies of conversions**

Drawing on previous research (Clifford et al, 2018 and Clifford et al, 2020) as the basis for a new analysis, we consider here five different case studies of retail-to-residential conversions on high street locations across England, from the urban areas of Birmingham, Bristol and London. The original research involved, for case study local authorities (which might be, for example, boroughs within larger conurbations like Birmingham or London) looking at every single PD conversion scheme in those areas from 2015-2018 and any similar commercial-to-residential schemes allowed through traditional full planning permission as a comparator. For retail-to-residential this involved consideration of 68 PD schemes and 113 planning permissions schemes. The relatively small number of conversions mean it is unusual to get more than one in the same neighbourhood, let alone the same street, albeit we believe the rate of such conversions may increase in future. A site visit and examination of submitted documents on local authority planning databases (for example floorplans) was conducted. From this selection of schemes, we have chosen five cases: three allowed through PD and two through a full planning permission, which are illustrative of typical features of conversions schemes whilst also reflecting the broader findings for the original research of the, on average, higher design quality seen with planning permission compared to PD schemes.

Each conversions scheme must be understood to some extent on its own merits, given the importance of various contexts including the strength of the real estate market as well as the design of the building being converted. Our case studies aim therefore to be illustrative of trends and issues rather than fully representative. We assess schemes against well understood measures of design quality which are commonly adopted into planning policy in the UK (e.g. Mayor of London, 2016) based on a range of evidence, for example on health impacts for residents. We do not include resident views, since our previous research has found it difficult to gain meaningful engagement with occupiers who can often be in situations of housing precarity, but acknowledged this as a potential limitation and requiring further study.



Figure 1 – 272 Church Road, Bristol before and after conversion to residential use (left photo from 2014 © Google and right photo from 2019 © Ben Clifford)

Firstly, **272 Church Road**, St George in the City of Bristol (Figure 1). This is a conversion on a local high street located on a main road east from Bristol, a medium-size city in the south west of England. The neighbourhood, a primarily residential area of terraced housing, is in the top 30% for socio-economic deprivation nationally (Rae, 2022). The premises were constructed in the Victorian era, as retail on the ground floor with residential above. In 2011, planning permission was received to convert the ground floor shop into an office for a chartered surveyors firm, with residential use already in place in the space above. Conversion of this ground floor office space into a single studio flat of 31m<sup>2</sup> was granted through prior approval in 2015. This is below the NDSS minimum of 37m<sup>2</sup>. At that time the commercial premises do appear to have been vacant. No exterior alterations were made other than removing the shop signage above the window. Although there is a public park nearby, the flat has no access to any private or communal amenity space at all (such as balconies or roof terraces) and the flat's only light is from the single, north facing former shop window. The presence of this large window, coupled with the lack of setback of the building from the pavement (as observed in the houses nearby) compromises the privacy of the flat's inhabitants, although this has been mitigated through the application of a layer of opaque film; moreover, the fact that the flat is single aspect, and with only small parts of the windows that can be opened, negatively impacts on air circulation and might require mechanical ventilation. No adequate provision for refuse management appears to have been made. No architect seems to have been involved in this conversion, with the applicant being an individual rather than a company.

Secondly, **410 Brighton Road**, South Croydon in the London Borough of Croydon (Figure 2). This is a conversion on a local high street located on the main road south from Croydon, a large town on the southern edge of Greater London. The neighbourhood is in the 40% least deprived nationally (Rae, 2022) and is generally an area of reasonably prosperous early twentieth century suburban housing. The premises were originally constructed between 1900 and 1910, with two floors in residential use above a ground floor in retail use. At some point before 1999, the ground and first floors had begun to be used as office space with the second floor in residential use. This office space seems to have been in use by a local charitable organisation until the owner converted the building to residential use. In 2013, a planning application was submitted to convert to residential use but was refused on the basis that it would result in sub-standard accommodation by reason of inadequate floor areas and unsatisfactory layout.





Figure 2 – 410 Brighton Road, South Croydon before and after ‘conversion’ to residential use (*left photo from 2012 © Google and right photo from 2017 © Ben Clifford*)

Nevertheless, following the introduction of permitted development, conversion was allowed, with three different prior approval notifications each increasing the number of flats to be squeezed into the premises, with the final scheme from 2014 (which has been implemented) sub-dividing the whole premises into some six flats: 4 studios and 2 one-bed units. None of these would meet the NDSS, with three of the studios significantly below, being between 15m<sup>2</sup> and 24m<sup>2</sup> each in total. Four of the flats are single aspect so no opportunity for cross-ventilation is provided. The building is near a public park, but the flats have no access to any private outdoor space or private or communal amenity space at all. The ground floor studio flat at the front is the smallest, situated immediately behind the unaltered large former shopfront window; this significantly compromises both the visual and acoustic privacy of their inhabitants’ by removing any separation between the private and the public space, a fact that is worsened by the lack of division between the living and bedroom areas and the presence of a tree in the pavement, which, restricting its width, leads people to walk closer to the flat. The fully glazed facade also poses the risk of overheating in the summer and excess of cold during the winter. There was evidence there might be overheating in the flat at the time of our site visit there, and no adequate arrangements even for the delivery of mail to the address or storage and disposal of waste. Neighbouring retail units were still in commercial use, however, therefore this conversion, on its own, did not impact on the overall vibrancy of the local high street. No design improvements to the building’s interface with the public realm and its façade have been made, indeed this appears even worse post-conversion as the former company sign over the shopfront has been removed. It appears there was no registered architect involved in the scheme, by an SME developer. This appears to be an exceptionally low-quality conversion to residential use.



Figure 3 – 40 Gorse Farm Road, Great Barr before and after conversion to residential use (left photo from 2015 © Google and right photo from 2019 © Ben Clifford)

Thirdly, **40 Gorse Farm Road**, Great Barr, in the Metropolitan Borough of Sandwell (Figure 3). This is a property situated on a local parade of shops within a housing estate developed in the 1950s and 60s located to the north of Birmingham, a large city in the West Midlands of England. The immediate vicinity is a development of social housing with some deprivation, albeit this is within a wider neighbourhood which is in the bottom 10% for deprivation nationally (Rae, 2022). The building is two-storey, with a ground floor shop and a flat above. By 2006, the shop had become vacant although the flat above was in residential use. In 2015, the individual who owns the building submitted a prior approval to the local authority and then converted the shop into two one-bedroom flats, one 28.5m<sup>2</sup> and the other 43.6m<sup>2</sup>, both smaller than the NDSS. The flats do not have private outdoor space. Some modifications have been made to replace the shop front windows with brick similar to the rest of the building façade, giving the conversion the appearance of a housing rather than a retail unit. The flat created has a fairly low Energy Performance Rating. Interestingly, no proper floor plans were submitted with the prior approval but rather just rough sketch plans. This is in accordance with the deregulated space which the permitted development regime opened-up.

Turning now to the first of two conversions governed through planning permission, **212 West Street**, Bedminster, in the City of Bristol (Figure 4). This is a property situated on a local parade of shops on a main road heading south west out of Bristol. The building was constructed between 1900 and 1910 as a retail unit with a flat above. The surrounding neighbourhood is one of primarily early twentieth century residential dwellings which is close to the national average for socio-economic deprivation levels (Rae, 2022). The ground floor shop appears to have been vacant by 2004, with the residential area above occupied but in a poor state of repair. A planning application to convert the whole property into three flats was submitted in 2004 and granted but never implemented. A new planning application to convert the whole property into one large, four-bedroom house, 126m<sup>2</sup> floorspace (compliant with NDSS), was submitted in 2017 and granted. The application also included changes to the front façade, changing the ground floor from shop front to window and door; the use of materials and colour palette, and the proportions of the ground floor window, which relate the ground with the first floor, also contribute to giving the building the appearance of a housing unit, and allow it to integrate into its context.



Figure 4 – 212 West Street, Bristol before after conversion to residential use (*left photo from 2012 © Google and right photo from 2019 © Ben Clifford*)

As the whole ground floor was converted, a yard area at the rear was able to be converted into a garden, providing private outdoor amenity space, and a bin store and cycle storage were also provided. This also means each floor has windows at the front and rear, providing a dual aspect, with all the advantages this entails in terms of ventilation, lighting and its inhabitants' comfort, with rooms at the back being quieter. A local SME developer led the scheme and engaged a local chartered architect. The new dwelling has a high energy performance rating achieved through new thermal insulation measures, passive ventilation and cooling, and with further sustainability measures including the installation of a highly efficient boiler and rainwater harvesting features.

The final scheme to consider is **6-10 High Street**, Hampton Wick, in the London Borough of Richmond-upon-Thames (Figure 5). This is a local high street in what had been an historic village located on the opposite bank of the River Thames to the town of Kingston-upon-Thames, but now within Greater London. The neighbourhood is an area with a mixed stock of historic and more modern buildings and is within the 20% least deprived areas in England (Rae, 2022). The conversion involves two adjoining properties, one of which dates to the late seventeenth century and has Grade II listing (a heritage protection designation) and the other, from the nineteenth century, is considered a building of local townscape merit. One building had been a retail unit with related office space above, whilst the other had been a retail unit with residential accommodation space above, most latterly in use as a bakery. Both buildings had been completely vacant for 25 months prior to a planning application for conversion being submitted in 2014.



Figure 5 – 6-10 High Street, Hampton Wick before and after conversion to residential use (top photo from 2016 © Google and bottom photo from 2019 © Ben Clifford)

The planning application, which is from an SME developer using a multi-skilled design and architectural practice, was to convert the nineteenth century two-story building into a smaller retail unit than had previously existed, and to then allow a separate entrance and staircase up to a two-bedroom flat above. The neighbouring seventeenth century building would then be converted, at the same time, into one two-bedroom property and one five-bedroom property, both spreading over all three floors. This scheme has been implemented. All three new residential properties meet NDSS, the two-bedroom properties being 71-89m<sup>2</sup> each and the five-bedroom property 152m<sup>2</sup>. All three dwellings are dual aspect, with windows at the front and rear. As the new houses are not set back from the street the presence of large windows, facing onto the living areas, coupled with a narrow pavement, compromises the privacy of the inhabitants, but the use of internal blinds mitigates this.

The flat has access to a communal courtyard garden space, which also contains cycle and bin storage for all three properties, whilst the other two properties have private garden areas and a roof terrace. The newly refurbished retail space is now occupied and in commercial use again.

The scheme was subject to the full requirements of a planning permission as opposed to a PDR prior approval and so, for example, there was a heritage report, planning statement, design and access statement and sustainability statement submitted as well as flood risk and transport assessments. The sustainability document, for example, highlights that the refurbishment will lead to a 40% reduction in CO<sup>2</sup> emissions through new energy efficiency measures such as better insulation, more efficient heating and lighting and on-site renewable energy production through photovoltaic systems. The planning officer report notes that a Section 106 contribution towards off-site affordable housing provision and car club provision had been made, and the scheme had considered potential overlooking issues for neighbouring projects due to the development at the rear. The heritage report notes also that some amendments to the original design were made as a result of engagement during the planning process, for example to better preserve some internal features of the listed building, and that it was considered better to have the building adapted in this way than remain vacant and risk further deterioration. The design and access statement demonstrates attention to the adaptability of the buildings to future needs of their inhabitants, through consideration of the 'Lifetime Homes Standards' (Goodman, 2011).

## **Conclusion and recommendations: better design and governance principles**

Socio-economic and technological changes have long driven transformations in the built environment, influencing the character of the location, size and use of commercial buildings as demand patterns shift. The result has either been dereliction, demolition or adaptive reuse of buildings. Such adaptive reuse can have a range of advantages, including potential regeneration and sustainability benefits (for example, given the embodied carbon in existing structures) (Armstrong et al, 2021; Varriale, 2021). Given the changing patterns in our use of the high street and demand for retail, the conversion of shops to other uses is not itself problematic at all. Indeed, there may be a range of advantages from use as a range of other commercial premises and community uses, and many advocate the opportunity this presents to transform the high street into a 'social space', where people meet and engage in a broader range of experiences (Stone, 2019; Davy, 2020; Gillen et al, 2021).

In the context of pressing housing needs, the conversion of shops into housing is also, in principle, a change of use with some obvious advantages. However, the recent approach to governing this in England through PD is highly problematic. The comparison between conversions allowed through PD and those allowed through full planning permission reveals that those created through the deregulated PD route tend to be of lower quality, and this in turn can threaten the health and wellbeing of residents as well as the broader quality of the public realm. Incremental conversions, not bound within any broader thinking, and planning, of high street function (or what it means to lose active frontages, without compensation) are a threat to overall place quality.

The governance of place is vitally important. Debates around PD in England reflect a broader discussion around deregulating urban planning, and the consequences of that. In August 2020, central government proposed further radical reforms of the planning system in England which would extend and upscale PD principles by substituting discretionary, case-by-case consideration of planning applications with a 'by-right' approach to development permissioning (MHCLG, 2020; Gallent et al, 2021). These proposals have proven highly controversial and their future roll-out is not yet certain. However, the ongoing implementation of PD does represent such a shift in planning approach already happening.

As we have discussed elsewhere (Madeddu and Clifford, 2021), higher quality conversions are possible under a by-right planning system such as that seen in Italy, but this requires a sophisticated set of codes and regulations which do not currently exist for PD in England, where design quality has (mostly) been safeguarded by the ability to take a holistic view of the merits of a scheme. With this not possible under PD, a more sophisticated set of regulations than currently exist for the deregulated 'prior approval' process and building regulations process are required. The new requirement to meet NDSS is welcome, as is a requirement for 'adequate natural light' although it is notable that this does not actually require a window that a resident can actually look out of, and given the recent history of developer behaviour under PD, it is probably insufficient as a safeguard. More broadly, a range of other design quality concerns remain unaddressed so that fairly low-quality housing would still be perfectly possible under PD in future, including, for example, issues of exterior design and disabled accessibility.

It is also not possible, under PD, for local development plan policies to be applied when granting consent, as is key to the implementation of planning strategies under the UK tradition. Thus, any locally-made rules around sustainability or around the principle of development, amongst countless other considerations, cannot be enforced. There is no ability to take a proactive approach to planning where conversions of shops into housing might be desirable, and where retail cores might best be protected to ensure the continued existence of a 'high street'. At present, any planning policies or guidance relating to management of town centres simply cannot apply to a large and growing sector of development activity and the ability of a local authority to curate its place is denuded. This is plainly problematic and better governance of such change of use is required. In the absence of a complete and sophisticated reinvention of the planning system in England, having retail-to-residential conversion require full planning permission would be better than the PD alternative.

The regulation of development is, however, about more than just regulatory compliance and permissioning (Rydin et al, 2021). Good regulation requires an understanding of the socio-economic context. What is possible in a particular place will depend on market forces and the viability of good conversion versus the retention of an existing use (Clifford et al, 2020). In some places, including in some of the cases cited in this paper, there is simply too little value to be extracted from the conversion process in relatively deprived areas – poor quality development ensues, 'sanctioned' by the PD regime. Given the impact that bad housing has on people's lives such as health and wellbeing impacts (Marsh et al, 2020) and that the right to adequate housing can be considered a human right (Clifford and Ferm, 2021), such schemes should never have been allowed. The idea that there must be a trade-off, reducing housing quality to resolve the affordability crisis flows from a market fundamentalist view which ignores alternative ways to provide decent homes whilst also, in some cases, ignoring potential alternative futures for the high street. Where there is a demonstrable need for affordable homes, government should instead support the efforts of communities and registered providers to deliver non-market alternatives rather than allowing private enterprise to squeeze out 'homes' from buildings which are typologically unsuited to that purpose (Remøy and van der Voordt, 2014).

In some cases, shops can be converted into higher quality housing but in other cases they plainly cannot, and should not be, given the range of detrimental consequences this may have. We would argue that compliance with fundamental design principles should be the determining factor when permissioning conversions. These will include, firstly, ensuring the continued vibrancy of high streets and the overall quality of public realm and, secondly, ensuring the wellbeing of new residents. For high streets to maintain their vibrancy and identity, it is important that they retain active uses at the ground level as much as possible. This means that conversions to housing should be confined to upper floors (for example, those that are currently used as offices, as in some of our case studies) or planned

in a way that small ‘pockets of housing’ are created. The major part of the high street, however, should be devoted to other uses, that can go beyond traditional shopping to include, for example co-working and entertainment spaces, as well as education and community centres, galleries and music venues, and even playgrounds (see Gillen et al, 2021; Jones, 2021). This would create incremental footfall throughout the day and night, allow the high street to embrace local distinctiveness, and lead to its transformation into a social space, that promotes ‘encounter and exchange’ between people (Stone, 2019: 142), benefitting both existing and potential new residents. Instead of rushing to converting ground floors into (mainly low-quality) housing, considerations should also be given to temporary activities, with some advocating the ‘always meanwhile’ high street, where flexibility would be encouraged and uses in one space could vary across a single day (Gillen et al, 2021).

When conversions from retail to housing are taken forward, the wellbeing of new residents should be a primary consideration. The respect of minimum space standards is very important to ensure liveability and, as we have seen, it is good that even PD conversions now have to uphold NDSS; but other issues also impact on occupants’ wellbeing. Their privacy should be ensured and, in this respect, the treatment of the ground floor deserves special attention. Whilst some of our examples have shown that replacing the large, glazed façade of former shops with a more traditional ‘door and window’ might be a good idea, in some instances it might be advisable to retain the ‘memory’ and history of the shop front, especially when this is of high quality (Stone, 2019). This would help preserve the character of the high street, through maintaining a ‘sense of continuity with the past’ (Stone, 2019: 3), and would contribute to future-proofing the building by providing the flexibility for it to eventually return to its original use (Gillen et al, 2021), but will pose the challenge of adapting the ground floor to the new needs and priorities of its inhabitants.

In this case, providing a setback of the residential unit from the pavement, even if small, could help in achieving privacy whilst also highlighting the boundary between the private space of the home and the public space fronting it; this is especially important when the pavement is not very wide (in some places these are just 1.5m wide; see Jones, 2021). Internal space arrangements are also important: a purposeful manipulation of space could shield private living from external views, for example through building ‘unit blocks’ (e.g. hosting a cupboard or services) in front of the windows and leaving the least private spaces (e.g. office space or passageways) more visible – the architecture office Atelier Barda’s work in Montreal is a good example of this (Howarth, 2017). Whilst large windows will provide natural light to internal spaces, they might also cause problems with temperature control and acoustics; therefore attention should be given to these issues, for example considering the orientation of the main façade, designing-in a ventilation strategy and prioritising cross-ventilation, or introducing shading controls (e.g. through internal panels or curtains or other shading devices).

Conversions should also include private or communal amenity spaces, such as balconies (that should not face a busy road), roof terraces or courtyard gardens, as shown in some of our examples. For this reason, grouping housing together in small pockets, as indicated earlier, might be a desirable solution as it would allow the design of communal space and the provision of storage facilities, which are a key design consideration for residential uses (Levitt and McCafferty, 2018). Finally, it is worth highlighting that the involvement of an architect, or a professional figure with design expertise, is key to ensuring that, when conversions are undertaken, the best outcome can be achieved in terms of their design quality.

Planning is concerned with maximising public benefit whilst mitigating potentially deleterious impacts arising from development. It is well-placed to guide potential changes of use, ensuring that local economies and communities adapt to and thrive in changed circumstances. The need to adapt, to ensure that high streets successfully navigate extant challenges, is not disputed. But the form of adaptation, and its regulation, have become critical concerns for local communities and the

government. The latter has been supplied with clear evidence of the challenges arising from unplanned and unregulated conversions, alongside the clear benefits of good planning and design. Planning and design invariably add cost to development and mean that not every building is convertible in every context. But it is a cost worth paying if high streets are to prosper and adapt to changing demands.



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