

# Supporting Housing Delivery & Public Service Infrastructure

## Respondent Details

This section of the survey asks for information about you and, if applicable, your organisation.

### First name \*

### Last name \*

### Email address

### Are you responding on behalf of an organisation or as an individual? \*

Organisation	<input checked="" type="checkbox"/>
Individual	<input type="checkbox"/>

### Organisation (if applicable)

### Position in organisation (if applicable)

### Please indicate whether you are replying to this consultation as a: \*

Developer	<input type="checkbox"/>
Planning consultant	<input type="checkbox"/>
Construction company or builder	<input type="checkbox"/>
Local authority	<input type="checkbox"/>
Statutory consultee	<input type="checkbox"/>
Professional organisation	<input type="checkbox"/>
Lawyer	<input type="checkbox"/>
Charity or voluntary organisation	<input type="checkbox"/>
Town Council	<input type="checkbox"/>
Parish Council	<input type="checkbox"/>
Community group, including residents' associations	<input checked="" type="checkbox"/>
Private individual	<input type="checkbox"/>
Other (please specify):	<input type="checkbox"/>

### Please indicate which sectors you work in / with (tick all that apply): \*

Education section	<input type="checkbox"/>
Health sector	<input type="checkbox"/>
Prison sector	<input type="checkbox"/>

None of the above	√
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## Supporting housing delivery through a new national permitted development right for the change of use from the Commercial, Business and Service use class to residential

**Q1 Do you agree that there should be no size limit on the buildings that could benefit from the new permitted development right to change use from Commercial, Business and Service (Class E) to residential (C3)?**

Agree	
Disagree	√
Don't know	

Please give your reasons:

We would be very concerned about (1) the loss of yet more commercial, business and service space in an area (Chipping Barnet parliamentary constituency in Outer London) that has lost much of its previous employment space over previous decades, but which is likely to prove more attractive, post-Covid19, to enterprises relocating from Inner London, (2) detrimental impact on the visual character of an area, (3) impact on neighbours' privacy, daylight and other amenities, and (4) the impact on already stretched local social infrastructure.

This answer is without prejudice to our views on the principle of PDR in response to Q5.

**Q2.1 Do you agree that the right should not apply in areas of outstanding natural beauty, the Broads, National Parks, areas specified by the Secretary of State for the purposes of section 41(3) of the Wildlife and Countryside Act 1981, and World Heritage Sites?**

Agree	√
Disagree	
Don't know	

Please give your reasons:

**Q2.2 Do you agree that the right should apply in conservation areas?**

Agree	
Disagree	√
Don't know	

Please give your reasons:

PD right of change of use would threaten the essence of Conservation Area status, which is designed to protect their character and appearance. It is also inconsistent with the Planning White Paper, which aims to make CAs 'protected areas' where full planning permission will be required.

The sustainability of CAs which are historic high streets and town centres is more likely to be helped if existing premises for commercial, business and service uses remain available for those squeezed out of other areas by PD conversions.

Each case should be considered on its merits within the framework of existing CA Character Appraisal Statements, Town Centre Strategies and the emerging Chipping Barnet Community Plan.

**Q2.3 Do you agree that, in conservation areas only, the right should allow for prior approval of the impact of the loss of ground floor use to residential?**

Agree	
Disagree	√
Don't know	

Please give your reasons:

Although we disagree with the principle of PD in CAs, and we don't agree that this safeguard is adequate, we wish to lay down the need for adequate protection which is best provided by a full planning application. The issue of the loss of commercial, business and service premises at ground floor level is relevant everywhere, not just in CAs.

**Q3.1 Do you agree that in managing the impact of the proposal, the matters set out in paragraph 21 of the consultation document should be considered in a prior approval?**

Agree	√
Disagree	
Don't know	

Please give your reasons:

The scope of prior approval is far too limited.

**Q3.2 Are there any other planning matters that should be considered?**

Yes	√
No	
Don't know	

Please specify:

Smell, light pollution, vibration, air quality, access, outdoor amenity space, external appearance, affordability, proximity to essential services, and adverse effects on existing homes and social infrastructure.

**Q4.1 Do you agree that the proposed new permitted development right to change use from Commercial, Business and Service (Class E) to residential (C3) should attract a fee per dwellinghouse?**

Agree	√
Disagree	

Don't know	
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Please give your reasons:

**Q4.2 If you agree there should be a fee per dwelling house, should this be set at £96 per dwellinghouse?**

Yes	
No	√
Don't know	

Please give your reasons:

We disagree with such a low cap due the variability of local circumstances. The LPA still needs to provide local policy framework and guidance and cover Building Regulations, etc.

**Q5 Do you have any other comments on the proposed right for the change of use from Commercial, Business and Service use class to residential?**

Yes	√
No	

Please specify:

We object to the principle of PD for change of use and the light-touch regime under prior approval. Experience since deregulation of change of use since 2013, e.g. as revealed by MHCLG-commissioned research, demonstrates that it has produced poor-quality dwellings with, in many cases, poor access to amenities and services. There is nothing in the proposals here to guarantee the type and quality of housing we need. Worse still, premises that could be converted well are being converted badly and are lost to better development forever.

We also have great concern over the loss of PLA control, particularly in respect of (1) town centres, where Article 4 directions currently safeguard employment space, and (2) loss of local shops in more isolated neighbourhoods.

There would also be considerable disruption to the preparation of London and Local Plans.

**Q6.1 Do you think that the proposed right for the change of use from the Commercial, Business and Service use class to residential could impact on businesses, communities, or local planning authorities?**

Yes	√
No	
Don't know	

If so, please give your reasons:

The proposed right would (1) undermine long-standing efforts to regenerate our town centres, with corresponding loss of community commitment, (2) deny local scrutiny, (3) weaken accountability, (4) increase the shortage of suitable business premises, (5) with no minimum provision for affordable homes, discriminate against keyworkers and people on low incomes, and (6) deprive LAs of business rates.

**Q6.2 Do you think that the proposed right for the change of use from the Commercial, Business and Service use class to residential could give rise to any impacts on people who share a protected characteristic?**

Yes	√
No	
Don't know	

If so, please give your reasons:

It would (1) reduce current high levels of public engagement, (2) lose public faith in the planning system, and (3) disadvantage our high proportion of elderly and significant proportion of people with physical impairments and mental disabilities who are dependent on local shops and services.

Equal access under the Equality Act and Building Regulations Part M must be maintained.

## Supporting public service infrastructure through the planning system

**Q7.1 Do you agree that the right for schools, colleges and universities, and hospitals be amended to allow for development which is not greater than 25% of the footprint, or up to 250 square metres of the current buildings on the site at the time the legislation is brought into force, whichever is the larger?**

Agree	
Disagree	√
Don't know	

Please give your reasons:

We believe developments in these sectors should be subject to LPA control and, as they are public buildings, it is all the more necessary that they should be safeguarded from dirigiste, one-size-fits-all designs imposed by largely unaccountable design-and-build agencies.

In the case of schools, it would be essential to safeguard not only playing fields but also informal play-space, and to expand the latter in proportion to the expansion of buildings.

**Q7.2 Do you agree that the right be amended to allow the height limit to be raised from 5 metres to 6?**

Agree	√
Disagree	
Don't know	

Please give your reasons:

**Q7.3 Is there any evidence to support an increase above 6 metres?**

Yes	
No	√
Don't know	

Please specify:

We are concerned about the major impact on the visual scene and neighbours' privacy and daylight.

**Q7.4 Do you agree that prisons should benefit from the same right to expand or add additional buildings?**

Agree	√
Disagree	
Don't know	

Please give your reasons:

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**Q8 Do you have any other comments about the permitted development rights for schools, colleges, universities, hospitals and prisons?**

Yes	√
No	

Please specify:

See our comment on Q1. We object to the centralising tendency at work here.
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**Q9.1 Do you think that the proposed amendments to the right in relation to schools, colleges and universities, and hospitals could impact on businesses, communities, or local planning authorities?**

Yes	√
No	
Don't know	

If so, please give your reasons:

There would be significant impacts on local transport, either (1) added demand for our limited suburban bus services, or (2) increased car travel – or (3) both.
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**Q9.2 Do you think that the proposed amendments to the right in relation to schools, colleges and universities, and hospitals, could give rise to any impacts on people who share a protected characteristic?**

Yes	
No	
Don't know	√

If so, please give your reasons:

Equal access under the Equality Act and Building Regulations Part M must be maintained.
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**Q10.1 Do you think that the proposed amendment to allow prisons to benefit from the right could impact on businesses, communities, or local planning authorities?**

Yes	
No	√
Don't know	

If so, please give your reasons:

Equal access under the Equality Act and Building Regulations Part M must be maintained.
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**Q10.2 Do you think that the proposed amendment in respect of prisons could give rise to any impacts on people who share a protected characteristic?**

Yes	
No	
Don't know	√

If so, please give your reasons:

Equal access under the Equality Act and Building Regulations Part M must be maintained.

**Q11 Do you agree that the new public service application process, as set out in paragraphs 43 and 44 of the consultation document, should only apply to major development (which are not EIA developments)?**

Yes	√
No	

Please give your reasons:

The only evidence cited indicates problems where the approval took longer than the statutory determination period. That is the problem to focus on rather than the 13 weeks itself.

**Q12 Do you agree the modified process should apply to hospitals, schools and further education colleges, and prisons, young offenders' institutions, and other criminal justice accommodation?**

Yes	√
No	

If not, please give your reasons as well as any suggested alternatives:

**Q13 Do you agree the determination period for applications falling within the scope of the modified process should be reduced to 10 weeks?**

Yes	√
No	

Please give your reasons:

But without substantial increase in resources, planning departments will struggle to cope.

**Q14 Do you agree the minimum consultation / publicity period should be reduced to 14 days?**

Yes	
No	√

Please give your reasons:

This would be unrealistically short for meaningful community engagement, which depends on networking and collaborative responses by disparate stakeholders.

**Q15 Do you agree the Secretary of State should be notified when a valid planning application is first submitted to a local planning authority and when the authority anticipates making a decision? (We propose that this notification should take place no later than 8 weeks after the application is validated by the planning authority.)**

Yes	
No	√

Please give your reasons:

We do not see the need for the SoS to micro-manage applications around the country.

Statutory consultees, CA Advisory Committees, community groups and other local stakeholders should be notified within a week of applications being validated.

**Q16 Do you agree that the policy in paragraph 94 of the NPPF should be extended to require local planning authorities to engage proactively to resolve key planning issues of other public service infrastructure projects before applications are submitted?**

Yes	
No	√

Please give your reasons:

The consultation document does not offer any justification for this. How is an LPA to know when to engage, and how will they be resourced to do this? The obligation should be reciprocal and should involve meaningful pre-application dialogue.

**Q17.1 Do you have any comments on the other matters set out in the consultation document, including post-permission matters, guidance and planning fees?**

Yes	√
No	

Please specify:

The whole LPA operation, including post-permission consents and enforcement, must be given greater priority and resources rather than being perceived as the source of problems and delays.

When adding storeys to a building or new windows to a habitable room under PDR, they must have an acceptable visual appearance and no significant impact on neighbours' daylight, sunlight or privacy.

**Q17.2 Do you have any other suggestions on how these priority public service infrastructure projects should be prioritised within the planning system?**

Yes	
No	√

Please specify:

They should come more fully under LPA and city/region-wide scrutiny and decision-making.

**Q18 Do you think that the proposed amendments to the planning applications process for public service infrastructure projects could give rise to any impacts on people who share a protected characteristic?**

Yes	√
No	

If so, please give your reasons:

Reduction of consultation time for the local community will have an adverse impact on those who tend to have limited or no access to digital media such as the elderly, people with disabilities and those whose first language is not English.

## **Consolidation and simplification of existing permitted development rights**

**Q19.1 Do you agree with the broad approach to be applied to the review and update of existing permitted development rights in respect of categories 1, 2 and 3 outlined in paragraph 76 of the consultation document?**

Agree	√
Disagree	
Don't know	

Please give your reasons:

**Q19.2 Are there any additional issues that we should consider?**

Yes	
No	

Please specify:

Don't know.

**Q20 Do you agree think that uses, such as betting shops and pay day loan shops, that are currently able to change use to a use now within the Commercial, Business and Service use class should be able to change use to any use within that class?**

Agree	
Disagree	
Don't know	√

Please give your reasons:

**Q21 Do you agree the broad approach to be applied in respect of category 4 outlined in paragraph 76 of the consultation document?**

Agree	
Disagree	
Don't know	√

Please give your reasons:

**Q22 Do you have any other comments about the consolidation and simplification of existing permitted development rights?**

Yes	√
No	

Please specify:

We are concerned about the disruptive effect on London and Local Plans.