

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	X
Don't know	

Please give your reasons:

We object to the overall proposal to change permitted development rights (see response to question 5) . So far as size is concerned, conversion of large buildings can undermine the viability and economy of a town or city centre. It is important to retain public access to large buildings and once a large property is converted to residential in practice it will never be possible for it to revert to another use. This would contribute to independent businesses being pushed out.

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	X
Disagree	
Don't know	

Please give your reasons:

National assets should not be tampered with.

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

Agree	
Disagree	X
Don't know	

Please give your reasons:

We do not agree that properties in Class E use within conservation areas should be able to change use to housing without the need for a planning application. Conservation areas have

been designated locally because they are areas of special architectural or historic interest, and it is therefore desirable that this should be preserved or enhanced. Widening current permitted development rights to conservation areas undermine the current protections and threaten the character and appearance of conservation areas. If no planning application is required then local democracy would be lost and we would lose the ability to manage heritage assets.

We fully understand the challenges currently facing the high street and recognise that changes will be needed and we do not believe that conservation areas should be exempt from any changes. However such changes should be the result of careful consideration and consultation so that such changes both enhance the areas and deliver the changes that are of advantage to residents and the local economy, preserving our heritage and enhancing the viability of our town and city centres. If local democracy is denied then there is a real risk that developers will be able to make whatever changes they choose, focussing inevitably on maximising profit and the result will be to forever damage our heritage. Once properties have been converted to residential (particularly for multiple occupancy) it is virtually impossible to reconvert them.

The proposal to give local authorities the opportunity to consider the impact of the loss of ground floor to residential with prior approval applications in conservation areas is not sufficient to prevent inappropriate development. Full planning applications should be continued with an opportunity for effective local democracy.

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	X
Don't know	

Please give your reasons:

It is vitally important that in conservation areas all proposals for change should go through a full planning process. A prior approval process would not be sufficient to prevent inappropriate development in conservation areas. It would not for example prevent the loss of historic shopfronts, etc or inappropriate alterations such as unsympathetic materials or windows.

It is clear that town and city centres will need to change significantly as shopping habits changed, exacerbated by the Covid 19 pandemic. It is vital though that this change is managed coherently with proper consultation rather than being done in a haphazard fashion at the whim of individual developers. A proper review should be made of town and city centres so that changes (which could be either temporary or permanent) can be subject to careful consideration by local planning authorities and democratic consultation.

If exceptionally a permitted development right is implemented in non conservation areas then prior approval of the impact of the loss of ground floor use to residential should be required in all cases so that a coherent programme of change can be considered.

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	X
Don't know	

Please give your reasons:

Although there are many responsible landowners and developers a deregulation of the planning system is likely to lead to less responsible and unscrupulous landowners and developers cutting corners and exploit loopholes. Although the consultation states that the Government has learnt from the previous introduction of permitted development rights allowing offices to be converted to residential where many residences were totally unsatisfactory, there remain risks and the scope of this change is much wider. The limited list of prior approval matters will not cover all areas and all circumstances and a list in legislation will invite identification of loopholes. This is why detailed planning applications are the best way of ensuring that all relevant matters are considered in any individual case.

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

Yes	X
No	
Don't know	

Please specify:

It is vital to consider the surrounding infrastructure – schools, dentists, GP surgeries and the effect on traffic congestion on flow. This applies whether or not the area is a conservation area. An uncontrolled conversion of individual properties, when combined, is likely to have a negative impact on provision of services. This can be avoided by allowing towns and cities to develop an overall vision plan for change, followed by individual planning applications.

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	X
Disagree	
Don't know	

Please give your reasons:

The changes will still mean local authorities will have administrative costs which the developer should meet.

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	X

Please give your reasons:

The appropriate fee should be set after consideration by local authorities and other experts. We suggest that consideration be given for a reduction in fees for social/affordable housing.

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	X
No	

Please specify:

We strongly object to the proposal to extend permitted development rights to all Class E properties, whether or not in a conservation area.

Each city, town or area has a unique set of cultural values. Allowing all class E properties to be converted to residential without any planning consideration is likely to lead to a loss of that individuality with the consequent negative impacts on all areas and leading to reduction in tourism. It will inhibit the ability of councils to manage the economy of cities and towns and removes the ability to plan. Local councils and local communities will have no opportunity to influence changes, with a loss of local democracy. All changes will be driven by landowners and developers who will be primarily driven by commerciality and maximising profit, with little regard for the environment being created and with little regard for the infrastructure needs created by these changes.

As set out in the response to question 2.2 we recognise that changes need to be made to our city and town centres and there are advantages in having more residential accommodation in city and town centres. However the changes need to be planned and managed carefully, not left to the whim of individual landowners and developers. This is likely to lead to the potential destruction of retail centres, limiting the opportunity for diversification into other uses (as residential conversion will deliver the biggest profits). At a time when there are drivers (and opportunities) for more people to make greater use of their local centres, this would be counter-productive. Communities need to be able to deliver more city and town centre visions and plans and this will not be possible if these changes to permitted development rights are implemented.

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	X
No	
Don't know	

If so, please give your reasons:

The proposal will hand over large swathes of the environment to developers who will be primarily interested in commercial profit. It will have a negative impact on business, communities and local planning authorities and will destroy local democracy. Unmanaged conversion of properties in town and city centres will have a negative impact on the surrounding businesses as it will make the centres less attractive to visitors, reducing footfall. As Class E also covers health centres, nurseries and indoor sports facilities, an inability to prevent their conversion to residential would lead to a reduction in community facilities. Changes to residential will be irreversible so there would be no possibility of future flexibility. Those who would benefit are developers and property owners.

It is universally accepted that the current planning system needs improvement but the answer surely is to improve the planning system rather than abrogating all responsibility for what happens to our town and city centres.

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	X
No	
Don't know	

If so, please give your reasons:

Loss of local shops and services will have a disproportionate effect on those who are elderly, less mobile or on low incomes as they will be unable to travel further afield. It is likely to result in those least privileged being forced to the worst accommodation in the worst locations.

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	X
Don't know	

Please give your reasons:

A blanket permitted development right is not appropriate as it will depend entirely on individual contexts. In any event sports grounds and other green spaces (whether on schools, colleges, universities or hospitals) should be preserved.

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	X
Don't know	

Please give your reasons:

It will depend entirely on the location so there needs to be a full planning application to allow for proper consideration and local democracy.

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

Yes	
No	X
Don't know	

Please specify:

We know of no evidence

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

Agree	
Disagree	X
Don't know	

Please give your reasons:

It depends on the location and context which is why a full planning application is the correct approach.

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

Yes	X
No	

Please specify:

We would repeat that any blanket permitted development rights are undesirable.

Early consultation with the community by schools, etc who are considering expansion would be very helpful and mean that the full planning application process would be quicker.

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	X
No	
Don't know	

If so, please give your reasons:

Any impact will depend on the location which is why a blanket approach is not right.

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	X
No	
Don't know	

If so, please give your reasons:

Any possible impacts will depend on the individual position which is why a blanket approach is wrong.

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	X
No	
Don't know	

If so, please give your reasons:

As for Qu 9.1, any impact will depend on the individual circumstances

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	X
No	
Don't know	

If so, please give your reasons:

As for qu 9.2 any possible impact will be dependant on the individual proposal.

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	X
No	

Please give your reasons:

If the process is speeded up for public service developments then, unless resources are increased, will inevitably mean that applications for other major developments such as large housing schemes or industrial developments will be delayed. What is the evidence that this is the correct approach?

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	X

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

The proposed timescales are too short to allow for proper consultation. A better approach is to ensure that all schools, colleges, universities and prisons engage proactively with the community at a very early stage so that after full public consultation the normal planning process should be quicker.

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	X

Please give your reasons:

The timescales are far too short to allow for proper consultation and consideration and these leads to a reduction in local democracy.

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

Yes	
No	X

Please give your reasons:

This is far too short. There can be delays in the public becoming aware of a planning application and 14 days is far too short to allow for any proper consultation

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	X

Please give your reasons:

This is just a bureaucratic waste.

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	X
No	

Please give your reasons:

This is self evidently the correct approach but authorities need to have the resources to do this.

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	X

Please specify:

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

Yes	X
No	

Please specify:

Early public consultation and proactive and cooperative engagement with the planning department are essential and should enable planning applications to be dealt with quickly. This means ensuring that planning departments are properly funded.

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	X

If so, please give your reasons:

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	X

Please give your reasons:

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

Yes	X
No	

Please specify:

The role of local democracy is largely ignored in these proposals and it is very important that it is taken into account

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	X
Disagree	
Don't know	

Please give your reasons:

It is not clear why they they should be treated differently

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	X

Please give your reasons:

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

Yes	
No	X

Please specify: