

Consultation response: Supporting Housing Delivery and Public Sector Infrastructure

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About the District Councils' Network

The District Councils' Network (DCN) is a cross-party member led network of 187 district councils. We are a Special Interest Group of the Local Government Association (LGA) and provide a single voice for district councils within the Local Government Association. District councils in England deliver 86 out of 137 essential local government services to over 22 million people - 40% of the population - and cover 68% of the country by area. District councils have a proven track record of building better lives and stronger economies in the areas that they serve. Districts protect and enhance quality of life by safeguarding our environment, promoting public health and leisure, whilst creating attractive places to live, raise families and build a stronger economy. By tackling homelessness and promoting wellbeing, district councils ensure no one gets left behind by addressing the complex needs of today whilst attempting to prevent the social problems of tomorrow.

Key Messages

- We welcome the opportunity to respond and engage with Government directly on the matters included in this consultation and their wide-reaching implications for local communities and delivery of service provision through local authorities. The District Councils' Network has a number of serious concerns if these proposals are introduced by the Government through the existing planning system, as set out below.
- Through proposed changes to enable greater flexibility for changes of use to increase housing delivery, including in High Streets, town & local centres as well as industrial and commercial estates this may well undermine the social and economic fabric of local communities that these proposals are seeking to support. There is particular concern about fragmentation of uses leading to less sustainable communities, reduced footfall in centres and fewer services & facilities to support new residents resulting in a greater need to travel elsewhere to meet their needs.
- Whilst the amendments to the permitted development rights relating to new residential conversions affecting the new Class E are primarily targeted at town centres they are explicitly not limited in their applicability to town centres (para 12). As such, by implication, they equally apply to smaller settlements including villages and the open countryside. Accordingly this could pave the way for smaller scale Class E premises (e.g. village shops above a certain size, local small business offices such as solicitors or accountants, offices/retail units in converted farm buildings) to be converted to residential use without the need for permission. This will contribute to a lessening of the sustainability of smaller and rural communities and will favour those with access to personal car based transport. It may therefore be

appropriate for these permitted development rights to apply only to the major settlements {how to define?} within an authority's settlement hierarchy.

- Decision making must stay with democratically elected and accountable district councils – districts know their communities and local economies like no other and are best placed to assess and determine the likely impacts of changes. These quite radical proposals threaten districts' ability to bring about both the high quality, sustainable and desirable housing that the country needs, and further pose a risk to districts' ability to shape, remodel, and regenerate our town centres and high streets.
- The primary role for local government is to represent their communities, including through the planning process, to ensure a high quality of life for the future. These reforms will be reducing the democratic accountability of new development proposals in local areas by enabling changes of use to occur without being subject to the planning application process which includes local representations to be provided. Furthermore the delivery of new public sector infrastructure developments through a fast track planning process including the reduction of the consultation period on applications (for residents and statutory agencies alike) from 21 days to 14 days will also reduce the opportunity for engagement.
- Whilst a key aim of the Government's proposals are to support economic recovery following the Covid-19 crisis within urban areas by encouraging new house-building, with the 20 largest urban areas to deliver an additional 35% of housing by facilitating brownfield sites, it is important to note that once a particular Class E Use has been lost it will not return. Therefore the likelihood is that the essential character of town centres, high streets and other areas providing a diversity of uses which support their vitality and viability could be significantly undermined by these proposals. This will be particularly keenly felt in areas where non housing uses have marginal viability, whilst undermining Government efforts through the Towns Fund and associated financial support such as the Future High Streets Fund. At the very least it may be appropriate to exclude Primary Shopping Areas identified in Local Plans from the proposals to ensure continuous retail frontages are maintained to support economic recovery.
- Implementation of the prior approval process for changes of use to housing have a limited number of factors for consideration by local planning authorities, which do not include design, impact on neighbours and commercial uses. Whilst important at the local level across most high streets, town and local centres this will be particularly crucial to protect Conservation Areas as part of our heritage environments which generate important economic and tourism revenue for local communities to be protected. Furthermore recent commercial and industrial conversions to housing have witnessed poor quality design and living standards which need to be addressed through the legislation proposed by this consultation and would be welcomed by local authorities to strengthen the market particularly in areas with high levels of local need. Overall, the Government should continue to deliver robust proposals that support the wider Planning for the Future reforms published in August 2020 and Pillar 2 – Planning for Beautiful & Sustainable Places.
- The specific application of the Nationally Determined Space Standards as well as Building Regulations to all such permitted rights development through National

Planning Policy is to be strongly supported since it will help address the lack of space and other unsuitability identified in some residential conversions of commercial properties.

- It is noted that the duty / right to seek prior approval for change of use will not require infrastructure contributions through Section 106 agreements such as for affordable housing, transport, education and open space / sport / recreation provision despite the fact that there will be no upper limit on the size or scale of development schemes. This is particularly concerning from the local authority's perspective because additional pressure will be placed on existing services and facilities in the locality, or elsewhere, without the financial support for necessary infrastructure. It is important to remember that infrastructure needs to be directly related to the development, so it is not realistic to rely on new proposals elsewhere to meet the requirements.
- These proposals have a number of significant implications for local planning authorities in terms of supporting and delivering key services to communities. From the financial perspective there will be a reduction in planning fee income both through the change of use amendments as well as public service infrastructure development. Furthermore the specialist resources to ensure faster track processes for planning applications will receive additional workload pressure from reduced determination timescales and an increased emphasis on pre-application engagement across all interested parties including the local community. Due to finite staff resources available to local authorities such prioritisation will clearly impact on the processing time for other applications leading to backlog implications such as increased complaints, greater uncertainty for developers, pressure on decision-makers both officers and Planning Committees to determine applications and potentially an increase in appeals. Therefore it is important that the Government provides significant new financial resources to overstretched local planning authorities over a prolonged period of time in order to deliver the economic recovery needs for the country in a timely and effective manner through changes to the planning system.
- The intent of the proposals to fast track and enable the delivery of additional public infrastructure (hospitals, education, criminal justice accommodation, defence) through the intensification of current facilities are to be broadly welcomed, subject to the comments in the previous bullet point. However, the potential scale of such additions to public service buildings (up to 25%) and other factors (increase in permissible height, proximity to curtilage etc..) may be of concern particularly to local communities. Additionally, these proposals have the potential to lead to negative impacts for neighbours and users should insufficient road, parking and other transport provision be made to support the development.
- Whilst local schools are covered by the public service infrastructure, the only health facilities covered are hospitals. To assist the provision of the necessary primary and community health care facilities required by additional plan-led development it is suggested that these should also be encompassed by these proposals should they go forward.

Responses to the consultation questions

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)?

Please give your reasons.

Response = The specific application of the Nationally Determined Space Standards as well as Building Regulations to all such permitted rights development through National Planning Policy is to be strongly supported since it will help address the lack of space which has taken place in some residential conversions of commercial properties as well as new build developments.

Whilst it may be challenging to provide a specific size limit on buildings or associated areas of land which could benefit from the new permitted development right, there should be a limit on the number of residential properties that can be created through prior approval and therefore not requiring planning permission.

The absence of a size limit would mean that any building of any size within shopping centres, out of town retail parks, business parks and industrial estates, would fall within scope. Sports centres and nurseries all fall within the definition. The new right would enable change of use of the very largest shops and light industrial buildings to residential.

This limit should be set at 10 or more new residential properties so that Section 106 agreements or appropriate Community Infrastructure Levy charges can be levied on these new developments in order to deliver the necessary supporting infrastructure such as education, transport, affordable housing, leisure provision etc.

It is proposed that no unit should be allowed to convert that does not allow the national described space standard to be met. In addition there should be a size limit on the settlement in which these changes are permitted (as defined by the local settlement hierarchy) so that essential services (e.g. village shops) and commercial conversions of redundant farm buildings are not unnecessarily lost to residential development.

How will external alterations be controlled? Many buildings, particularly light industrial uses are located in unsustainable locations distant from local amenities with a potentially poor living environment. For example, within an existing industrial estate. How will the amenities of the new residents be protected, and what safeguards are there that the operations of adjacent uses will not be affected by complaints from residents? Many of these sites are likely to be poorly served by public transport, therefore new residents will be reliant on the private car.

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?

Please give your reasons.

Response = Yes it is agreed that the right should not apply to those areas identified. Furthermore, any locations which need to adhere to the Habitat Regulations

Assessment relating to Special Areas of Conservation / Special Protection Areas / Ramsar sites etc... should also be included as requiring planning permission rather than prior approval. Finally, these rights should not apply to any smaller settlements (as defined by the settlement hierarchy) or rural areas to protect the environment as well as maintain services & facilities.

Q2.2 Do you agree that the right should apply in conservation areas?
Please give your reasons.

Response = No it should not apply in Conservation Areas. There is significant concern about the right being applied to Conservation Areas due to the historic and architectural importance of buildings and associated land in these locations supporting the vibrancy and economy of centres, not least through tourism activities. Encouraging uses to change to residential purposes may well be acceptable, in principle, within Conservation Areas but the loss of uses supporting the historic environment may well undermine the character of these locations.

Elements associated with the conversion of buildings - such as reductions in vitality and viability, additional car parking and access arrangements, arrangements for domestic waste disposal (e.g. bin storage), can all have a detrimental effect on the character and appearance of a conservation area

Depending on the unit that is to be converted, some Conservation Areas have suffered from the poor conversion of historic buildings to retail / commercial uses although residential conversion may improve this. However, with very little control over how that conversion is achieved due to limited matters for consideration through the prior approval process it could still be detrimental to the conservation area.

Local Planning Authorities have a legal duty with respect to any buildings or other land within conservation areas to pay special attention to the desirability of preserving or enhancing the character or appearance of that area. The inclusion of conservation areas within this pd right will remove the ability of LPAs to carry out this requirement.

Therefore it is suggested that planning permission should continue to be sought in Conservation Areas. By continuing to require planning permission this would ensure that councils do not have to designate Article 4 directions and therefore prevent additional work being placed on increasing scarce staff resources.

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?
Please give your reasons.

Response = Subject to the above proposal requiring planning permission in Conservation Areas not being accepted by the Government, implementation of the prior approval process for changes of use to housing of any part of a building should continue to protect, conserve and enhance the historic environment. Currently the proposals only include a limited number of factors for consideration by local planning authorities, which do not include design, impact on neighbours and commercial uses. Whilst important at the local level across most high streets, town and local centres this will be particularly

crucial to protect Conservation Areas as part of our heritage environments which generate important economic and tourism revenue for local communities to be protected. Furthermore recent commercial and industrial conversions to housing have witnessed poor quality design and living standards which need to be addressed through the legislation proposed by this consultation and would be welcomed by local authorities to strengthen the market particularly in areas with high levels of local need. Overall, the Government should continue to deliver robust proposals that support the wider Planning for the Future reforms published in August 2020 and Pillar 2 – Planning for Beautiful & Sustainable Places.

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? Please give your reasons.

Response = As well as the matters set out in paragraph 21 of the consultation document being a requirement, design, relevant infrastructure provision such as education / health centres and the impact on neighbours and commercial uses must also be included in these matters to ensure that the economic vibrancy and viability of locations continues to be sustained in the future. Therefore, any proposals must ensure appropriate living conditions so all residential development should be subject to the Nationally Determined Space Standards. Furthermore, all residential development must have access to local services (including food shopping, health and educational facilities, and public transport).

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

Response = As stated above to Q3.1, it is important that any change of use to residential is supported by appropriate infrastructure provision / contributions including education, health, transport, leisure / open space and affordable housing requirements to ensure that new residents are not disadvantaged by lacking access to local services and facilities whilst not over-burdening existing infrastructure.

To ensure appropriate living conditions for residents there should also be consideration of the impact of fumes, dust, hours of operation, provision of amenity/garden space for residents, impact of noise, vibration and air pollution from adjacent roads, railways and other uses. The impact of introducing homes within commercial and industrial areas on these uses should be considered.

Whilst it is acknowledged that residential uses in existing urban areas should be increased, this should not undermine existing areas or the potential for other locations to also deliver new housing growth rather than being disadvantaged through infrastructure requirements not required elsewhere.

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

Response = Yes. It is important that local planning authorities have the required fee income to be able to process prior approval submissions as well as planning applications. Nevertheless the capacity of local planning authorities to process planning decisions continues to be hampered by a lack of professionally qualified staff. The Government should consider providing finances to increase the number of qualified staff through direct support to RTPI accredited courses via a contribution to student course fees as well as providing additional funding to local authorities in order to encourage career development in planning.

The District Councils' Network has long called for districts to have the power to set planning fees locally. We note that across England, [taxpayers currently subsidise the cost at a rate of nearly £180 million a year](#). In a [survey conducted by the LGA](#) in 2018, nearly 85 per cent of councils responded that the cost of administering each prior approval process was considerably higher than the £96 fee set by the Government.

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

Please give your reasons.

Response = Note that the current fee per dwelling house is £96 through the prior approval process but a fee of £462 applies to full planning permission for new homes, whilst £206 is charged for alterations / extensions to dwelling houses. Due to the additional cost of dealing with prior approval decisions set out in the Government's proposals, £462 should be charged rather than £96 per dwellinghouse. There is currently a subsidisation of the planning service by District Councils which is not sustainable in the longer term. Therefore districts should be able to review annually these fees to ensure that this sufficiently covers the rising costs of processing planning decisions within the context of the Government's new planning reforms and its additional requirements.

The District Councils' Network has long called for districts to have the power to set planning fees locally. Locally set planning and licencing fees enabling full cost recovery. Last year district council taxpayers subsidised planning applicants by £30 million.

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?

Please specify.

Response = The primary role for local government is to represent their communities, including through the planning process, to ensure a high quality of life for the future. These reforms will be reducing the democratic accountability of new development proposals in local areas by enabling changes of use to occur without being subject to the planning application process which includes local representations to be provided. Furthermore the delivery of new public sector infrastructure developments through a fast track planning process will also reduce the opportunity for engagement, with consultation timescales reduced once planning applications are submitted.

Whilst a key aim of the Government's proposals are to support economic recovery following the Covid-19 crisis within urban areas by encouraging new house-building, with the 20 largest urban areas to deliver an additional 35% of

housing by facilitating brownfield sites, it is important to note that once a particular Class E Use has been lost it will not return. Therefore, the likelihood is that the essential character of town centres, high streets and other areas providing a diversity of uses which support their vitality and viability could be significantly undermined by these proposals. This will be particularly keenly felt in areas where non housing uses have marginal viability, whilst undermining Government efforts through the Towns Fund and associated financial support such as the Future High Streets Fund. At the very least it may be appropriate to exclude Primary Shopping Areas identified in Local Plans from the proposals to ensure continuous retail frontages are maintained to support economic recovery. We would welcome further engagement with the Government on this important issue.

This is highlighted through a recent KPMG report on post covid town centres. Whilst new residential development will be part of the high street's future, what customers are looking for tends to be 'a cluster of shops'. Therefore District Councils need to retain local decision making, setting the vision for the high street, for the wider benefit and vibrancy of the local economy and community. To quote the KPMG report available through the link below

"Shoppers tend to be attracted to a cluster of shops rather than make a visit to a single, standalone outlet, so as the high street's retail offering thins, remaining shops may need to regroup to attract shoppers' attention."

<https://assets.kpmg/content/dam/kpmg/uk/pdf/2021/01/the-future-of-towns-and-cities-post-covid-19-how-will-covid-19-transform-england-s-town-and-city-centres.pdf> (p8)

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?
If so, please give your reasons.

Response = Yes the proposed right will have a direct impact on businesses, communities and local planning authorities with the implications to be very carefully considered by Government before moving forward.

The key issues of concern are set out below:

- Local communities will be affected due to the loss of services and facilities in particular locations leading to an undermining of the social and economic fabric that these proposals are seeking to support. There is particular concern about fragmentation of uses leading to less sustainable communities, reduced footfall in centres and fewer services and facilities to support new residents resulting in a greater need to travel elsewhere to meet their needs. This is compounded by the lack of new infrastructure provision being required for these change of use proposals. Explanation is needed on how residential amenities would be safeguarded.
- Local authorities will be affected because the primary role for local government is to represent their communities, including through the planning process, to ensure a high quality of life for the future. These reforms will be reducing the democratic accountability of new development proposals in local areas by enabling changes of use to occur without being subject to the

planning application process which includes local representations to be provided.

- The loss of revenue from business rates will create additional challenges for councils already trying to recover economically from the pandemic.
- Businesses will be affected because whilst a key aim of the Government's proposals are to support economic recovery following the Covid-19 crisis within urban areas by encouraging new house-building, with the 20 largest urban areas to deliver an additional 35% of housing by facilitating brownfield sites, it is important to note that once a particular Class E Use has been lost it will not return. Therefore the likelihood is that the essential character of town centres, high streets and other areas providing a diversity of uses which support their vitality and viability could be significantly undermined by these proposals. This will be particularly keenly felt in areas where non housing uses have marginal viability, whilst potentially undermining Government efforts through the Towns Fund and associated financial support such as the Future High Streets Fund. At the very least it may be appropriate to exclude Primary Shopping Areas identified in Local Plans from the proposals to ensure continuous retail frontages are maintained to support economic recovery.
- Explanation is needed on how those heightened rights would impact upon the practical operation of existing and future neighbouring businesses? For commercial units, viability is usually indicated by vacancy (caused by for instance being in low footfall locations or having poor/unsuitable fabric for modern commercial operation). The proposals, however, would also be likely to impact occupied commercial units and viable businesses. How would prime, economically viable commercial premises be protected from redevelopment to residential uses by landlords/investors seeking higher returns for residential use – leading to commercial tenants being evicted and the further decline of town centre vitality?
- For communities, businesses and local planning authorities it is noted that the duty / right to seek prior approval for change of use will not require infrastructure contributions through Section 106 agreements such as for affordable housing, transport, education and open space / sport / recreation provision despite the fact that there will be no upper limit on the size or scale of development schemes. This is particularly concerning because additional pressure will be placed on existing services and facilities in the locality, or elsewhere, without the financial support for necessary infrastructure. The change of business class to residential will obviously have an impact on communities and their social fabric. In addition, in smaller settlements and rural environments these proposals have the potential to encourage the loss of village shops, professional services premises etc ... and businesses in converted redundant farm buildings.

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?
If so, please give your reasons.

Response = In terms of the impact on people generally the loss of local facilities could result in people unable to access services and facilities in the locality, particularly the elderly and disabled. This could therefore result in people not being able to continue to lead independent lives and therefore additional resources will need to be provided to accommodate their needs. These impacts may be particularly severe in smaller settlements and more rural areas.

We also fear the proposals could lead to an increase in poor quality homes, located in the wrong places without adequate access to green space, public transport or community facilities – issues highlighted by [Government's research](#). The research also found that there are noticeable differences in terms of the compliance with NDSS, with only 52 per cent of prior approval units meeting the standard, and poorer Energy Performance Certificate (EPC) performance than for those developed with planning permission. Substandard and poorer quality homes developed through PDR are more likely to be used to house vulnerable people such as those in temporary accommodation.

The pandemic really has shone a light on the links between health and wellbeing and housing. While this affects anyone living in poor quality housing, Public Health England has identified how [existing inequalities affecting BAME](#), for example, have become exposed and exacerbated during the pandemic. It was highlighted in the recent Women and Equalities Committee inquiry [on the unequal impacts of COVID-19 on a range of different groups](#), that overcrowding, which is characteristic of PDR, also disproportionately affects the BAME community, low-income household, older persons, renters and those with [disabilities](#).

By failing to deliver S106 contributions, permitted development undermines the delivery of much needed affordable housing at a time when we need it more than ever. We urge Government to act on the conclusions of the government's own commissioned inquiry in building more social housing',¹ which concludes that England needs 'at least 90,000 net additional social rent homes a year, recognises that the evidence shows that spending on a long-term social housebuilding programme pays back to the Exchequer over time, and urges further grant funding from central government to deliver. As the committee have written: the cross-subsidy model has reached its limit. Government should explore other opportunities to invest in places, including land value capture.

A downturn in the property market puts affordable housing delivery via the planning system at risk. However, the opportunities are at their greatest now; capitalizing on low interest rates to invest in social housing to deliver significant returns on investment, mostly through jobs and growth and

¹ https://publications.parliament.uk/pa/cm5801/cmselect/cmcomloc/173/17311.htm#_idTextAnchor040

increased tax receipts, and housing benefit savings. Previous research by Capital Economics demonstrates investment in social housing 'could return £320 billion to the nation over 50 years²', and that 'each new social home would generate a saving of £780 per year in Housing Benefit and generate a fiscal surplus through rental income'.³

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 greater?

Please give your reasons.

Response = The threshold of not greater than 25% footprint increase or up to 250 square metres as the maximum cap limit should be clarified as the current terminology of 'whichever is the greater' suggests no maximum limit. Nevertheless, depending on the location, these thresholds could have particular implications on the local character of an area and therefore lead to specific issues to be addressed through engagement with local communities. Therefore the right should include an opportunity for the local planning authority to engage with local communities if a particular scheme is considered sensitive to a specific location. Welcome the protection of existing playing fields and their associated ancillary facilities through future proposals.

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

Response = Yes as not aware of any specific implications of this change in height limit, although the additional requirements to paragraph 21 of the consultation in terms of design and impact on neighbours and commercial uses must be considered.

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

Response = No,

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

Please give your reasons.

Response = Whilst prisons may be classed as public sector infrastructure alongside schools, colleges, universities and hospitals there is the potential for communities to have specific concerns about these development proposals. Therefore the lack of opportunity for issues to be raised as part of the process could lead to concern about accountability and local communities being side-lined.

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

Please specify.

² <https://www.local.gov.uk/delivery-council-housing-stimulus-package-post-pandemic>

³

<http://d3n8a8pro7vhmx.cloudfront.net/themes/5417d73201925b2f58000001/attachments/original/1519256246/CapExRents.pdf?1519256246>

Response = In general, whilst the principle of delivering public infrastructure provision more efficiently is supported the impact of such development on existing neighbouring development (its residents, users and businesses) should not be disregarded. This is especially the case in light of the potential scale and intrusiveness (additional height, proximity to curtilage) of such development. Without sufficiently robust and effective consultation with local communities the new approach could be viewed as undemocratic.

Furthermore the lack of contribution to improving surrounding infrastructure (e.g. roads, parking, public transport) to support these expansions is a significant concern especially where the facility generates a lot of movements (e.g. schools, hospitals)

Should these rights be extended they should also apply, as well as to hospitals, to primary health and community health facilities.

Clarification is needed in terms of what scope and scale of development does or does not need planning consent. Whilst there is reference to “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 greater” in paragraph 49 reference is made to developments of 1 hectare or 1,000 sq metres or more requiring 13 weeks to determine the application whilst other developments to be processed in 8 weeks. Please provide more details about the difference between developments of 250 square metres or more not requiring planning permission compared to major developments of less than 1,000 square metres needing planning consent within 8 weeks.

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?

If so, please give your reasons.

Response = Yes the proposed right will have a direct impact on businesses, communities and local planning authorities with the implications to be very carefully considered by Government before moving forward. The key issues of concern are set out below:

- Local authorities and communities will be affected because the primary role for local government is to represent their communities, including through the planning process, to ensure a high quality of life for the future. These reforms will be reducing the democratic accountability of new development proposals in local areas by enabling changes to occur without being subject to the planning application process which includes local representations to be provided.
- These proposals have a number of significant implications for local planning authorities in terms of supporting and delivering key services to communities. From the financial perspective there will be limited support to deliver processes in relation to these proposals for fast-tracking public service infrastructure development, which are particularly reliant on effective upfront engagement. Furthermore the specialist resources to ensure faster track processes for planning applications on public service infrastructure projects will receive additional workload pressure from reduced determination timescales and an increased emphasis on pre-application engagement

across all interested parties including the local community. Due to finite staff resources available to local authorities such prioritisation will clearly impact on the processing time for other non public sector infrastructure applications leading to backlog implications such as increased complaints, greater uncertainty for developers, pressure on decision-makers both officers and Planning Committees to determine applications and potentially an increase in appeals. Therefore it is important that the Government provides significant new financial resources to overstretched local planning authorities over a prolonged period of time in order to deliver the economic recovery needs for the country in a timely and effective manner through changes to the planning system.

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?
If so, please give your reasons.

Response = No response to this question

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?
If so, please give your reasons.

Response = Yes the proposed right will have a direct impact on businesses, communities and local planning authorities with the implications to be very carefully considered by Government before moving forward. Please see the responses to Q7.4 and Q9.1 above for further details.

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?
If so, please give your reasons

Response = No response to this question

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)? Please give your reasons.

Response = Agree in principle. However this proposal could have a number of significant implications for local planning authorities. From the financial perspective there is limited support to deliver processes in relation to these proposals for fast-tracking public service infrastructure development. The specialist resources to ensure faster track processes for planning applications on public service infrastructure projects will receive additional workload pressure from reduced determination timescales. Due to finite staff resources available to local authorities such prioritisation will clearly impact on the processing time for other non public sector infrastructure applications leading to backlog implications such as increased complaints, greater uncertainty for developers, pressure on decision-makers both officers and Planning Committees to determine applications and potentially an increase in appeals.

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

Response = In principle this is agreed. However this proposal could have a number of significant implications for local planning authorities. From the financial perspective there is limited support to deliver processes in relation to these proposals for fast-tracking public service infrastructure development. The specialist resources to ensure faster track processes for planning applications on public service infrastructure projects will receive additional workload pressure from reduced determination timescales. Due to finite staff resources available to local authorities such prioritisation will clearly impact on the processing time for other non public sector infrastructure applications leading to backlog implications such as increased complaints, greater uncertainty for developers, pressure on decision-makers both officers and Planning Committees to determine applications and potentially an increase in appeals.

In addition, further clarification is needed in terms of what scope and scale of development does or does not need planning consent. Whilst there is reference to “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 greater” in paragraph 49 reference is made to developments of 1 hectare or 1,000 sq metres or more requiring 13 weeks to determine the application whilst other developments to be processed in 8 weeks. Please provide more details about the difference between developments of 250 square metres or more not requiring planning permission compared to major developments of less than 1,000 square metres needing planning consent within 8 weeks.

Q13 Do you agree the determination period for applications falling within the scope of the modified process should be reduced to 10 weeks?
Please give your reasons.

Response = Do not agree. From the financial perspective there will be limited support to deliver processes in relation to these proposals for fast-tracking public service infrastructure development, which are particularly reliant on effective upfront engagement. The specialist resources to ensure faster track processes for planning applications on public service infrastructure projects will receive additional workload pressure from reduced determination timescales and therefore an increased emphasis on pre-application engagement across all interested parties including the local community. Due to finite staff resources available to local authorities and the process of arranging Planning Committees the reduction to 10 weeks is not considered realistic. Furthermore this will have other consequences as such prioritisation will clearly impact on the processing time for other non public sector infrastructure applications leading to backlog implications such as increased complaints, greater uncertainty for developers, pressure on decision-makers both officers and Planning Committees to determine applications and potentially an increase in appeals. Therefore it is important that the Government provides significant new financial resources to overstretched local planning authorities over a prolonged period of time in order to deliver the economic recovery needs for the country in a timely and effective manner through changes to the planning system

Q14. Do you agree the minimum consultation / publicity period should be reduced to 14 days?
Please give your reasons.

Response = Do not agree. From the financial perspective there will be limited support to deliver processes in relation to these proposals for fast-tracking public service

infrastructure development, which are particularly reliant on effective upfront engagement. The resources to ensure faster track processes for planning applications on public service infrastructure projects and reducing the consultation / publicity period to 14 days will lead to additional workload pressure linked to reduced determination timescales and therefore an increased emphasis on pre-application engagement across all interested parties including the local community. Due to finite staff resources available to local authorities and other organisations, including key stakeholders, the reduction to 14 days on consultation / publicity is not considered realistic and will have other consequences as such prioritisation will clearly impact on the processing time for other non public sector infrastructure applications leading to backlog implications such as increased complaints, greater uncertainty for developers, pressure on decision-makers both officers and Planning Committees to determine applications and potentially an increase in appeals. Finally it could create the impression of an undemocratic planning system.

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 it anticipates making a decision?

Please give your reasons.

Response = Agree in principle provided this leads to closer engagement with lead Government departments on specific public sector infrastructure projects to enable a more streamlined approach, facilitated by the monitoring process established by MHCLG. Nevertheless it should be noted that this will be an additional resource ask for local planning authorities which will clearly have implications on workload pressures due to the finite resources available.

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?

Please give your reasons.

Response = Whilst such an approach should be welcomed, it is important to note with caution that local planning authorities have finite resources both in terms of staff and finances which may well limit the ability to engage proactively in resolving key planning issues before planning applications are submitted. Furthermore it is not just local planning authorities involved in this process but other key stakeholders alongside Government Departments who all need to play their part in successful outcomes. The scope of what the Local Planning Authority can do to resolve key planning matters is often limited. Further information would be welcomed on How are other priority public infrastructure developments are being defined?

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

Please specify.

Response = As previously stated in response to previous questions it is important to note with caution that local planning authorities have finite resources both in terms of staff and finances which may well limit the ability to fulfil the Government's approach for timely resolution of post-permission matters, not least agreeing Section 106 agreements. Despite resources being available to monitor planning consents, developers and applicants can be slow to sign Section 106 agreements. Often it is not the Local Planning Authority that is causing a

delay in the signing of post permission matters. Therefore it is not just local planning authorities involved in this process but other key stakeholders alongside Government Departments who all need to play their part in successful post-permission outcomes. Whilst additional guidance to provide clarity from Government is welcomed this should not occur prior to organisations including the District Council's Network having the opportunity to support Government in a realistic approach. Finally it should be noted that current fee levels should be considered an absolute minimum and reviewed annually to ensure that this sufficiently covers the rising costs to local planning authorities of processing planning decisions within the context of the Government's new planning reforms and its additional procedural requirements, including consultation / engagement.

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

Response = Not at this stage although it is important to re-iterate to caution about potential implications for other non-public sector infrastructure projects being delayed due to the finite resources available to local planning authorities.

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?
If so, please give your reasons.

Response = No response to this question

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?
Please give your reasons.

Response = No response to this question

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

Response = Not at this stage.

Q20 Do you agree 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?
Please give your reasons.

Response = No response to this question.

Q21 Do you agree the broad approach to be applied in respect of category 4 outlined in paragraph 76 of the consultation document?
Please give your reasons.

Response = Do not agree. The proposed right will have a direct impact on businesses, communities and local planning authorities with the implications to be very

carefully considered by Government before moving forward. The key issues of concern are set out below:

- Local communities will be affected due to the loss of services and facilities in particular locations leading to an undermining of the social and economic fabric that these proposals are seeking to support. There is particular concern about fragmentation of uses leading to less sustainable communities, reduced footfall in centres and fewer services & facilities to support new residents resulting in a greater need to travel elsewhere to meet their needs. This is compounded by the lack of new infrastructure provision being required for these change of use proposals.
- Local authorities will be affected because the primary role for local government is to represent their communities, including through the planning process, to ensure a high quality of life for the future. These reforms will be reducing the democratic accountability of new development proposals in local areas by enabling changes of use to occur without being subject to the planning application process which includes local representations to be provided.
- Businesses will be affected because whilst a key aim of the Government's proposals are to support economic recovery following the Covid-19 crisis within urban areas by encouraging new house-building, with the 20 largest urban areas to deliver an additional 35% of housing by facilitating brownfield sites, it is important to note that once a particular Class E Use has been lost it will not return. Therefore the likelihood is that the essential character of town centres, high streets and other areas providing a diversity of uses which support their vitality and viability could be significantly undermined by these proposals. This will be particularly keenly felt in areas where non housing uses have marginal viability, whilst potentially undermining Government efforts through the Towns Fund and associated financial support such as the Future High Streets Fund. At the very least it may be appropriate to exclude Primary Shopping Areas identified in Local Plans from the proposals to ensure continuous retail frontages are maintained to support economic recovery.
- For communities, businesses and local planning authorities it is noted that the duty / right to seek prior approval for change of use will not require infrastructure contributions through Section 106 agreements such as for affordable housing, transport, education and open space / sport / recreation provision despite the fact that there will be no upper limit on the size or scale of development schemes. This is particularly concerning because additional pressure will be placed on existing services and facilities in the locality, or elsewhere, without the financial support for necessary infrastructure.

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

Please specify.

Response = Not at this stage but would welcome further engagement with the Government on this important issue.