

**Supporting Housing Delivery & Public Service Infrastructure
Deadline: 28 January 2021**

Respondent Details

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

Organisation	X
Individual	

Organisation (if applicable)

London Borough of Richmond upon Thames

Position in organisation (if applicable)

Assistant Director of Environment & Community Services (Planning and Transport)

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

Developer	
Planning consultant	
Construction company or builder	
Local authority	X
Statutory consultee	
Professional organisation	
Lawyer	
Charity or voluntary organisation	
Town Council	
Parish Council	
Community group, including residents' associations	
Private individual	
Other (please specify):	

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

Education section	X
Health sector	X
Prison sector	
None of the above	

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:

The National Planning Policy Framework (NPPF), chapter 7 on ensuring the vitality of town centres, sets out that planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation. This requires allocating a range of suitable sites in town centres to meet the scale and type of development likely to be needed. In addition, the Government's 'Town Centre First' policy requires applications for main town centre uses (retail; leisure, entertainment and indoor sports, including cinemas, restaurants, bars and pubs, nightclubs, health & fitness centres, bowling and bingo; offices; arts, culture and tourism, including theatres, museums, galleries, concert halls, hotels and conference facilities) to be located in town centres, and only if suitable sites are not available then in edge of centre locations and then out of centre sites can be considered.

In the absence of a size limit, a substantial amount of retail, employment and other key town centre uses could be converted to residential, thereby having a significant impact on town and local centres' vitality and viability. In addition to the impacts upon the vitality and viability, the Council is also concerned about the potential impacts upon the health and wellbeing of existing and future communities/residents due to the potential loss of creches, nurseries, clinics and health centres, gyms and indoor sports venues. Some of these facilities may be considered 'lower value' and would therefore be particularly susceptible to conversion to residential. A maximum size limit should therefore be included beyond which an application would need to be determined through the standard planning application process.

The Council is also concerned that the further de-regulation of the planning process by expansion of Permitted Development Rights (PDR) could lead to residential development in unsustainable locations that are not supported by essential local facilities or with poor public transport accessibility. This would lead to increased dependence on, and likely use of, private motor vehicles, which in turn impacts negatively on the Council's goals and ambitions to tackle the climate emergency. It would also impact negatively on air quality and quality of life for residents, both existing and future residents.

Particular concern is expressed in relation to the impact on smaller units that are considered to be of lower value, which provide an important range of jobs and facilities for a variety of users and therefore an important range of facilities and services for our residents which it may be difficult to find elsewhere in the borough, or result in additional journeys by car.

Whilst the Council is, in principle, strongly against the proposal, if government is minded to pursue this new PDR further, as a minimum, a size limit/threshold should be introduced, in the range of 100-150sqm. This would allow local authorities to exercise some control in order to safeguard economic floorspace in the interests of sustaining and enhancing our local economy. Local Authorities are best placed to understand the needs for Class E uses in their local area and this should link in to plan making; Government seems to have omitted the fundamental basis of the planning system being a plan-led system on which decision are based on the adopted

local plan. This proposal will only undermine local authorities' ability to plan appropriately for their local area.

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:

Yes, it is agreed that the proposed PDR should not apply in these sensitive areas, where the impact of any development should be fully considered within the context of a planning application.

In addition, to limit the potential harm to designated heritage assets, the right should also not apply to listed buildings and in conservation areas (also see our response to Question 2.2 below).

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

Agree	
Disagree	X
Don't know	

Please give your reasons:

The Council does not support the proposal applying in Conservation Areas.

The consultation document is not clear in this regard. It states that prior approval is required in Conservation Areas in relation to the impact of the loss of the ground floor use to residential. However, it is not clear what impact should be considered here; for example the impact on the historic interest of the Conservation Area and the reason it was designated in the first place, or the vitality of the Conservation Area, or the impact on other retailers, or local amenity or character and appearance, or perhaps all of the above?

It should be noted that the character of a Conservation Area is not only distinguished by the appearance of buildings at ground floor level, but a change in use, such as bringing more residential uses and associated activities, such as increased pressures on car parking, the need for bin storage, and consequently also pressures to alter entrances, windows etc. to suit residential uses. All of the above would most likely be harmful to the character and appearance of Conservation Areas and therefore contrary to the statutory duty contained in the Planning (Listed Building and Conservation Areas) Act 1990.

The Council would therefore strongly recommend excluding the PDR in Conservation Areas because there are a variety of impacts that need to be considered in Conservation Areas, and it is better to consider such proposal as part of a full planning application. As part of a full application, the range of harm, from substantial to less than substantial, can be fully considered in order to identify which policy in the NPPF applies, including whether for example substantial harm is necessary to achieve substantial public benefits that outweigh that harm.

The Council would also like to take the opportunity to emphasise the need to exclude statutorily listed buildings. Only through the process of a full planning application can the ‘significance’ of a heritage asset and its setting be considered early on in the process. This would also ensure that the process for securing a heritage asset’s optimum viable use as set out in the NPPF and accompanying PPG can be followed and applied, and where necessary, appropriate marketing evidence requested to demonstrate that a heritage asset has no viable use.

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:

As stated in our response to Question 2.2 above, a process that only considers the ground floor unit is not appropriate. Changes to the ground floor of a premises has the potential to cause the greatest degree of harm to the Conservation Area and change its very special nature. The proposed prior approval process is therefore not sufficient to proactively and carefully manage development in conservation areas, which has the potential to substantially harm the significance of a designated heritage asset.

Any changes of use in Conservation Areas should be assessed through a full planning application, which would allow the degree of harm to the asset's significance to be assessed and the statutory duty to be applied and considered on a case by case basis.

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:

Whilst the Council does not support the introduction of this PDR, there are a number of matters that would need to be considered as part of a prior approval process if government is minded to proceed with this PDR, including:

- Agent of Change Principle: it is essential that new housing introduced adjacent to or above existing uses that may be considered ‘bad neighbour’ uses due to for example noise, smell, vibration and air pollution, fully considers the impact on the existing uses. The responsibility to for example insulate new housing from noise, consider potential smell, vibration and other issues, must lie with the developer of the residential use, and any such potential issues need to be fully considered and assessed at the prior approval stage. This is necessary to not only protect the viability and continued operation of existing uses, but also to protect future residents.
- Transport measures: it is essential to consider issues of parking and traffic generation as part of the prior approval process as these can have significant impacts on local amenity. Given the government’s commitments to addressing the climate emergency, all proposals should promote sustainable modes of transport and ensure, for example, provision of cycle parking and electric vehicle charging points.

- Impact on provision of services: The existing Part M rights allow for the full consideration of the impact of the development on the provision of services and the sustainability of the shopping area. A similar consideration should be introduced as part of the prior approval process for Class E to C3 if government is minded to go ahead with this proposal. This is considered essential to ensure that the vitality and viability of town centres as well as local centres can be duly considered.
- External appearance: if some building operations are necessary to convert a building, and if these are also included within the PDR, then it is essential for the prior approval process to allow the consideration of design and external appearance of the building; if government is minded for the prior approval process to apply in Conservation Areas as well, then this is essential to be able to assess the potential impact on the character and appearance of the conservation area. [In this context, note the Council’s response on Question 2.2 above, which outlines its concerns regarding the inclusion of Conservation Areas.]
- Fire safety: the introduction of the consideration of fire safety must be clearly explained; this is a new consideration and it is important to understand the extent to which this is a material planning consideration rather than a matter for building regulations. The Council considers it blurs the line between two different regulatory regimes in a manner which is unhelpful and may be the cause of future tension between the two; further, Local Authority Building Control services are run on a cost recovery basis and this would produce a further cost either to the applicant or for the local authority to bear without recompense.

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

Yes	X
No	
Don't know	

Please specify:

See our response to Question 3.1 above.

The planning system in England is fundamentally plan led, decisions on planning applications must be made in accordance with the policies developed in that plan. The local plan must be based on evidence, that evidence would usually include retail assessments, open space and built facilities studies and other data and statistics of relevance would be considered in developing policy. This proposal runs contrary to these principles and could have a far reaching and long-lasting impact on local areas creating places which are not aligned with the spatial strategy the authority has adopted in consultation with residents and stakeholders. Further de-regulation will result in local Councils being unable to be curators of place.

In general, it is considered that the matters for consideration contained within the prior approval processes for current permitted development rights for changes of use from e.g. A1, A2 and A5 (although it is noted that these now fall within Class E) should also be considered for this PDR if government is minded to proceed with this. This includes the impact of a change of use on the adequate provision of services and the impact on the sustainability of that shopping area / town centre / local centre.

The Council is particularly concerned around losses of shops or essential facilities in local centres, which may be key to supporting a sustainable community and which have become increasingly important during the Covid-19 pandemic. In addition, losses of sport and recreational facilities in an area where provision is already limited could potentially affect the health and wellbeing of existing and future residents. Furthermore, the gradual loss of key facilities for shopping and other local services may lead to a segregation of the core of a centre

or shopping parade, and cumulatively this will affect the viability of those centres / parades over time, due to reduced footfall, less competition etc.

This Council has declared a Climate Emergency and adopted a Climate Emergency Strategy with an Action Plan to achieve its commitment to becoming carbon neutral by 2030. This focus will be embedded in our emerging Local Plan. Future housing should have sustainability embedded and homes delivered through Permitted Development should not be an exception. The same policies that apply to housing secured through the 'normal' planning application process should be applied to housing delivered through Permitted Development, this should include internal space standards also and a requirement for some outside amenity space. The impact of the COVID-19 pandemic has shown that access to outdoor space is more important than ever. Now is a time to be more rigorous in the quality of future accommodation we create, not to be lax.

The Council would like to point out that there appears to be a mismatch in government aims and ambitions relating to town centres and high streets. On the one hand, this consultation in particular sets out proposals that would significantly limit the ability of authorities to take a strategic and place- as well as evidence-based approach to planning for, and supporting, town and local centres, whereas on the other hand there are several high-profile government initiatives designed to help these very areas thrive, such as the [High Street Task Force](#) and the Town Deal funding as well as the announcement on the creation of an [Urban Centre Recovery Taskforce](#).

The Council is also concerned about the long-term viability of its Business Improvement Districts (BIDs), which are business led local partnership that allow the business community and local authorities to work together in an effective and cooperative manner to improve our local centres. There could be consequences to their continuity as the levy is based on all business rate payers in the local area.

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:

Yes, this is agreed as any change of use will likely be of substantial value to an applicant / developer, and it is important that there is full cost recovery in terms of processing any such application which will have to be done by qualified planning professionals. All costs should be borne by the developer and not by local taxpayers.

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

Yes	
No	X
Don't know	

Please give your reasons:

Whilst this reflects existing fees, this does not cover the full costs of processing such applications by the Local Planning Authority.

Depending on the nature of the prior approval, there are likely to be a whole variety of considerations and assessments necessary to determine the acceptability of a prior approval application; for instance, in Conservation Areas, the potential impact on the character and appearance would need to be fully assessed, or if a proposal affects a designated heritage asset such as a listed building, in terms of the assessment of the significance of the asset and subsequently the potential harm arising out of the proposal.

Overall, there are a range of matters to be considered in such a complex prior approval process, like what they would be for a planning application. The principle of the development – in the same way as in full applications – would need to be assessed to ensure the proposal meets all the limitations and conditions set out in future legislation. As a Council who had to process a significant number of prior approvals, such as offices to residential, we know from experience that it takes no less time and resources to consider an application for prior approval. A fee of £96 is definitely not sufficient for the resources involved to consider the acceptability of new housing as part of a prior approval application. The Council suggests that Government does not discern between the cost of a prior approval application and an application for full planning permission where up to 50 dwellings would attract a fee based on £462 per dwelling.

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:

The Council acknowledges that the proposed PDR would contribute to meeting housing needs. Conversely the Council would have no ability to ensure the development meets the identified housing needs in the local area, with a mix as per local plan policy. Noting that Government has applied an arbitrary 35% uplift in housing numbers for Central London in the latest revised housing need methodology, this will only serve to put more pressure on local facilities and services which provide the social infrastructure that is so important in supporting growth. Especially in a COVID-19 or post COVID world it could be that this is fundamental to the recovery with a growing emphasis on a 15 or 20 minute walkable neighbourhood to create a sustainable, world city for the future.

Our town and local centres are highly valued by our local communities. Lower value uses / facilities may be particularly targeted by developers and landowners, with the potential risks that leases are not being renewed for existing occupiers to make way for more financially viable and profitable housing developments. The Council is fully committed to provide as much housing as possible, and this is also demonstrated in our existing future 5-year housing land supply as well as in the published Housing Delivery Test figures of January 2021.

The Council is particularly concerned that the whole consultation document is silent on the provision of affordable housing. The Council has previously raised this particular issue, i.e. the inability to seek affordable housing contributions from new residential development created through PDR, in several consultations now, and it is important that the requirement for affordable housing provision / financial contributions is addressed in line with existing policies. Whilst it is acknowledged that government may consider the capturing of affordable housing contributions through the proposed Infrastructure Levy (subject to the outcomes of the White Paper), the Council has raised serious concerns about this Levy in response to the Planning White Paper consultation.

As presented, the proposal takes no account of the suitability of locations for housing or of the need to provide infrastructure and services to support the increased population. Therefore, it needs to be ensured that any changes of use permitted under the GPDO are liable to pay Community Infrastructure Levy (CIL). Otherwise the provision of additional housing without the necessary infrastructure (contribution) would not meet the needs of future occupiers as well as put pressures on existing communities. It is also of concern that the resultant dwellings and living environment would not be of sufficient quality. Particularly in areas with high residential land values, such as in urban areas and many parts of London, there will be a pressure for landowners and developers to find the most profitable uses, at the expense of less profitable facilities and services. It is considered that the proposed PDR would lead to the irreversible loss of many local facilities and services, which are often at the heart of local communities. There are a whole variety of unintended consequences, and it appears that the government has not fully considered those, such as the potential impacts on the health and wellbeing of communities if facilities for young children, such as creches and day nurseries, or sports facilities that contribute to active and healthy lifestyles, are permanently lost.

The consultation document states that the proposal aims to have thriving, vibrant town centres; however, there is no requirement for buildings to be vacant for the proposed PDR to be applied. This Council in particular has experienced the harmful unintended consequences of the B1 to C3 PDR that was introduced in 2013, which led to a significant number of businesses being kicked out of their premises, or where rents were deliberately increased to make them unaffordable and leases were not renewed, with the aim to allow their conversion to more profitable residential uses. Ultimately, the Council is very concerned that this proposal will lead to the loss of existing less profitable uses, as well as the fragmentation of our town and local centres, reduced footfall if there is a gradual loss of retail and leisure officer, all of which will ultimately impact on their diversity and vitality.

Overall, the proposal completely undermines the NPPF and the plan-making process. Local Plans are required to meet their area’s needs for economic development and to plan for the future of town centres. With the introduction of Class E, this has already become more difficult to do; however, with the further proposed PDR, cumulatively, this could have an irreversible and significant impact on the supply of land for economic development, including the scale and variety of job opportunities available, all of which will ultimately influence shopping as well as travel and commuting patterns. Ultimately, if this PDR is introduced, Local Plans are likely to fail to meet objectively assessed needs for commercial uses. The Council is also concerned that developers / landowners for large sites in particular may want to benefit and make use from the PDR rather than develop schemes, in consultation with the local authority, that contribute to wider place-making and a mix of uses.

Despite the Covid-19 pandemic’s increase in home working, there continue to be many jobs, particularly lower paid jobs, which cannot be done from home. The loss of local facilities for e.g. top-up shopping and the gradual loss of our town and local centres, will negatively impact travel and commuting patterns, particularly if there are fewer employment opportunities in the local areas. The introduction of a size threshold and potentially also the number of jobs it would affect would be critical to ensure that development does not result in significant loss of employment floorspace and local employment opportunities.

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:

See our response to Question 5 above.

In addition, there would be less opportunity for other stakeholders, including those potentially directly affected by proposals, to participate and have their say in the decision-making process.

The Council is also concerned that the proposed PDR may be introduced at a time where our economy has been severely impacted by the Covid-19 pandemic. The economy will likely be in the process of recovering and such a PDR could jeopardise this from happening. Whilst some assumptions can be made around the extent of future homeworking and fewer requirements for office space, the extent of this and its impact on the need has yet to emerge. The Council considers that even those who are mainly working remotely and from home will require touch down spaces / flexible working spaces in local / town centres, and therefore both the strategically important office locations across London as well as in this borough may continue to be needed to serve the local population and workforce. As mentioned in our response to Question 5 above, residential land values are significantly higher than office rental values in this borough, and there is no doubt that this PDR would lead to substantial losses of office space. Local authorities undertake a lot of research and needs assessments, particularly in relation to local housing needs. The Council has a duty to ensure the creation of mixed and balanced communities, as set out in the NPPF; however, if this new PDR is implemented, which could ultimately lead to a substantial amount of new housing provision (most likely more than as a result of the office to residential PDR in 2013), the Council will not be able to consider different housing tenures and mixes to meet local needs; instead, it will be left to the market and developers/landowners, with Councils having limited ability to influence and shape how an area should develop (not to mention the inability to seek affordable housing).

This Council has adopted a well-balanced approach for planning for its town centres and high streets. The Covid-19 pandemic in particular has demonstrated their importance to the community, and they will be central to the economic and social recovery. The proposed PDR would come into effect at the worst possible time, when centres are trying to adapt to become once again vibrant and successful locations for a range of activities and uses, which local planning authorities carefully plan for, such as by ensuring mixed and balanced communities supported by appropriate mix of uses. High streets that are dominated by residential uses, particularly on ground floor levels, will create sterile places, impacting negatively on our ability to shape and plan for places.

This Council considers that local authorities are best placed to determine what the appropriate strategies are for the various town and local centres, together with its stakeholder such as Business Improvement Districts. Some centres may need more intervention and planning, including through Local Plan policies such as revising town centre boundaries and identifying new sites for housing delivery if there is a surplus of commercial space. Other centres, particularly smaller centres that benefit from a variety of independent businesses, may adapt more easily and find their niche markets by being more flexible and innovative. There may also be centres that will seek to repurpose to take account of the demands for working closer to home. The proposed national PDR would undermine the potential for high streets and town centres to find their best possible strategies to recover. The Council is particularly concerned that our centres could lose their function as places that bring people together and that people want to come to for shopping, socialising and for leisure.

If government is minded to pursue this PDR, the Council strongly recommends a number of mitigations, including:

- Delaying the proposed PDR by a further 12 months (i.e. until 1 August 2022) so it does not coincide with the immediate post Covid-19 pandemic or seeds of recovery and to give time to better understand the local demands;
- Safeguarding office locations which local authorities have successfully developed and made Article 4 Directions to prevent the change of use from office to residential. Time

limits for existing office/retail and light industrial to residential Article 4 Directions should be extended until at least end of August 2022 (or ideally later) to allow local authorities time to prepare their evidence and justification to introduce new Article 4 Directions with respect to the new E use class.

- A clear requirement for buildings to be vacant for a certain amount of time (e.g. 6 months as a minimum).
- A minimum size threshold of between 100 and 150sqm.
- Removing categories E(e), i.e. medical or health services and E(f), i.e. creches, day nurseries or day centres from Use Class E, to limit the impact on social infrastructure.
- Incorporating Conservation Areas within the areas excluded from the PDR; also making it clear that the rights do not apply to listed buildings.
- Providing additional matters in prior approval conditions including, but not limited to: (a) maximising the delivery of affordable housing (in line with Local Plan policies); (b) contributions towards necessary infrastructure and liability for Community Infrastructure Levy; (c) criteria relating to design quality and the quality of the proposed accommodation including external appearance and arrangements that may need to be reconfigured to suit residential uses (e.g. for access, bin storage, provision of cycle parking as well as outside space, the value of which has become particularly evident during the Covid-19 pandemic); (d) criteria to consider the potential impact of a change of use on the sustainability of the town centre / local centre / shopping parade, on existing uses and their continued operation such as in relation to industrial services and also whether there is no reasonable prospect of the building not continuing to provide for services within Class E.

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:

Yes, because the loss of provision within existing town and local centres as well as local shopping parades would particularly affect the less mobile and physically impaired as well as those who may not be as familiar with online shopping or who have access to and the ability to use a private motorised vehicle. The potential loss of health services and other social infrastructure will affect all residents in the borough; it is however likely to disproportionately affect disabled residents as well as children and older residents, women who are pregnant and new parents as well as those on lower incomes. The Council considers that women in particular may see more disruption than men as they are disproportionately responsible for childcare and other duties such as caring responsibilities for elderly relatives and shopping for daily essentials.

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	X

Please give your reasons:

The Council is concerned that traffic implications are not considered. Proposals for e.g. extensions and/or new provision of schools etc. could be situated in areas of existing car parking provision, and indeed the development/extension itself could give rise to additional parking requirements, such as for staff parking. In a constrained urban environment such as in this borough, this could lead to significant highway safety implications as well as impacts on local amenity. In addition, the Council would have no ability to ensure that sustainable travel modes are prioritised through the adoption of a School Travel Plan, including the provision of cycle parking and electric vehicle charging points, all of which is necessary to tackle the climate emergency and meet our Action Plan commitments.

It also fails to consider that many school sites provide valuable informal open space and amenity space for residents, access to sports pitches for community use at evenings and weekends is important to recreation, health and wellbeing but also to the income of the school. It will be important that this does not result in the loss of formal pitches or playing field, the latter is protected.

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	X

Please give your reasons:

Where a school may be located within a Conservation Area or in the setting of Listed Buildings this could be relevant and be harmful, each application is usually considered on its own merits for that reason.

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

Yes	
No	
Don't know	X

Please specify:

The Council does not hold any evidence in this regard.

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

Agree	
Disagree	
Don't know	X

Please give your reasons:

It may be that some prisons are located on constrained urban sites in buildings which are listed and may be in Conservation Areas, buildings that may not be best suited to modern day requirements and prisons would welcome the ability to expand or to add additional buildings more suited to requirements. As this would be a one size fits all approach it would not enable these local and site-specific matters to be considered; energy efficiency requirements would not be captured either. Prisons also attract visitors and have staff who have to travel to site (see response to 7.1).

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

Yes	X
No	

Please specify:

A number of such institutions are listed buildings and separate listed building consent may be required.

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	X

If so, please give your reasons:

Potential traffic implications need to be fully considered as well as the ability to require sustainable modes of transport.

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	X

If so, please give your reasons:

Accessibility could be an issue if additional floors are added without consideration of mobility/sensory difficulties and being more of a problem for those with disabilities.

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	X

If so, please give your reasons:

It is considered unlikely that any significant adverse impacts would arise.

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	X

If so, please give your reasons:

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:

It is understood that the purpose of the process is to speed up the determination of applications. With respect to minor developments, there is already an 8-week determination period, and therefore there is no need to include such development in this new process.

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:

Applications for service uses can, and do, attract a high level of local objection and concern when planning applications are made. Based on experience it does not follow that such

applications are more straightforward or do not involve a complex consideration of competing issues. It is not always easy to engage with relevant CCGs/NHS England/Hospital trusts and this can make the process more challenging and more contentious locally.

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:

A 10-week period is unlikely to be sufficient to consider, assess and determine an application, particularly as some of these proposals could be of significant scale and require a determination at Planning Committee level or potentially engage a referral to the GLA or the Secretary of State.

However, the Council also acknowledges that it is unlikely that a high number of applications would be affected by this proposed change.

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

Yes	
No	X

Please give your reasons:

Whilst the Council can see this would be necessary in order to reduce the overall determination period, 14 days is very short to fully consider a proposal and make submissions. In addition, if a 14-day period coincides with holiday periods, local communities may not be given enough time to fully consider such proposals and contribute to the consultation. Therefore, it may be worth considering a requirement for pre-application engagement with communities. It is also noted that this would be the 'minimum period' rather than the 'required period', and there may be some flexibility for local authorities.

The Council would also like to point out that a 14-day period may not be enough for statutory consultees as they often have insufficient and/or stretched resources. It may also be challenging for them as some of these proposals could potentially be of complex nature.

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:

No comment.

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:

The Council would like to point out that the NPPF already encourages pre-application engagement and that experience shows that public service bodies are often poor at engaging with local planning authorities.

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:

No comment

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	X

Please specify:

No comment

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:

Don't know. No comment

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	X
Disagree	
Don't know	

Please give your reasons:

Government's ambition is to make the planning system more efficient as well as transparent. The GDPO has become overly complicated since 2015 due to the number of changes made; therefore, any proposals to review, simplify and consolidate would be welcome.

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

Yes	
No	X

Please specify:

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:

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

Agree	X
Disagree	
Don't know	

Please give your reasons:

Whilst the Council would agree with the broad approach, it would like to point out that particular care needs to be taken in cases where rights are merged. For example, in respect of extended rights being applied to protected land such as Conservation Areas. The Council's concern in this regard is set out in its response to Question 2.2 above.

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

Yes	
No	X

Please specify: