

## READING BOROUGH COUNCIL

### REPORT BY EXECUTIVE DIRECTOR OF ECONOMIC GROWTH AND NEIGHBOURHOOD SERVICES

<b>TO:</b>	<b>POLICY COMMITTEE</b>		
<b>DATE:</b>	<b>18 JANUARY 2021</b>		
<b>TITLE:</b>	<b>SUPPORTING HOUSING DELIVERY AND PUBLIC SERVICE INFRASTRUCTURE - CONSULTATION RESPONSE</b>		
<b>LEAD COUNCILLOR:</b>	<b>COUNCILLOR PAGE</b>	<b>PORTFOLIO:</b>	<b>STRATEGIC ENVIRONMENT, PLANNING AND TRANSPORT</b>
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#### 1. EXECUTIVE SUMMARY

- 1.1 The government has published a consultation on changes to the existing planning system. The consultation proposes the following:
- A new permitted development right to change commercial uses into residential;
  - Changes to simplify and streamline the process for new and extended public service infrastructure, including hospitals, schools, further education colleges and prisons; and
  - Consolidation and simplification of some existing permitted development rights.
- 1.2 The consultation is open until 28<sup>th</sup> January. This report recommends that the Council respond to the consultation as set out in Appendix 1.
- 1.3 Appendices  
Appendix 1 - Proposed consultation response

#### 2. RECOMMENDED ACTION

- 2.1 That the proposed response to the consultation on Supporting Housing Delivery and Public Service Infrastructure (Appendix 1) be approved.

#### 3. POLICY CONTEXT

3.1 The government continues to make proposals that affect the way that the planning system would operate, with an emphasis on reducing regulation and speeding up the planning system for applicants. The latest proposals, published for consultation on 3<sup>rd</sup> December 2020, deal with a range of matters that are intended to support the delivery of new housing and public service infrastructure.

## 4. THE PROPOSAL

### (a) Current Position

4.1 In recent years, the government have made frequent changes to the planning system with the aim of streamlining the development process and delivering more homes. Most recently, a consultation took place on the Planning White Paper, which proposed a fundamental overhaul of the entire planning system, to which the Council responded in October 2020.

4.2 This consultation deals with the existing planning system, and proposes a number of changes that could be made to the way it currently operates, in advance of any more fundamental changes as a result of the Planning White Paper. There are three elements of this consultation:

- A new permitted development right to change commercial uses into residential;
- Changes to simplify and streamline the process for new and extended public service infrastructure, including hospitals, schools, further education colleges and prisons; and
- Consolidation and simplification of some existing permitted development rights.

### Changes of use to residential

4.3 The first element of the consultation is a new permitted development right to change commercial, business and service uses (use class E) into residential without requiring planning permission. Use class E is a new, wide-ranging use class introduced in August 2020, which includes:

- Retail;
- Financial and professional services;
- Food and drink;
- Indoor sport, recreation or fitness (not involving motorised vehicles or firearms);
- Medical and health services;
- Creche, day nursery or day centre; and
- Office, research and development or light industrial.

This therefore covers some or all uses formerly classed in the A1, A2, A3, B1, D1 and D2 use classes.

4.4 Permitted development rights enable specific types of development to take place without requiring planning permission. For many of these rights, there is instead a light-touch prior approval process where the local planning authority can consider specific, limited matters.

- 4.5 There are existing permitted development rights to convert some of these uses into residential. Most frequently used is the right to convert offices, but there are also permitted development rights for retail and financial and professional (up to 150 sq m) and light industrial (up to 500 sq m) to change to residential. These existing permitted development rights are due to expire on 31<sup>st</sup> July 2021 due to referring to use classes that no longer exist, and would be replaced by the new proposed right. There are no existing rights to convert the other uses on the list above to residential.
- 4.6 The permitted development right would not apply to sites of special scientific interest, listed buildings and their curtilage, scheduled monuments, safety hazard areas, military explosives storage areas and sites subject to an agricultural tenancy. It would also not apply to various other environmental designations of national significance, of which none exist in Reading.
- 4.7 The ability of a local authority to consider a scheme would be limited to certain key matters. Matters other than those listed below could not be taken into account:
- flooding;
  - transport;
  - contamination;
  - noise from existing commercial premises;
  - the provision of adequate natural light in all habitable rooms;
  - fire safety; and
  - the impact on the intended occupiers from the introduction of residential use in an area the authority considers is important for heavy industry and waste management.

Public service infrastructure

- 4.8 The second part of the consultation deals with public service infrastructure, which it defines as including schools, further education colleges, hospitals and prisons. It aims to support the delivery of these facilities through streamlining the planning process.
- 4.9 One proposal to address this is through expansion of an existing permitted development right for schools, colleges and hospitals to expand by 100 sq m (or 250 sq m for schools) or 25% of the existing footprint, whichever is the lesser, with a height limit of 5 metres, without requiring planning permission. The proposal is to increase this to whichever is the greater of 250 sq m or 25% of footprint, and subject to a height limit of 6 metres, and also expand it to include prisons. The change of emphasis from lesser to greater could be very significant, given how large a development a 25% expansion of the footprint of a school or hospital could actually be.
- 4.10 Where a planning application would still be required, the consultation aims to address this through measures to speed up the system. The proposal is that, for major development (of over 1,000 sq m or 1 hectare), local planning authorities will be expected to determine applications within 10 weeks rather than 13. In addition, consultation periods for these

applications would be reduced from 21 days to 14. The expectation seems to be that such developments would have been subject to considerable discussion before an application is made. The consultation also expects authorities to prioritise applications for public service infrastructure in order to meet these timescales. There is also a proposal that the Secretary of State be notified both when an application is validated and when the authority has an idea of the likely determination date, to allow monitoring of the processing of applications.

#### Existing permitted development rights

- 4.11 The third and final part of the consultation involves dealing with other existing permitted development rights that may need to change as a result of changes to the use classes order, for instance changes between certain commercial use classes. It proposes a review, consolidation and simplification of these rights. Consolidation may present a challenge, as some of these rights vary according to matters like size limits and whether or not they apply in a conservation area. However, there are few details in this part of the consultation on how this will be approached.

#### (b) Option Proposed

- 4.12 Committee is recommended to approve the response to the consultation set out in Appendix 1. This would be submitted to the government before the deadline of 28<sup>th</sup> January.

#### (c) Other Options Considered

- 4.13 The main alternative option is to not respond to these consultations. Given the wide-ranging implications for planning in Reading from this consultation, this is not considered to be an appropriate option.

### **5. CONTRIBUTION TO STRATEGIC AIMS**

- 5.1 The operation of the planning system in Reading contributes to the following priorities in the Corporate Plan 2018-21:
- Securing the economic success of Reading;
  - Improving access to decent housing to meet local needs;
  - Keeping Reading's environment clean, green and safe;
  - Promoting great education, leisure and cultural opportunities for people in Reading.
- 5.2 The changes proposed within the Planning White Paper may have impacts on the ability of planning to continue to meet those priorities.

### **6. ENVIRONMENTAL AND CLIMATE IMPLICATIONS**

- 6.1 The climate implications of allowing for more extensive changes of use between uses are mixed. It can encourage the retention and reuse of buildings that may otherwise have been redeveloped, which reduces the emissions and other environmental effects associated with the

development process. However, in the long term, it can often be more difficult to achieve high sustainability standards in existing buildings as opposed to newly developed buildings.

- 6.2 In terms of expanding permitted development rights for public service infrastructure, this will mean that more development is able to take place without complying with the sustainability standards in our Local Plan. Development will instead rely on what is set out in the Building Regulations. This may mean that development has lower levels of performance. It may also allow for the loss of green areas and vegetation without the need for planning permission.

## **7. COMMUNITY ENGAGEMENT AND INFORMATION**

- 7.1 The proposed response to the consultations does not require community engagement.
- 7.2 The effect of the proposals in the consultation will be to reduce opportunities for community engagement in the planning process. There is no scope for the public to give their views on the merits of prior approval applications where permitted development rights exist, and this will mean fewer applications are subject to consultation. In addition, major proposals for public service infrastructure would be subject to a reduced public consultation period, from 21 to 14 days.

## **8. EQUALITY ASSESSMENT**

- 8.1 The consultation specifically asks for responses on the equalities impacts of the proposals. These impacts would need to be formally assessed when greater detail of the proposals is available. There are no equalities implications of the recommended actions of this report.

## **9. LEGAL IMPLICATIONS**

- 9.1 Permitted development rights are set out in Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), known as the GPDO. Introduction of new and amended permitted development rights will require a change to this order, which would be introduced by statutory instrument.
- 9.2 The procedure for dealing with planning applications is set out in the Town and Country Planning (Development Management Procedure) (England) Order 2015, known as the DMPO. Changes to streamline the procedure for dealing with applications for public service infrastructure will primarily require amendments to this Order.

## **10. FINANCIAL IMPLICATIONS**

- 10.1 The preparation of this response has been undertaken within existing budgets and does not have any financial implications for the Council.

- 10.2 The expansion of permitted development rights will have financial implications for the Council. It has been estimated that, since the introduction of the office to residential permitted development right in 2013, had the resulting developments come forward by the planning application route, they could have delivered over £5.2 million in Section 106 contributions up to 31st March 2020, in particular for affordable housing. Whilst the implications of the new permitted development right are unlikely to be in that order as many of these uses already benefit from such rights, the expansion of permitted development rights will nevertheless miss additional opportunities to secure Section 106 funding.
- 10.3 In addition, the office to residential permitted development right has meant that the Council has lost out on around £1.2 million in application fees. The consultation proposes increasing fees, which will be a positive financial implication, although the fees are still unlikely to cover the full cost of determining the application.
- 10.4 Further changes of use from commercial to residential would result in a loss of business rates revenue from those properties, but a gain in Council Tax revenue.
- 10.5 The introduction of permitted development rights for adding up to 25% new floorspace on school sites would remove the need to apply for planning permission for some Council development such as on school sites. This could represent a saving to the Council.

#### Value for Money (VFM)

- 10.6 The consultation has potential financial implications for the Council, and a response at this stage therefore represents good value for money.

#### Risk Assessment

- 10.7 There are no direct financial risks associated with making this response.

#### **BACKGROUND PAPERS**

- Supporting housing delivery and public service infrastructure  
<https://www.gov.uk/government/consultations/supporting-housing-delivery-and-public-service-infrastructure/supporting-housing-delivery-and-public-service-infrastructure>

## **APPENDIX 1: PROPOSED READING BOROUGH COUNCIL RESPONSE TO CONSULTATION ON SUPPORTING HOUSING DELIVERY AND PUBLIC SERVICE INFRASTRUCTURE**

### **1. 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)? Please give your reasons.***

No. Whilst the office to residential permitted development right has operated without a size limit since its introduction in 2013, other existing rights have had relatively low size limits, of 150 sq m in the case of A1 and A2 uses and 500 sq m in the case of B1c uses. This would therefore represent a considerable change. It could mean that very substantial retail buildings that are key to the vibrancy of a town centre for instance, or significant local employers, could be lost without any consideration of the impacts that will have on local communities and the economy.

***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.***

The Council does not wish to respond to this question.

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

No. Changes of use between commercial and residential can fundamentally alter the character of an area. Conservation areas are designated on the basis of their special architectural or historic interest, and the presence of commercial activity within a conservation area can be an essential part of that historic interest. Many conservation areas include historic town centres that have served their communities for hundreds of years, and failing to ensure the continuation of that activity risks causing serious harm to the historic interest of an area. Reading Borough Council is currently working with Historic England on a High Street Heritage Action Zone project relating to various streets in conservation areas in the town centre that in some cases have had a retail role for hundreds of years. This will focus on part on historic shopfronts. Any loss of ground floor retail or related uses in areas such as this would have a severe detrimental impact on the historic interest of the area.

***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.***

Yes. For the reasons given in answer to Q2.2 we consider that the impact on the loss of a ground floor use to residential in a conservation area should be considered. However, as set out elsewhere in our response, this is best dealt with through a planning application.

**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.**

Yes. The Council's view as set out in answer to question 5 is that the matters set out in paragraph 21 of the consultation document are best dealt with through a planning application rather than a prior approval process. However if the government proceeds with introduction of this permitted development right, all of the matters in paragraph 21 (plus other matters, for which see our answer to question 3.2) should be subject to local consideration.

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

**Please specify.**

Yes. The Council's view as set out in answer to question 5 is that these changes of use should be subject to a planning application, where the full range of planning matters can be considered. However, if the government proceeds with introduction of this permitted development right, there are a number of other planning matters that are essential to consider.

Firstly, condition (d) to existing class M changes of use from A1 and A2 use to residential requires local consideration of:

*“whether it is undesirable for the building to change to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order because of the impact of the change of use—*

- (i) on adequate provision of services of the sort that may be provided by a building falling within Class A1 (shops) or, as the case may be, Class A2 (financial and professional services) of that Schedule, but only where there is a reasonable prospect of the building being used to provide such services, or*
- (ii) where the building is located in a key shopping area, on the sustainability of that shopping area”...*

It is essential that this condition be applied to the new permitted development right, and that its wording be amended to reflect the fact that the right will also apply to medical and health services, day centres, nurseries etc, all of which provide key functions that are required to be in locations which can be easily accessed by members of the public. Introducing a permitted development right without this safeguard would lead to a hollowing out of important local shopping areas, reducing the viability of those centres, and could lead to loss of important local services, many of which may be the only such services within some areas. The introduction of additional residents will very rarely be sufficient to outweigh the loss of existing commercial activity in terms of footfall.

Secondly, the proposal includes the following consideration:

*“the impact on the intended occupiers from the introduction of residential use in an area the authority considers is important for heavy industry and waste management”*

This should be expanded to also cover storage and distribution. This is an activity which could equally generate impacts on adjoining residents, including disturbance at unsociable hours. Whilst noise is covered by the proposal, lighting is not, and significant levels of lighting are often required in distribution premises. Likewise, air



quality and public safety, which can be impacted by large numbers of HGV movements associated with storage and distribution, are not proposed to be covered. It is also an activity which is essential to our economy, as demonstrated particularly by the importance of home delivery during the pandemic, but also with likely implications as a result of Brexit. Introduction of residents in inappropriate locations could curtail the operations of these essential businesses.

Thirdly, consideration should be given to air quality. Residents should not be placed in locations where they will be subject to unacceptably poor levels of air quality, in particular where there is no opportunity to mitigate these impacts through the planning process. The government published the Clean Air Strategy in January 2019, identifying air quality as the greatest environmental health risk in the UK, but the permitted development right as proposed would risk development taking place in areas where people would be put at precisely that risk, without any safeguards.

Fourthly, the impact on the local economy through loss of business premises should be considered. We have seen an erosion of cheaper office space in Reading through permitted development rights over recent years, and this space is often important for small and growing businesses that form a key part of the health of the local economy. Now that such office accommodation within town centres has been exhausted, we are increasingly seeing this happen within important employment areas. Allowing this to continue without consideration of these impacts could seriously undermine economic growth. Condition (b)(iv) of class PA changes of use, from light industrial to residential, covers this to an extent but is not currently proposed to be carried forward into the new permitted development right.

The considerations above illustrate why changes of use are best dealt with through a planning application process.

***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.***

Yes. A flat fee of £96 per application would not be remotely sufficient to cover the costs of assessing the application, including the local considerations outlined in the proposal, and would simply put further pressure on already-stretched local authority budgets.

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

***Please give your reasons.***

No. The fee should cover the cost of assessing the application for prior approval. The proposed permitted development right includes a variety of matters for local consideration, including noise, flooding, contamination and natural light. The Council believes that there should be many other matters that are subject to local consideration, for which please see our answer to question 3.2. These all take time and resources to assess, and will not be covered by £96 per dwelling, which is a figure that does not seem to have been derived from any research on the typical cost of making such assessments. The fees should be much closer to the current planning application fee of £462 per dwellinghouse up to 50 dwellings.

***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.***

Yes.

As is often the case in recent consultations, the questions do not include whether the new right should be introduced at all. Our view remains that changes of use between commercial and residential uses are not appropriate for the permitted development process, which was intended to cover smaller-scale or less impactful developments. These changes of use can have a myriad of impacts on both the existing area and the residents of any proposal, and this requires consideration through a full planning application process, determined in accordance with local policies. The number of conditions to which such prior approvals need to be subject illustrates why full consideration is needed.

The research published by MHCLG in July 2020 on the quality of accommodation provided by office to residential permitted development identified a number of concerns. Whilst some of these concerns have been taken on board with the requirement for compliance with national space standards and for natural light, this has not been the case for all criticisms. The frequent lack of outdoor amenity space was cited in the report, for instance, and there is no proposal to address this in the new permitted development right. Nor is there any proposal to address another finding of the research, the dominance by one-bed or studio apartments, which does not necessarily respond to the need for homes in a local area. Both of these would be difficult to address as a local consideration for prior approval, and are much better handled within a planning application.

One of the issues that the considerations subject to prior approval can never resolve is the provision of affordable housing. In an urban authority such as ours, a significant amount of new dwellings are provided through changes of use. Restricting the ability to secure affordable housing in such developments, in order to provide mixed and balanced communities and address our severe affordable housing needs, leads to reduced supply of affordable housing. Our assessment is that, since the introduction of the office to residential permitted development in 2013, had the resulting office to residential prior approvals come forward by the planning application route, they could have delivered up to 570 affordable homes. This would have been a very substantial contribution to meeting housing needs in our area, and is a gap that is almost impossible to fill from other sources.

***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.***

Yes.

The impacts are many, and have been set out elsewhere. However, in summary, they include:

- Impacts on the viability of town and local centres through loss of shops and services;
- Impacts on local communities as a result of the potential decline of town and local centres through loss of commercial uses;
- Impacts on businesses, particularly small businesses, through the loss of commercial floorspace, with knock-on effects for communities through impacts on the wider community;

- Impacts on businesses through introduction of residents into primarily commercial areas, which can potentially result in operations being curtailed;
- Impacts on local communities through loss of opportunities for securing essential infrastructure or affordable housing;
- Impacts on local authorities in the cost of considering proposals not being fully covered by the planning fees.

***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.***

Yes. The permitted development right is proposed to be introduced without conditions that allow the local planning authority to assess the impact of loss of adequate provision of services and the sustainability of a local shopping area. These conditions currently existing in class M (changes of use from A1 and A2 to residential). Uptake of the proposed new permitted development right could lead to a hollowing out of centres which provide essential local shops and services, and could mean that local people are forced to rely on more distant facilities. This could have a detrimental impact on older people in particular, or some people with disabilities, who would be less able to walk longer distances in order to make essential shopping trips. Many older people may no longer drive. As the permitted development right will also now cover medical and health services, formerly in use class D1, this effect could also impact the ability to access such facilities for older and disabled people, particularly since many health facilities will physically lend themselves to residential conversion due to being within former residences. Policies in our Local Plan, as for many other authorities, provide that new development specifically for vulnerable people, including elderly people, should be in close proximity to a local centre, to ensure that these services are accessible. These policies would be undermined by the permitted development right as proposed.

## **2. 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 greater? Please give your reasons.***

No.

A 25% expansion of footprint on site could equate to a very significant amount of development, without any ability to test what this would mean on matters such as design, transport impacts or biodiversity. In the case of transport, impacts could be serious, and there would be no ability to secure contributions towards any mitigation.

The consultation does not make clear whether existing exclusions and criteria associated with permitted development right class M will continue. Land within the curtilage of a listed building should certainly continue to be excluded from this amended permitted development right. As it stands, the right applies in conservation areas subject to materials. However, if the changes would result in a 25% increase in footprint, this could have significant impacts on the character and historic interest of conservation areas (within which many schools, colleges and hospitals sit), many of which are defined by a sense of openness, setbacks from the frontage or green spaces.

The benefits of expansion of the facility need to be weighed against harm to a conservation area through a planning application.

In paragraph 36 of the consultation, there is talk of the benefits of replacement of buildings with newer, more energy efficient buildings, but this is an assumption with which we would not necessarily agree. Planning policies seeking high standards of energy efficiency in new buildings may well instead be undermined by the expanded permitted development right.

***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.***

No. The difference between 5 and 6 metres can be significant to appearance. In combination with a potentially very significant increase in site coverage, these effects could be significantly magnified. There is no detail in the consultation to justify an increase to 6 metres, or to suggest why 5 metres was not already sufficient.

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

***Please specify.***

Not as far as the Council is aware.

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

***Please give your reasons.***

The Council does not wish to respond to this question.

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

***Please specify.***

No.

***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.***

Yes. The proposed amendments could result in a significant intensification of activities on sites, which could well impact upon the local communities within which they are situated, as well as businesses through impacts such as increased traffic generation.

***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.***

We do not consider that the impacts on those who share a protected characteristic will differ from the impacts on other groups.

***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.***

We do not consider that the impacts on those who share a protected characteristic will differ from the impacts on other groups.

***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***

We do not consider that the impacts on those who share a protected characteristic will differ from the impacts on other groups.

***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.***

As minor developments are subject to an 8-week timescale, there is little purpose in extending the proposals to cover minor development. However, the proposals could result in the curious situation of major developments being subject to a shorter consultation period than minor developments, which would be counterintuitive and quite difficult for the public to understand.

***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.***

As set out in our response to other questions in this consultation, we do not agree that the modified process should apply to these uses. We have not identified any additional uses that the process should apply to.

***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.***

No.

The Council works extensively, alongside its partners, as both a provider of public service infrastructure and as a local planning authority to ensure that such infrastructure is delivered at a high quality in a timely manner. In our view, the existing system allows for us to adequately support the delivery of that infrastructure in a timely manner. Reducing the time for decisions to be made is likely to impact on the quality of those decisions, particularly if the only hard measure to enable this three-week reduction is a one-week reduction in the consultation period.

Part of the justification for the proposal hinges on pre-application discussions. As a Council, we have an established pre-application process, and we strongly encourage applicants to make use of it. However, inevitably, some applicants, including those proposing public service infrastructure do not do so. We are grateful that the government is proposing to underline the importance of engaging with the local planning authority at pre-application stage, and will await further detail on this, but are sceptical about what difference that will make. Even where the pre-application route is used, there are a number of matters that are still to be resolved within the application process.

The other assumption behind the proposed change is that local planning authorities will simply prioritise public service infrastructure, and deal with this through effective case management. However, elsewhere, in the Planning White Paper, the government has consulted on proposals that would result in an automatic grant of permission if an application goes over statutory timescales. Local authorities are under pressure to issue all decisions in a timely manner, against a background of significant resource constraints, and many are already operating at or beyond capacity. The best way to prioritise such developments would be to adequately resource planning authorities to support them.

As the proposal relates to major developments, these will usually be determined by Planning Applications Committee. It will often be extremely difficult to get an application to a committee within a ten-week timescale. It is rarely an option to simply bring forward a committee in response to a single application, as suggested in the paragraph 58 of the consultation, as councillors will have many other commitments as part of their role.

Ultimately, a three-week saving in application time is unlikely to be a benefit that outweighs the consequences of a rushed decision that has not been able to take account of the full range of considerations.

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

***Please give your reasons.***

No. The existing system gives a reasonable period of consultation of 21 days. 14 days would simply not be sufficient to allow adequate opportunity for the public to have their say on a proposed development. Whilst the public often supports the principle of provision of additional public service infrastructure, in practice the reality of such developments can be just as controversial as for any other type of development. We have had recent experience of proposals for a new school for instance generating over 1,000 objections, and it is worth noting that simply collating such an amount of responses would be almost impossible within an overall 10-week timescale. Reducing the timescale for consultation will serve only to reduce the community input into the proposals and lead to distrust. For many people, 14 days spans a period when they may well be on holiday and not be aware of their opportunity to have their say. For consultee bodies, it is already proving difficult to get responses within three weeks, so a reduction to two weeks will simply mean that responses are not received at all, or are in a more standardised format that is of limited value. The proposed change relies on an assumption that there has been substantial engagement taking place during the pre-application process, but this is not always the case.

***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.***

It is agreed that notifying the Secretary of State when a valid application is received may help with monitoring and should not add a particularly significant burden to the process. However, it is not clear what the purpose would be of notifying the Secretary of State of when an authority anticipates making a decision would be. This would still potentially be subject to change, and would be much more difficult to cover by standard procedures, as it would be in the hands of a case officer to monitor. As such, it would appear to add an unnecessary burden.

**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.**

Yes. Working with other public service infrastructure providers such as hospital trusts, further education colleges and prisons to resolve issues wherever possible is simply good planning practice, although local authorities are of course dependent on engagement from those providers.

**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.**

We have no further comments to make.

**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.**

We have no suggestions to make.

**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.**

We do not consider that the impacts on those who share a protected characteristic will differ from the impacts on other groups.

### **3. 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?**

**Please give your reasons.**

Yes. The Council agrees that where rights are no longer required due to use class changes and would be superseded by the new right, that they should be removed. We also agree that the review should not seek to change permitted development rights that are unaffected by changes to use classes.

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

**Please specify.**

No.

**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.**

Yes. There is no particular reason to treat changes of use away from betting shops and pay day lenders to commercial uses any differently from changes within the commercial use class.

***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.***

As the broad approach seems to be to review the category 4 rights, without any indication of whether these rights will be broadened, restricted or carried forward in a similar form, it is not possible to fully answer this question. More detail on the changes would be required.

The consultation raises the issue of conservation areas in the case where permitted development rights that differ on whether they apply in conservation areas are to be merged. In these cases, we would encourage the government to err on the side of caution. Conservation areas by their nature have great historic or architectural significance, and the reasons for that significance will differ from case to case. In applying blanket permitted development rights to all conservation areas, serious harm could be caused to some areas, and this would not be a worthwhile price to pay for the fairly limited benefits that would result. In these cases, full consideration through a planning application would be a reasonable safeguard.

The final bullet point in paragraph 78 indicates that no changes are proposed to permitted development rights for demolition and rebuild. Leaving aside the Council's wider view that these permitted development rights are inappropriate, it is worth noting that class ZA refers specifically to the B1 use class and therefore would require amendment. We do not believe that demolition and rebuild should be extended to every use within use class E, as this could result in the loss of essential services and facilities as set out in the answers to other questions.

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

Given the complexity of the task of reviewing, consolidating and updating permitted development rights, it is important that draft proposals are subject to further consultation, particularly since there are still key decisions to be made around matters such as size limits and application in conservation areas.