

# Supporting housing delivery and public service in- frastructure

POS response to current consultation

# 1. Planning Officers Society

1.1 POS is the single credible voice for public sector planners, pursuing good quality and effective planning practice. The Society's aim is to ensure that planning makes a major contribution to achieving sustainable development in ways that are fair and equitable and achieve the social, economic and environmental aspirations of the community.

1.2 We operate in three main ways:

- As a support network for planners in the public sector
- As promoters of best practise in planning
- As a think tank and lobbying organisation for excellence in planning practice

1.3 Where we can, we will work across the sector to craft proposals that have widespread support from the people who operate the planning system at the coalface: landowners, developers, agents, legal, local authorities and politicians. We will be both radical and practical as we look for solutions to tangible problems that will make a real difference to crucial areas. Our objective is to improve the planning system to enable it to deliver its key aim of sustainable development. It is within this context that we have set out this advice to Government so we can plan together for a better future.

## 2. 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

### Summary

The global pandemic has placed a significant strain on local economies across the Country. In particularly our centres and employment areas where businesses have been forced to close or restrict their activities. However, despite the current challenges many

Local Authorities are working hard to support local businesses (and jobs) to ensure town centre and employment areas are well placed to recover when pressures begin to ease.

With that in mind we are raising significant concern regarding the nature and timing of the proposal to introduce wide ranging permitted development rights to allow the change of use of important town centre and employment uses to residential. POS supports the introduction of new homes in centres and some mixed use employment areas. However Local Plans are best placed to plan for this by setting a clear strategy which will include more homes alongside mixed-use developments to create suitable communities, one of the main aims in the NPPF. This can only be achieved in a planned and co-ordinated manner not an ad-hoc approach depending on land owners intentions and when leases expire. Planning authorities need to assess the impact on vitality and viability of centres and employment areas as part of any proposed change of use. These proposals are very likely to cause severe damage to town centres and employment areas across the country and more importantly wider communities.

If the main aim is to deliver housing, it is considered these proposals could result in less and more limited choice of homes being provided by conversion compared to that of more comprehensive redevelopment at a higher density delivering high quality homes alongside other uses. In addition, no developer contributions, including much needed affordable housing, will be secured through residential conversions. The proposals would increase pressure on existing already stretched infrastructure and risk creating dormitory towns, lacking in local shops, facilities and services, which would result in an increased need for longer journeys which would be contrary to the objectives of sustainable development.

Although POS strongly objects to these proposals and can see no benefits, if these permitted development rights are to be implemented then there must be a fee attached to the prior approval and this should be more in line with current fees for new dwellings created through planning permission. In practice, processing a prior approval application of the nature proposed will take up similar resources to that required to process a full planning application. By introducing a significantly reduced fee of £96 per dwelling, especially if this is capped at 50 units with no size limit to the application proposed, then local authorities will in effect end up subsidising developers by processing applications

at a significant loss. This goes against the intent of proposal 23 within the Planning for the Future White paper, where the Government set their intention to reduce the impact of the planning system on the public purse.

**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)?**

Disagree

Notwithstanding that POS objects strongly to the proposals within this part of the consultation, if government insists it goes ahead, appropriate size limits should be introduced to allow local planning authorities to properly assess the impacts of the proposals and for local communities to have a proper say, through a planning application, on any proposals including those affecting important anchor retail, business and service uses. These will be substantial proposals, with long term impacts, and it would not be democratic to allow these to proceed without proper consideration and scrutiny at the local level.

**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

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

Strongly disagree.

The proposal suggests that conservation areas have value merely because of their aesthetic or visual appearance, whereas the General Duty with regard to conservation areas

in exercise of planning functions (s71 LBCA Act) requires “special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area”. The uses within an area will be part of the set of components that contribute to its character. This is not just about individual buildings within a conservation area but the wider townscape. Allowing uses to change via PD without the full examination of a planning application undermines the duty placed upon the Secretary of State, LPAs and others in the exercise of their planning functions.

The NPPF defines a conservation area as a designated heritage asset in the same way that it defines a World Heritage Site. This consultation proposal would not allow for the application of the tests set out in paragraphs 195 or 196 of the NPPF. This, POS believes, would lead to significant consequences across the country and devalue our conservation areas and in turn devalue the concept of conservation by eroding the special architectural or historic interest of an area. Any new permitted development right should not apply in conservation areas, they should be a planning application which will allow full assessment of the proposal including the tests in the NPPF.

The character of a conservation area goes beyond built form but also includes the uses which underpin its character as a place. A conservation area with converted ground floor units and more residential paraphernalia would be very different to the character and appearance of a town centre conservation area today, likely to include a mix of uses. The cumulative impact of incremental changes are likely to lead to an overall degrading of an areas special character or historic interest.

Conservation areas should be excluded and each application should seek full planning permission to allow full assessment.

**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?**

It should not include conservation areas at all, it would harm the architectural and historic value of many areas across the country. If it would not cause harm then a planning application would be approved.

If government does go ahead the legislation would need to require a consideration how 'impact' will be defined and how it is expected to be interpreted in law.

**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

However, this response is made within the context that POS does not support the principle of these proposals. If Government is intent on pursuing the proposals then more matters are needed in addition. See answer to 3.2 below.

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

These proposals come despite the Government's own research highlighting how conversions to residential through change of use PDR can fail to meet adequate design standards, avoid contributing to local areas and create worse living environments. The report also found that PDR undermined the ability of councils to bring about positive changes to their places by limiting their influence to repurpose town centre assets. Councils and their communities have already been left with a long-term legacy of negative impacts resulting from some of the 19 amendments to the General Permitted Development Order since 2015.

The proposals will add to the affordable homes crisis, it will lead to unsustainable patterns of development and removes the possibility of mitigating the impact of new residential through S106 agreement, the proposals would add to existing pressures on infrastructure and fail to provide infrastructure to go with the new homes.

One of those tools [to manage town centres] is the ability, which councils can exercise under the existing prior approval process for retail conversions, to take into account the

impact the conversion of an individual unit will have on the vitality of the surrounding shopping area.

However the prior approval checklist councils will be able to consider under the new Class E PDR will be much more limited, focusing on the impact on amenity of prospective residents.

We would add the following prior approvals;

- Assess impact on vitality and viability of town centre or smaller scale designated centre
- Nationally Described Space Standards (NDDS)
- Air quality for future residents
- consideration of adjacent or nearby businesses in an area and not introducing noise sensitive residential use in an area which would be incompatible with existing business
- Noise quality for future residents
- Transport impacts to include parking
- No changes to external appearance
- Affordable housing requirement in line with local policies
- Size limit to the change of use
- Fire safety
- Sustainability requirements
- CIL should be required in relevant areas or S106 amounts for infrastructure in non CIL area.
- In addition, in order to avoid existing viable businesses being lost there should be a requirement for units to have been vacant for a material length of time – for example two years and there should be evidence to demonstrate that the premises had been actively marketed using a benchmark rental level for the local area.

POS recommend's that there is an amendment to the Building Regulations, under the Fire Safety Bill or the Building Safety Bill, requiring the whole of a building converted to residential purpose under the right to comply with the Building Regulations, rather than just that part subject to actual building work; or that the developer must consult with the fire and rescue service if the right is being applied and that any conversion to residential must be accompanied with a fire statement.

**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

However the suggested £96 per new home is too low. It should be £462 in line with full planning application fees. This is not prohibitive for applicants and would go some way to allowing local planning authorities to recover the cost of what are now complex PDR applications that involve as much, and in some cases more, resources than an equivalent PA. Local planning authorities need income to be resourced and deliver on the objectives the government is setting out in this consultation and the recent Planning White Paper.

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

No

The fee should be £462 for each new home, the same as a full planning application fee. The work involved within a local planning authority is no less than a full application and in some cases more when qualifying criteria (eg when a building was first built or last used) have to be checked. Consultations are required to external and internal consultees and comments for the community raised. Many Local Planning Authorities do not currently cover their costs meaning that Local Authorities are cross subsidising applications. Looking forward at Local Government funding this is not sustainable.

The suggested £96 per new home goes nowhere near to cover the costs of receiving, validating, consulting community and consultees, assessing and recommending final decision on an application.

<sup>1</sup>The recent Planning for Future, White Paper set out clearly the intention to resource planning departments. This consultation goes against this intention.

[https://ecab.planningportal.co.uk/uploads/english\\_application\\_fees.pdf](https://ecab.planningportal.co.uk/uploads/english_application_fees.pdf)

**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

Many Local Authorities are working hard to support the recovery of town and local centres when the pressures created by the pandemic begin to ease. The timing of this proposal is very inappropriate. The impact of Covid-19 pandemic is not yet fully understood, yet it is clear there has already been a change in how people use their local areas.

Many businesses have suffered throughout the current global pandemic, hence government grants to support many businesses. This suggested permitted development route will put further pressure on businesses. It is likely that many landlords will find this an attractive proposal as residential land values are usually higher than commercial. Very quickly our centres and employment areas will be gone. As well as the COVID-19 related grants the proposals would also undermine the purposes of providing places with funding through existing Government initiatives such as the Future High Streets fund, Stronger Towns Fund and Towns Deal funding to support local regeneration plans.

Many Local Plans in line with the NPPF support residential uses in town and other centres to facilitate sustainable development and support the commercial uses. This is best done by a plan led system. Such centres are fragile at the moment, and these proposals could lead to dormitory homes, and centres lacking in local shops, facilities and services. Such places should be supported through a planned and co-ordinated manner. This will achieve the right balance of a successful destination, creating employment and leisure

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<sup>1</sup>KPMG, The future of towns and cities post Covid-19 (Jan 2021) access 24 Jan 2021 <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>

options supporting the communities wellbeing and a great place for future residents to live.

A report recently released by KPMG gives some analysis to the current situation, where the impacts have not yet been fully played out. POS would suggest reading the whole report found

here. However, we have included some very insightful quotes below suggesting how town centres could perform in the future (1);

*“The reduction in commuter footfall and the consequent fall in commercial property values could open up opportunities to reshape town and city centres. By attracting new tenants for prime commercial property that will now find the rent affordable, town and city centres may be able to serve their inhabitants differently.*

*For example, new tenants could include universities expanding their remit to help support workers who lost their jobs during the crisis. Universities could help these workers acquire new skills and move to sectors with growing demand, such as the green economy, health and technology. They are also well placed to support local businesses, by helping them increase productivity with advice on ways to improve working practices and better integrate new technology. Other new tenants could include incubators sponsored by private business. These spaces for start-ups could be based in surplus office space or in standalone vibrant central locations. Businesses could offer these early-stage companies mentoring and subsidised office space.<sup>3</sup>*

*The local community could be further served with a variety of new community centres, catering for a full range of ages and interests, from children’s recreation to adult art courses. Residential property is also going to be a key part of the mix.*

*It is particularly important that the new town and city centres have a clear purpose, which needs to include job creation, to try to address the reduction in commuter and shopper footfall.”*

POS supports residential uses in a centres but this needs to be planned and well managed, as does the re-purposing of a centre's assets to bring about positive changes to places so that they have a vibrant mixed use and multi-purpose future. If this permitted development right is introduced it would allow ad hoc changes of use and result in a sporadic retail, business and services offer spread throughout a town centre. This is likely to lead to places becoming unattractive to users, such that a sustainable centre could quickly become a declining area with no infrastructure to support new residents. Unintended consequences could also include, for example, impacting on the viability of bus services. At the moment centres often act as public transport hubs including for buses but with less businesses and services to act as an attractor there will be less passengers and therefore less income from fares leading to a loss of services and the wide-ranging implications this would have for people, places and carbon reduction.

These proposals could result in less and more limited choice of homes being provided through conversion compared to that of more comprehensive redevelopment at higher density. This includes ensuring that the right types of homes are being provided. In addition It is unlikely that balconies and stacking of internal floor plates could be created in retail conversions providing sub-standard homes in many areas.

POS also has significant concerns regarding the impact of introducing residential uses into town and local centres on the living conditions of future occupiers. Many such centres, for historic reasons, are the focus for main roads and has resulted in many being designated Air Quality Management Areas as a result of concentrations of Nitrogen Dioxide (NO<sub>2</sub>) and Particulate Matter (PMs)<sup>2</sup>. The introduction of new homes in such areas is contrary to the Planning Practice Guidance in relation to Air Quality states *'Where air quality is a relevant consideration the local planning authority may need to establish...whether occupiers or users of the development could experience poor living conditions or health due to poor air quality.'* In addition town centres in particular are often constrained in terms of opportunities to access green space. We know from the COVID-19 crisis how important such access is to both physical and mental health. Green spaces, where they exist, will be put under further pressure and be taken beyond their carrying capacity. In other places with limited or no such opportunities it is unlikely

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<sup>2</sup> The list of Air Quality Management Areas by local authority area can be viewed at <https://uk-air.defra.gov.uk/aqma/list>

that there would be any potential to 'retrofit' such provision which would further contribute to an unacceptable environment for future residents.

These proposals go against the Paris Agreement intention to reduce our impact of climate change. It would allow unplanned residential uses potentially in unsustainable locations and removing sustainable town centre hubs requiring people to travel further for key needs. For example the change of use of creche facilities, this may require families to commute to a creche and then again to work or back home to work. The all-encompassing nature of Class E both in terms of the activities included, and the fact that the proposals are not geographically specific, has significant potential to reduce access to services to support local communities. Services such as clinics, health centres, creches, day nurseries, day centres, gyms and indoor recreation facilities are often located outside of town and local centres. They are also often considered to be lower-value uses which makes them vulnerable to changes to residential use. Their loss would have significant impacts on ensuring that communities have the necessary infrastructure to support their needs. As such this proposal would go against the 15-20 minute walkable neighbourhood initiative promoted by many professionals as a way to support communities in the future, moving away from large towns and cities as a result of Covid-19. There is a real risk these neighbourhood hubs providing creche, touch down working places, shops, cafes etc will not be viable due to these proposals.

It must be acknowledged that many commercial areas will be under threat due to higher land values of residential uses. This will have a negative impact on sustainable communities, businesses, employment, the economy and the country's GDP.

**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

As already stated above, it must be acknowledged that many commercial areas will be under threat due to higher land values of residential uses. This will have a negative impact on sustainable communities, businesses, employment, the economy and the country's GDP. For example the proposals have the potential to undermine important initiatives such as the establishment of Business Improvement Districts (BIDs). As stated on MHCLG's website BIDs are '*..business led partnerships which are created through a ballot process to deliver additional services to local businesses. They can be a powerful tool for directly involving local businesses in local activities and allow the business community and local authorities to work together to improve the local trading environment.*' They are set up and run by local businesses for local businesses. Their income is generated by an additional levy in addition to the business rates with a requirement that the monies generated used to develop projects which will benefit businesses in the local area. The only requirement on spending is that it should be something in addition to services provided by local authorities. The loss of businesses within BID areas could have a significant impact on their funding, and therefore their ability to invest locally<sup>3</sup>, and fundamentally undermine their ability to continue to operate, or for new BIDs to set up.

**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?**

POS is very concerned about the impacts these proposals could have on communities. The pandemic has highlighted stark inequalities within our society. This is especially so in health outcomes due in part to poor quality housing such as PDR, due to poor ventilation, a lack of space standards, and a lack of access to services and green space. There is a significant body of evidence that points to the negative impact that overcrowding and poor-quality housing has on people, and that our housing is an important determinant of our health (2). While this affects anyone living in poor quality housing, Public Health England has identified how existing inequalities affecting BAME (3), for example, have become exposed and exacerbated during the pandemic. It was highlighted in the recent

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<sup>3</sup> According to the National BIDS survey as of July 2019 there were 321 active BIDs across the UK with a further 51 in the development stage, with a total BID levy income of £125,205,608. There are over 50 BIDs located across London (GLA May 2020)

Women and Equalities Committee inquiry on the unequal impacts of COVID-19 on a range of different groups (4), that overcrowding, which is characteristic of PDR, also disproportionately affects the BAME community, low-income household, older persons, renters and those with disabilities (5).

We would suggest that young parents accessing creches will be disproportionately affected by dramatically reducing creche facilities.

POS is concerned about pregnancy and maternity as a protected characteristic being disadvantaged. Many young parents looking after babies on maternity or parental leave may not have as many options to access support and facilities in their immediate area. There is evidence that new parents have accessed more facilities in their local area than at other points in their life.

The concern that these proposals will lead to a reduced town centre offer but one that is pepper potted with residential conversions and unpleasant to use as a retail of leisure offer. This will impact generally, but specifically on elderly and disabled people because a compact town centre offer has been eroded.

The proposals will not include a provision for affordable housing. We recommend that an impact assessment regarding the potential impacts is undertaken before these proposals are taken forward.

## Supporting public service infrastructure through the planning system

### Summary

Although POS supports public sector development. It is unrealistic to think a major public service development can be consulted with the community, all technical expert comments received and presented to a committee (if required) and S106 legal agreement concluded within 10 weeks (if required). Creating a target but not new tools or additional resourcing or fees to achieve this is unrealistic and not managing expectations of applicants at all.

POS would suggest public sector providers have a consortium of professionals they can use to support the submission of a planning application, this may help speed up the process. They should also enter into a PPA agreement so the process is well planned, including raising any challenging issues with the proposal and timescales.

**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?**

Disagree

Whilst POS is sympathetic to the idea of supporting schools, colleges, universities and hospitals. the current proposal suggests by up to 25% or 250 sqm whichever is the greater. This could lead to some very large developments being excluded from express permission, with in the case of colleges and universities significant numbers of additional students. POS would suggest 25% up to a maximum of 250 sqm would be more appropriate.

The following should be added as prior approvals;

- flood risk
- contaminated land
- transport and parking

In particular, the additional capacity is likely to lead to additional, staff visitors, deliveries etc which should be assessed as part of a prior approval.

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

Agree

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

No.

This allows a two storey building as a maximum. Three storeys is far more likely to be problematic and therefore needs to be considered through a planning application.

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

No.

Prisons can be controversial uses within a community and do not provide the same community co-benefits for shared use as other public sector infrastructure does. Expansion plans should be tested through a planning application process, so that proper engagement with the community can take place.

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

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?**

Yes

The proposals will impact upon local planning authorities through reduced fees, pressure to receive consultation responses quickly and objections from the community. These objections often include frustration in the process that their concerns cannot be listened too

as the local planning authority can only assess a set criteria of matters within the prior approval process.

They will impact on the surrounding community by only allowing shorter consultation periods and applying pressure from the Secretary of State for these to be approved, despite whether the community support or in strong objection. Impacts on the surrounding area will need to be fully considered.

**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?**

Not sure, We recommend that the Government prepares an impact assessment to understand how the proposed amendment may impact on people who share a protected characteristic before the right goes ahead.

**10.1 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

The proposals will impact upon local planning authorities through reduced fees, pressure to receive consultation responses quickly and objections from the community. The objections often include frustration in the process that their concerns cannot be listened too as the local planning authority can only assess a set criteria of matters.

**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?**

Not sure, we recommend that the Government prepares an impact assessment to understand how the proposed amendment may impact on people who share a protected characteristic before the right goes ahead.

**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

However, the speed of a decision will in part be reliant on external consultees at the Environment Agency, Lead Local Flooding Authority, County Councils etc and will include additional assessments in the future such as, Biodiversity Net Gain, Future Homes standards and gateway 1 fire safety consultations. Technical consultees which local planning authorities rely on should be well resourced to support the planning process.

Local authority schemes of delegation, although set locally should have a clear steer to not require all major applications to go to DM Committee. It must be noted that a controversial proposal can lead to strong objections from a community and can slow the planning process down. In order to prevent this public sector developments should engage and listen to communities at an early stage and have a professional project team to support the planning application. Perhaps this new public service application process should only apply to proposals where the applicant has entered into a good quality pre-application process (via a PPA) with the LPA.

Many public service developments may require mitigation secured via S106 legal agreements, if this is the case the applicants should be required to submit these if required as part of a valid application to speed up the process and any additional heads of terms added throughout the assessment.

**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

However, government needs to sufficiently resource planning departments, by having a fee structure which covers the cost of the work completed and ring fence planning income for planning services. Many application fees do not cover the work required and many local planning authorities do not cover their costs.

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

No

Although POS supports public sector development. It is unrealistic to think a major public service development can be consulted with the community, all technical expert comments received and presented to a committee (if required) and S106 legal agreement concluded within 10 weeks (if required). Especially considering evidence in the consultation document sets out the average time is 8 months, there must be something going wrong with the planning applications which needs to be addressed, setting a target for 10 weeks is not addressing the issues and is not managing expectations.

POS would question why applications have on average taken the Ministry of Justice 8 months to achieve planning permission. Playing devil's advocate, is it the quality of information submitted? The quality or lack of community engagement before an application is made, are proposals contentious and create strong objections in the community, whether due to transport or other impacts? Is there local political support for the proposal? Have previous incidents happened which the community now feel will be intensified by a planning application to expand? Were amendments allowed to be submitted and reconsulted on? Unless all these considerations are dealt with and an exemplar planning submissions made which answers all technical consultee questions as well as the concerns of the community, then putting in place new legislation is not necessarily going to make these applications any quicker.

POS would suggest public sector providers have a consortium of professionals they can use to support the submission of a planning application, this may help speed up the

process. They should also enter into a PPA agreement so the process is well planned, including raising any challenging issues with the proposal and timescales.

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

No

As set out in question 13 there is no evidence that the 10 week determination date would make any difference to timescales. To give the community 10 working days as opposed to 15 would give them less than they would get to respond to a house extension. The timescales allow for 15 day consultation therefore this should be kept.

However, the need to advertise these type of applications and any planning applications in a local newspaper should be removed from legislation. The cost saved would help to resource planning departments and deliver the service required by government.

In POS's experience many consultees do not have capacity to assess technical details within 14 days. The determination of public sector schemes needs to be assessed fully by consultees and this will de-risk the construction of the project, especially considering flooding, land contamination and archeology for example.

**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.)**

No

This is an unnecessary burden on LPAs having unintended consequence of slowing the process and adding additional layers of bureaucracy. It should be for the applicant to notify the Secretary of State that they have made an application, if they wish to do so. It

also erodes the convention that the Secretary of State should only be involved in planning where it raises wider than local considerations. Such a blanket requirement does not pass that test.

**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?**

No

The legislation and proactive encouragement of pre-application advice and use of Planning Performance Agreements is sufficient. Importantly all Public Sector developments should seek pre-application advice and sign into a PPA for major schemes which would help the application process.

**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?**

The reason applications are delayed is partly down to lack of resources in local planning authorities and technical consultees. This needs to be addressed. Fixing a new shorter timescale for determination is not going to change the ability of local planning authorities to deliver speed on these decisions.

POS has already lobbied MHCLG along with London First on changes that should be made to the planning system to enable post-decision amendments to be dealt with more efficiently. These are set out on page 12 of this document: <https://www.planningofficers.org.uk/uploads/POS%20MBP6%20Flexibility%20in%20Planning.pdf>

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

They should be given their own Q code for PS1 and PS2 reporting purposes. The public sector projects should include costs associated for technical experts including planning consultants to submit applications.

**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?**

No

## Consolidation and simplification of existing permitted development rights

### Summary

POS considers that permitted development rights currently excluded in conservation areas should remain excluded.

**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 categories 1 and 2

Disagree category 3

Many local planning authorities have Article 4 directions in place to protect against the loss of office floors space, and associated jobs, wider employment and commercial opportunities. Government should introduce appropriate transitional arrangements into any regulations to enable existing Article 4 Directions, relating to permitted development rights affecting those uses now amalgamated into Class E, to continue to have effect.

This would mean that planning permission is required and the impacts of the change of use can be assessed, an article 4 direction does not necessarily mean permission will be refused but gives control to the local planning authority.

It is not right or fair to require local planning authorities to have to repeat the process of Article 4 direction seeking to protect office uses and having previously received confirmation from the Secretary of State. The new permitted development rights would not go to the heart of the Article 4 direction and create a material change. We consider it reasonable and necessary for article 4 directions to continue to be in place , for upwards extensions and class E conversions which would continue to deliver their original intention.

#### Category 4

We consider protection should remain in conservation areas as the architectural and historic interest can be altered and diluted by allowing further permitted development changes, not currently able in conservation areas.

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

**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?**

Yes

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

No

We consider protection should remain in conservation areas as the architectural and historic interest can be altered and diluted by allowing further permitted development changes, not currently able in conservation areas.

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

POS would presume that further consultation will be carried out on these proposed alterations? If not then we would be very keen to be part of a working party to discuss these in more detail. Please contact [policy@planningofficers.org.uk](mailto:policy@planningofficers.org.uk) or [chair@planningofficers.org.uk](mailto:chair@planningofficers.org.uk)