

INFRASTRUCTURE, HOUSING AND ECONOMIC DEVELOPMENT COMMITTEE
19 JANUARY 2021

PART I - DELEGATED

6. SUPPORTING HOUSING DELIVERY AND PUBLIC SERVICE INFRASTRUCTURE (DECEMBER 2020) – PROPOSED CONSULTATION RESPONSE (DCES)

1 Summary

1.1 On 3 December 2020 the Government issued the Supporting housing delivery and public service infrastructure [consultation](#). This is a technical consultation, seeking views on proposals for:

- A new permitted development right of a change of use to residential to create new homes,
- Measures to provide public service infrastructure more quickly through expanded permitted development rights and a new streamlined planning application process for hospitals, schools and prisons,
- The approach to simplifying and consolidating existing permitted development rights following changes to the Use Classes Order.

2 Details

2.1 The questions from the consultation and the proposed responses are set out under the respective headings below. It is proposed that these responses are sent to the Government in response to the consultation.

2.2 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

2.2.1 From 1 September 2020, the Use Classes Order was changed to introduce a new Commercial, Business and Service use class, which would enable those premises to quickly adapt to changing market demands and provide a mix of retail, commercial and leisure uses. Details of these were circulated to Members in the September 2020 [Members Information Bulletin](#). The new Commercial, Business and Service Use Class (Use Class E) incorporates the previous shops (A1), financial and professional services (A2), restaurants and cafes (A3) and offices (B1) use classes. Uses such as gyms, nurseries and health centres (previously in use classes D1 Non-residential institutions and D2 Assembly and leisure) are also included in the class. Changes to another use within this class do not require planning permission.

2.2.2 The consultation seeks to build on the new use class and provide further flexibility to allow this broader range of uses to change to residential use, with the aim of supporting housing delivery and attracting the additional footfall new residents will bring. Current permitted development rights already provide for shops, financial and professional services, and offices to change to residential use. The MHCLG propose to draw these together into a single right that provides for the change of use from any use within the Commercial, Business and Service use class to residential (C3). The consultation confirms that all homes would be required to meet the nationally described space standards and that the new right will come into effect from 1 August 2021.

2.2.3 Questions 1 to 6 at Appendix 1 relate to this new permitted development right.

2.3 Supporting public service infrastructure through the planning system.

- 2.3.1 To enable vital public infrastructure to respond quickly to the societal and economic effects of COVID-19 the MHCLG propose to provide further flexibility for additional educational and hospital capacity on existing sites. The consultation paper states that this could be taken forward through the amendment of the existing national permitted development right which allows schools and other educational establishments and hospitals to expand or construct additional buildings without the need for a planning application.
- 2.3.2 The existing right under Class M of Part 7, Schedule 2 of the General Permitted Development Order (extensions etc. for schools, colleges, universities, and hospitals) is subject to size limits, limiting extensions or additional buildings to no more than 25% of the gross floorspace of the original buildings with a maximum cap of 100 square metres, or 250 square metres in the case of schools. It also restricts the height of new buildings to 5 metres. The right provides protections for nearby residents in that it restricts development close to the boundary and, in the case of schools, safeguards playing fields.
- 2.3.3 This consultation relates to amendments to the right to allow such uses to expand their facilities by up to 25% of the footprint of the current buildings on the site at the time the legislation is brought into force, or up to 250 square metres, whichever is the greater. This would allow greater flexibility for those sites that have enlarged or developed additional buildings over time and flexibility for those premises with a smaller footprint. To provide further flexibility, it is also proposed that the height limit is raised from 5m to 6m, excluding plant on the roof, except where it is within 10 metres of the boundary or curtilage.
- 2.3.4 It is also proposed to incorporate prisons into this right. The right would apply to existing sites only, and therefore in Three Rivers would be relevant to schools and may be relevant to some outpatient sites, depending on the definition adopted, as there are no college, university or prison sites within the District.
- 2.3.5 Questions 7 to 10 at Appendix 1 relate to this amended permitted development right.

2.4 A faster planning application process for public service developments

- 2.4.1 The consultation explains that in addition to the changes to permitted development discussed at 2.3 above, the MHCLG intends on amending secondary legislation to encourage greater prioritisation by local planning authorities of public service infrastructure projects, including shorter timescales for determination. It confirms that the reform is targeted at substantive public service developments and such developments would fall within the scope of the modified process if they are major developments for hospitals, schools and further education colleges, prisons, young offender's institutions and other criminal justice accommodation where the planning application would currently be subject to a 13 week determination period.
- 2.4.2 The key change in the consultation is to speed up the process of determining these planning applications, by setting a 10 week statutory determination period in place of the existing 13 week period. The consultation sets out that this will require local planning authorities to prioritise these decisions over other applications for major development, but does not explain what would happen in the event an application is not or cannot be determined within 10 weeks. It suggests that local planning authorities may wish to bring forward committee meetings where such an application would be determined by the committee.

2.4.3 It is also proposed to reduce the minimum consultation period to 14 days for both the public and statutory consultees, from the existing 21 day period (see paragraphs 61-64 of Appendix 1). Should statutory and other consultees have the ability and resource to respond within 14 days on the application types referred to, Officers have no concerns with this element of the proposal. If these parties do not have the resources to respond within 14 days, there are concerns that the shorter timescales would not be effective. In addition, Officers considered there may be concerns with requiring the public to respond within 14 days where at present it is generally expected that at least 21 days are given. **Members input to this response at question 14 of Appendix 1 is sought.**

3 Legal, Equal Opportunities, Staffing, Environmental, Community Safety, Public Health, Customer Services Centre, Communications & Website, Risk Management and Health & Safety Implications

None specific.

4 Financial

4.1 The introduction and use of new Permitted Development rights has the potential to result in a reduction to planning application fee income – the processing and determination of any applications would currently be undertaken by the Development Management service with appropriate fees but the Permitted Development rights would allow for a reduced fee when compared to the amount that would be payable as a full planning application. However, the actual amount of income that could be lost cannot be quantified.

4.2 It may also be the case that the changes to the regulations encourage people to apply to undertake changes where previously they would not have done so, taking advantage of the new rules. Therefore this may generate additional applications which, although subject to a lower fee than prior to the new regulations, are only submitted as a result of the new regulations

5 Recommendation

5.1 That the Committee:

- Note the report and proposed responses to the consultation.
- Propose any suggested changes to the proposed responses
- Authorise officers to issue the consultation response.

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6 Background Papers

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

7 APPENDICES

Appendix 1 – Consultation document in full with draft responses.