

## **Appendix 1: Consultations responses to questions**

### **Measure 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, it is a concern that some of the buildings to which the proposed permitted development rights would not be located in sustainable locations, or locations that would be conducive to providing high quality living environments. This is more likely to be the case for larger plan form buildings, and therefore it is considered a limit on the size should be incorporated into the permitted development rights.

**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.**

Yes it is agreed that the proposed permitted development rights should not apply within the designated sites listed due to the likely adverse impact of additional homes upon their special qualities. In addition, the right should not apply to listed buildings.

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

No, the document states that the permitted development rights would not apply to the ground floor of buildings to protect the character of a conservation area. However, that character is not distinguished only by the appearance of buildings at ground floor and any significant residential development in a conservation area which is likely to bring with it increased car parking, bin storage, domestic paraphernalia and pressure to alter existing windows and openings to suit residential uses would also be equally harmful to the character and appearance of conservation areas. It is considered that these issues would be better considered through a full planning application.

**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, it is particularly important within conservation areas to protect the character and appearance of the streetscene.

**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, however it is considered that the matters do not necessarily go far enough. It is considered that the transport measures should promote sustainable modes of transport and ensure the provision of cycle parking and electric car charging points for the new houses. The introduction of the consideration of fire safety must be clearly explained since this is a new consideration, and it is important to understand the extent to which this is a planning consideration rather than a matter for building regulations.

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

Yes. Some of the matters for consideration within the current permitted development rights for changes of use from A1, A2 and A5 (uses that now fall within Class E) would not be repeated and these matters should be included in the list in paragraph 21 of the document. Such as the impact of the change of use; 'on adequate provision of services of the sort that may be provided by a building within Class A1 (shops) ...' and 'where the building is located in a key shopping area, on the sustainability of that shopping area'. Whilst in some areas the loss of uses falling within class E may be acceptable in principle, there are circumstances where it may not be, for example; the loss of a shop in a village which may be key to supporting a sustainable community, the loss of sport and recreation buildings in an area where provision is limited and such loss would affect the health and wellbeing of a community, or the loss of a key retail site(s) on a high street which may then lead to other retail uses being segregated from the retail core which may affect their viability.

If buildings operations necessary to convert a building are included within the permitted development right, as part the current GPDO, it is

essential that the impact upon the design and external appearance of the building is included as a matter for consideration.

**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 to contribute towards the resourcing of the planning service.

**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 permitted development rules are complex and there are a range of matters to be considered in the same way they would be for a planning application. During the course of a planning application the principle of development is a key consideration; and this remains the case for permitted development to ensure that the proposal meets all the limitations and conditions set out in the legislation. Whilst the considerations may in some cases be less than a planning application, experience with the existing permitted development rights have demonstrated that it takes no less time and resources to consider an application for prior approval. Therefore it is a significant concern there would be no reduction in work for local planning authorities (LPAs) and that the fee of £96 is not sufficient for the resources involved in the consideration of prior approval applications for new housing.

**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.**

It is recognised that the change of use of buildings surplus to requirements to housing would help contribute to meeting housing needs. However, it is considered that the benefits would not outweigh the potential harm that would arise from the proposed far reaching permitted development rights.

It is a concern that the consultation is silent on the provision of affordable housing. It is essential that the right mix of housing to meet the needs of the local community is provided, including affordable housing and the proposed permitted development rights do not reflect this.

It is considered imperative that the Community Infrastructure Levy (CIL) Regulations are amended to ensure that proposals for changes of use permitted under the GPDO are CIL liable. To provide additional housing without the necessary infrastructure would not meet the needs of future occupiers or existing communities.

**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, it is a concern that the proposal would have a considerable adverse impact on communities as a result of the loss of important services and facilities and that the quality of the resultant houses and living environment would not be of a level whereby the adverse impacts would be outweighed by the proposed permitted development rights.

**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 loss of provision within existing centres, local parades of shops, villages and communities could adversely affect those who share a protected characteristic more so than the wider public.

Measure 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.**

Yes, subject to criteria regarding maximum building heights and proximity to boundaries to protect the amenity of neighbouring properties.

**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.**

Yes, subject to measures to limit development in close proximity to neighbouring properties the proposed increase would be unlikely to be harmful to amenity or the character of the wider area.

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

No, and any further increase would likely to have a significant impact upon the visual amenity and character of any area and therefore should be resisted.

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

Yes, subject to criteria to manage the potential impacts upon the amenity of neighbouring properties.

**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.**

It is unlikely that any significant adverse impacts would arise.

**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.**

It is considered unlikely.

**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.**

It is unlikely that any significant adverse impacts would arise.

**Q10.2 Do you think that the proposed amendment in respect of prisons could give rise to any impacts on people who share a protected characteristic? If so, please give your reasons**

It is considered unlikely.

**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 is not EIA developments)? Please give your reasons.**

Yes.

**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.**

Yes.

**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.**

It is unlikely that there will be a high number of applications affected by the proposed change so yes.

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

Yes to enable the determination period to be reduced, however this should only be the case if pre-application engagement with communities is undertaken.

**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.**

No, it is not considered that this would add any value to the process.

**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, although it is not considered necessary as LPA seeks to do this for all applications.

**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.**

No.

**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.**

No.

**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.**

It is considered unlikely.

Measure 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.**

It is considered that as a result of the number of changes made to the GPDO since 2015 it would be sensible to review and consolidate its provisions.

**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.

**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.**

Yes

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

No.