



ADEPT response to the MHCLG consultation: Supporting housing delivery and public service infrastructure

January 2021

Introduction

ADEPT is a professional association that represents executive 'directors of place' from county, unitary and combined authorities, along with directors of local enterprise partnerships, sub-national transport bodies and corporate partners drawn from key service sectors. More than two thirds of households in England rely on services provided by ADEPT members including housing, environmental and regulatory services, planning, development, culture, and highways and transport. ADEPT represents its members' interests by proactively engaging Government on emerging policies & issues, promoting initiatives aimed at influencing government policy, and through the sharing of best practice, professional networking and development opportunities. Our strategic priorities include climate change and the environment; infrastructure and communities; and place-based funding.

Our response

In this context we have not found it appropriate to provide answers to the consultation questions as posed. We provide our response in the form of commentary, opinion and recommendations across the three sections of the consultation.

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

ADEPT recognises that the proposals for new permitted development rights being consulted on are part of Government's 'Project Speed' and the need for a swift recovery to the COVID pandemic. However, we have significant concerns that the proposals may have detrimental effects on city/town centres and on the quality of housing delivered. Whilst we are supportive of initiatives aimed towards a speedy recovery from the economic impacts of COVID, this cannot come at the expense of Local Plan policy and objectives.

The premise that additional residential uses in town centres support increased footfall seems plausible. However, there is a general concern amongst ADEPT members that the uncontrolled provision of more housing in town centres may not be right approach and doesn't sit well with other government objectives e.g. creating beautiful places. It is acknowledged that legislation can apply the nationally described space standards; provide for adequate natural light; and that all homes are required to meet building regulations. However, those provisions only cover the fabric of the building. The proposed permitted development rights give no consideration to the quality of place for residents. For example, would the homes have access to attractive green spaces; what provision is there for education or health care nearby; how accessible are the properties as individual homes; how will provision be made for household waste and recycling collections; are any adjacent uses compatible with residential development. The pandemic has highlighted the links between quality

living environments and physical / mental wellbeing and should be a priority for national government. A place to live is more than the physical structure of a dwelling.

We do not consider that larger retail facilities such as department stores or retail park sheds are appropriate for conversion to residential use due to their footplate, design and layout. There is a real risk that such conversions will lead to extremely poor accommodation standards, regardless of any prior approval requirements.

The proposals give no consideration to the strain put on existing infrastructure by increasing housing numbers in a single location. The government recognizes that new residential development must contribute to infrastructure and affordable housing. Conversions have the same effect as new build in terms of impact on infrastructure and should be required to make the same contributions. However, from the consultation document it appears that such conversions will be exempt from providing affordable housing and S106 obligations. This is likely to have knock on effects for funding and delivery of any required infrastructure to support the increase in population.

We are very concerned that these permitted development rights will have significant unintended negative consequences for local services and an adverse impact on infrastructure provision. They will reduce a local planning authority's (LPA) ability to plan properly for the necessary infrastructure to accommodate the needs of the new residents. The new homes provided through this mechanism are not required to contribute to funding that mitigates their impact on infrastructure such as schools, health facilities or transport services. Consequently, the delivery of services for both existing, and new, residents will be negatively affected. These developments must properly contribute to infrastructure such as highway improvements, school places, health facilities and ensure adequate play space and other infrastructure provision necessary to properly accommodate and cater for new residents.

Schemes delivered through these permitted development rights are not required to make any contribution to, or provision of, affordable homes. This is a missed opportunity to properly deal with the housing crisis and reduces the ability of LPAs to secure affordable homes to meet local housing needs. Recent Local Government Association (LGA) research shows that communities have potentially lost out on more than 13,500 affordable homes in the past four years as a result of permitted development allowing offices to be converted into housing. This figure will further increase if these new regulations are adopted.

MHCLG's recent announcement on housing need methodology stated 'This is to ensure that homes are built in the right places, to make the most of existing infrastructure, and to allow people to live nearby the services they rely on, making travel patterns more sustainable.' The proposal to allow all Class E to convert to residential without an assessment of the sustainability and suitability of the location would clearly go against this stated aim, as they could be in the wrong place with inadequate infrastructure or services.

It is clear that there are numerous questions that need to be asked when considering locations and suitability of buildings for residential use in centres. The proposals give no consideration to the fact that certain commercial/retail premises and/or locations within centres will not be suitable for residential living. A blanket approach through permitted development rights has the potential to create an uncontrolled 'free for all' that hampers rather than supports thriving town centres. This could be exacerbated by landlords, seeing their premises vacant and the potential of rental values decreasing due to lack of commercial/retail demand, looking to leave the market. This could very quickly lead to further poor-quality housing being delivered.

The proposed rights do not recognise that different areas will need to adopt distinct approaches to development in order to prosper and to serve the diverse needs of their communities. LPAs should be allowed to address the issues that they face locally in the manner they feel best for their area. The permitted development rights suggested in this consultation does not allow for that flexibility and undermine local policies.

These Government proposals, coupled with the recent use class changes brought in without any consultation, further undermine the ability for local communities and elected members to properly engage in the future plans of city, town and village centres either in plan making or decision taking on planning applications. This is to the detriment of local democracy. The Government's objective set out in Paragraph 3 of this consultation states in reference to the shift to online shopping magnified by the effects of the COVID 19 pandemic "we want to support our town centres and high streets in adapting to these changes to become thriving, vibrant hubs where people live, shop, use services, and spend their leisure time". However, we are of the opinion that the proposals set out in this consultation create the conditions for exactly the opposite to occur, where town centres lose their diversity and ability to evolve.

We note that these changes are being proposed despite the Government's own research¹ showing conversions to residential through change of use PDR can fail to meet adequate design standards, avoid contributing to local areas and create poorer living environments. The report for MHCLG 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. In terms of the Use Class E proposals these appear to contradict the research and guidance that has come out of the High Streets Task Force and the Grimsey Reviews – which talk about needing local leadership and local solutions to regenerate Town Centres under pressure and also the need for quality and diversity of uses.

ADEPT has significant concerns that the introduction of new permitted development rights as proposed threaten the viability of our city, town and village centres as thriving centres for business, retail and visitor/cultural economies. Local authorities want to be able to create great places for their communities to live, work, study and play. To succeed in meeting these challenges the planning system needs to be transparent, fit for purpose and accessible to all. We believe any programme of accelerating housing provision in town centres needs to be part of a planned and coherent approach to avoid creating unintended pressures elsewhere. The new development rights contradict existing planning policy set out in the NPPF and are inconsistent with the wider Government agenda that aims to create beautiful, sustainable and carbon neutral places. If the proposals are to go ahead, any new units delivered under PD rights should be subject to a infrastructure and affordable housing contribution.

2. Supporting public service infrastructure through the planning system

In principle we support providing further flexibilities for public service infrastructure through permitted development rights. Enabling vital public infrastructure to respond quickly to the societal and economic effects of COVID-19 by providing further flexibility for additional educational and hospital capacity on existing sites is appropriate in this context. Consideration should be given to the fact that such uses can often be embedded within residential areas and therefore what might appear at first to be modest expansions can have significant impacts on local amenity. However, there are question marks over how the flexibility that is proposed will delivered in practice. It is

¹ Clifford B, Canelas P, Ferm J, Livingstone N, Lord A & Dunning R (2020) *Research into the quality standard of homes delivered through change of use permitted development rights*. MHCLG funded research. Bartlett School of Planning, UCL and Department of Geography & Planning, University of Liverpool.

noted that to benefit from the development right, the site would already have to have sufficient land to build the extension or new building and in the case of schools, playing fields would continue to be protected.

The consultation states government 'will ensure decisions made by government departments, and project delivery by public service infrastructure providers, take account of environmental advice available to them.' In the case of schools where expansion is necessary, this invariably will result in reduction in outdoor space. This requires the consent of the Secretary of State under s.77 of the School Standards and Framework Act 1998 and/or Schedule 1 of the Academies Act 2010. The process to secure consent from the Secretary of State can be lengthy, often requiring 6 weeks of consultation with local stakeholders prior to any request being made to the Secretary of State. We are aware that once submitted to the Secretary of State decisions can take longer than the planning process itself with our members reporting decisions taking between 2 to 9 months on average to be granted.

In effect this works against efforts to accelerate delivery of public service infrastructure in relation to schools. We suggest that changes are made to the relevant Acts (mentioned above), to mirror the permitted development proposals and provide a consistent approach across government departments. Whilst it is important to protect school playing fields, if a school and/or education authority has determined it requires additional built floor space, it would only proceed if it were comfortable that the remaining external space was of sufficient size to deliver the P.E. curriculum and outdoor space for their pupils. The provisions in s.77 should remain to cover proposals for disposal or change of use for non-education requirements.

3. Consolidation and simplification of existing permitted development rights

The entire General Permitted Development Order (GDPO) process has become extremely unwieldy due to incremental changes over a number of years, and a review is long overdue. ADEPT supports the proposals to consolidate and simplify the existing permitted development rights.