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By [email](#) and [online survey](#)

28<sup>th</sup> January 2021

Dear Sir/Madam,

## **RE: Response to Supporting housing delivery and public service infrastructure consultation**

Civic Voice is the national charity for the civic movement. We are campaigning for a more accessible, balanced, collaborative, and democratic system, as set out in our Manifesto. Since we set up in 2010, we have been joined by hundreds of volunteer-led, community based civic societies with over 76,000 individual members. Civic societies exist in over 70% of local authority areas and are some of the most numerous participants in the planning system.

### **How we developed our response**

Civic Voice welcomes the opportunity to comment on this consultation. Since the New Year, Civic Voice has been meaningfully engaging with its members through a variety of online regional briefings and roundtable discussions, written briefings, newsletters, and press releases, to gain views on the proposals from across the civic movement.

We started our consultation with members in mid January 2021, as we recognise that December is not the right time to consult with communities on major planning changes. Over the last two weeks, we held **7 online events** specifically on this consultation, engaging directly with **121 people** in total, covering **85 societies and community groups in all regions of England, and covering city, town, and rural areas**. Several civic societies also submitted further detailed written comments to Civic Voice and we expect to see many submitting their own responses to the consultation. These discussions and comments have shaped our final response.

### **Civic Voice key concerns**

#### New permitted development right to change use from Commercial, Business and Service (Class E) to residential (C3)

Civic Voice and its members are acutely aware of the challenges facing the high street, but we question claims that these proposals will breathe new life into our high streets, town, and city centres. We fear further deregulation of planning through permitted development will prevent the proactive and positive management that our centres desperately need and simply enable change of use to more profitable uses, often residential, rather than enabling a greater range of uses to diversify and support our high streets and centres. In particular, we are concerned that the proposals to widen permitted development could:

- Be harmful to the diversity of our high streets, town, and city centres.
- Enable the creation of poor quality homes and living environments.
- Lead to the loss of historic character within our conservation areas through inappropriate development and unsympathetic alterations.

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For these reasons Civic Voice cannot support this policy and we have encouraged all Civic Societies to respond to this consultation.

#### New public service application process

We also strongly object to the proposed reduction in the statutory public consultation period for major public service infrastructure development to 14 days. Whilst an efficient and effective process is important to deliver critical infrastructure, we do not believe reducing the consultation period to 2 weeks is the right way to achieve this.

We understand the thinking behind the proposal and welcome greater emphasis on pre-application engagement in the consultation. However, this is guidance and Civic Voice's experience is that effective pre-application engagement with communities is not happening in practice. We cannot support the change to the statutory consultation period unless there are standards for effective, genuine, and meaningful engagement with the local community on major developments.

Our detailed response to the consultation is appended overleaf. Where we have not responded to a question this does not mean that we do not have a view, it is just that we are focusing solely on the key issues raised by communities during our own consultation process on the proposed changes.

We trust this response is useful. We are happy to assist and look forward to continuing our discussions with Ministers and Government officials on proposals as they develop.

Yours faithfully,



Ian Harvey

**Executive Director**

# 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

**\*\*Please note that this is a draft Civic Voice response, subject to Civic Voice Board sign off, so please bear this in mind when reading.**

**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)?**

Agree	
Disagree	X
Don't know	

Please give your reasons:

No. Civic Voice objects to this change to permitted development rights in principle. See answer to question 5 below.

**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	X
Disagree	
Don't know	

Please give your reasons:

Yes. It should also not apply to Conservation Areas.

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

Agree	
Disagree	X
Don't know	

Please give your reasons:

No. Civic Voice cannot support the proposed change to allow properties in Class E use within conservation areas, to change use to housing (C3 use) without the need for a planning application. Many of these buildings, often located within historic high streets, town, and city centres, contribute to the character of some of our most treasured and locally loved historic areas. Conservation areas have been designated locally because they are “areas of special architectural or historic interest, the character and appearance of which it is desirable to preserve or enhance” (s69 Planning (Listed Buildings and Conservation Areas) Act 1990). We are concerned that widening the current permitted development rights in conservation areas to

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allow such changes of use could undermine current protections and threaten the 'special interest' and character and appearance of conservation areas. Currently there are 491 conservation areas on the Heritage at Risk register and we believe if this proposal is implemented by Government, it could potentially lead to more conservation areas becoming 'at risk' in the future.

We do not consider conservation areas should be preserved in aspic and acknowledge the benefits of encouraging housing within historic high streets and centres to support their viability and diversity. However, we strongly believe this should come through a process of managed change, considered through the standard planning application process, not through permitted development. This route would be consistent with the proposals in the Planning White Paper for conservation areas to be classed as Protected Areas, which Civic Voice supported.

We acknowledge the proposal in the consultation to allow local authorities to consider the impact of the loss of the ground floor use to residential for permitted development prior approval applications in conservation areas, but we do not consider this provision to be sufficient to prevent inappropriate development in conservation areas. For example, would it prevent the loss of historic shopfronts and elevational detailing or inappropriate alterations associated with the change of use such as unsympathetic windows or materials?

**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?**

Agree	
Disagree	X
Don't know	

Please give your reasons:

If this permitted development right is implemented by the government, prior approval of the impact of the loss of ground floor use to residential and 'active frontage' should be required in all cases, not just in conservation areas.

There is no doubt that our high streets, town, and city centres are currently undergoing serious change, due to our change in shopping habits, exacerbated by the Covid-19 pandemic. Some of this change might be permanent, some temporary, but in any case, it is likely that centres will need to diversify and the extent of primary retail areas on the 'high street' may need to shrink. However, Civic Voice considers these issues need to be tackled through a process of managed change, finding positive solutions to support the diversification and viability of the 'high street'.

As such, we consider the impact of loss of ground floor use to residential should be required for all prior approval applications, if the new PD right is introduced, to allow local planning authorities to consider the impact and to prevent a 'pepper pot' of opportunistic conversions throughout our high streets and centres. This could be damaging and lead to a fragmented 'high street'. A wholesale review of the high street, town or city centre would be a more appropriate way of managing this period of rapid and dramatic change.

**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	
Disagree	X

Don't know	
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Please give your reasons:

No. Civic Voice recognises that there are many responsible land and property owners and developers. However, the danger with deregulation of the planning system through widening permitted development rights is that it enables and can often lead to those less responsible and unscrupulous land and property owners and developers exploiting loopholes. We have evidence of this through the previous widening of PD rights allowing office to residential conversions, which the Government's own commissioned report, 'Research into the quality standard of homes delivered through change of use permitted development rights' (2020) concluded that permitted development rights create 'worse quality residential environments'. The risk is that this new PD right if introduced would go wider than the office to residential conversions, enabling a much greater range of uses to change and the impacts could, therefore, be greater.

It is impossible to legislate for every circumstance. Civic Voice considers a limited list of prior approval matters will not necessarily secure a high quality residential environment for the occupants or create the vibrant, diverse and planned centres our communities want. For this reason we cannot support this policy.

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

Yes	X
No	
Don't know	

Please specify:

Civic Voice objects to the proposed policy. However, if the Government intends to implement the proposed new PD right, we consider the following prior approval matters should also be included:

- Impact of the loss of ground floor use and 'active frontage' to residential.
- Residential amenity of future occupiers of the property and neighbouring properties. We acknowledge that the proposed prior approval matters include, noise, natural light and fire safety but suggest this goes further to include: outlook from windows for habitable rooms not just light; privacy and overlooking; and external amenity space.
- Design of any changes to the external appearance of the building.
- Servicing to include provision of storage for waste, recycling, and bikes.

Civic Voice supports the proposal in Para. 13 that all homes would be required to meet the nationally described space standards. Will this be a prior approval matter? We would prefer to see the nationally described space standards set within Building Regulations as a requirement for all new housing.

**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	X
Disagree	

Don't know	<input type="checkbox"/>
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Please give your reasons:

Yes. The prior approval process would still add administrative cost to the local authority.

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

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>
Don't know	<input checked="" type="checkbox"/>

Please give your reasons:

We suspect this fee is low compared to the cost of processing prior approval applications, but local planning authorities and the Local Government Association are best placed to advise on the appropriate fee for such applications.

**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	<input checked="" type="checkbox"/>
No	<input type="checkbox"/>

Please specify:

Civic Voice strongly objects to the proposal in principle because of the harm that it could do to our high streets, town, and city centres; the creation of poor quality homes; and the loss of historic character of our conservation areas.

Harm to high streets, town, and city centres

We accept that our high streets, town, and city centres are currently facing acute challenges and they will inevitably need to adjust and, in some cases, contract in response to changes in shopping and leisure habits. However, Civic Voice believes this needs to be done in a planned and curated way by local communities through their local planning policies, not by allowing the market to decide in a random and potentially counterproductive manner. It is certainly desirable to bring more residential use into town centres, and this has long been an objective of urban renewal policies. But in areas where residential values often outweigh the value of other uses there is a danger that this change could permanently destroy the essential local function of town centres and local high streets, at a time when 'shopping local' has become increasingly important.

Civic Voice is acutely aware of the challenges facing the high street and the need to find positive solutions to tackle fundamental problems. However, we question claims that these proposals will breathe new life into our centres. It may, instead, simply enable change of use to more profitable uses, often residential, rather than enabling a greater range of uses to diversify and support our high streets, town, and city centres. We are particularly concerned that the proposed widening of PD rights will lead to opportunistic conversions rather a planned approach to diversification, leading to fragmentation of our centres. This could, in turn, undermine the viability of commercial activities on parts of the high street, contrary to the Government's objectives.

The changes to permitted development rights proposed in this consultation would effectively prevent local planning authorities from planning positively and creatively to facilitate change and

adaptation of town/city centres and local high streets. Civic Voice's view is that our communities need more 'high street' visions, masterplans, and area action plans to proactively manage this fundamental change to our town and city centres, not less. We fail to see how this would be possible if the proposed PD right is implemented by Government.

### Poor quality homes

Civic Voice recognises that there are many responsible land and property owners and developers. However, the danger with deregulation of the planning system through widening permitted development rights is that it enables and can often lead to those less responsible and unscrupulous land and property owners and developers exploiting loopholes. We have evidence of this through the previous widening of PD rights allowing office to residential conversions, which the Government's own commissioned report, 'Research into the quality standard of homes delivered through change of use permitted development rights' (2020) concluded that permitted development rights create 'worse quality residential environments'. The risk is that this new PD right if introduced would go wider than the office to residential conversions enabling a much greater range of uses to change and the impacts could, therefore, be greater.

It is impossible to legislate for every circumstance. Civic Voice considers the limited list of prior approval matters set out in Para. 21 will not necessarily secure a high quality residential environment for the occupants and therefore, recommend that such changes of use are, instead, considered through the standard planning application route rather than prior approval.

We need to have an honest conversation about the quality of the new homes produced today and should be working harder to improve standards through the planning system, not encouraging lower standards through poor quality conversions through permitted development. Civic Voice supports the TCPA campaign for a Healthy Homes Act: <https://www.tcpa.org.uk/healthy-homes-act>. Evidence through the Place Alliance/CPRE report Housing Design Audit (2020): <http://placealliance.org.uk/research/national-housing-audit/> shows that the sector needs to do better and the Government's work on the forthcoming National Model Design Code and National Design Body is encouraging. However, we fear that widening permitted development as proposed in the consultation will undermine efforts to improve housing design quality overall.

### Loss of historic character

Civic Voice is extremely concerned that unlike some of the recent changes to permitted development, this consultation proposes that the new right would apply in conservation areas. There are many unlisted or locally listed buildings that fall, but not exclusively, within conservation areas that might be able to change use to housing if the new PD right was introduced by the government. These properties in our historic high streets, town, and city centres, can contribute to the character of some of our most treasured and locally loved conservation areas. We are concerned that widening the current permitted development rights in conservation areas to allow such changes of use, without the need for a planning application, could undermine current protections and threaten the 'special interest' i.e. the reason why conservation areas have been designated in the first place. character and appearance of conservation areas.

We do not consider conservation areas should be preserved in aspic and acknowledge the benefits of encouraging housing within historic high streets and centres to support their viability and diversity. However, we strongly believe this should come through a process of managed change, considered through the standard planning application process, not through permitted development. This route would be consistent with the proposals in the Planning White Paper for conservation areas to be classed as Protected Areas, which Civic Voice supported.

We acknowledge the proposal in the consultation to allow local authorities to consider the impact of the loss of the ground floor use to residential for permitted development prior approval

applications in conservation areas, but we do not consider this provision to be sufficient to prevent inappropriate development in conservation areas, such as inappropriate alterations to the frontage of property associated with the change of use e.g. unsympathetic windows, materials or detailing.

**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	X
No	
Don't know	

If so, please give your reasons:

Yes. We consider it would have a negative impact on business, communities, and local planning authorities. A random and unmanaged fragmentation of high streets, town and city centres could have a negative impact on surrounding businesses and lead to a less attractive and viable town centre or local shopping parade. Communities could also suffer through loss of valuable local health, nursery, and indoor sports facilities. The local planning authority would lose its ability to plan positively and creatively for facilitating change and adaptation of town centres and high streets to respond to changing shopping and leisure habits. Changes to residential use would be irreversible, so any flexibility offered is only one way, leading to loss of potentially valuable mixed uses. However, it would of course benefit property owners who seek the highest value for their property.

It is unclear from the consultation whether communities would be able to comment on prior approval applications, and what level of publicity would be undertaken or timescales for consultation. In any case, the type and range of issues communities could meaningfully comment upon would be limited to the prior approval matters, which we do not consider to be sufficient. As such, we consider the proposed PD right would undermine the ability of communities to have a voice in the future of their area.

**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?**

Yes	X
No	
Don't know	

If so, please give your reasons:

Yes, potentially. Local facilities and services have become more important for us all, due to the current Covid-19 pandemic, and this is most acute for people with a protected characteristic. Loss of local shops and services would have a negative impact on the elderly, people with poor mobility, those with disabilities and those on low incomes who are unable to afford to travel to town or city centres.

# Supporting public service infrastructure through the planning system

**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	
No	X

Please give your reasons:

No. Whilst Civic Voice supports the imperative to speed up the planning system for critical public service infrastructure such as major development for schools, colleges, hospitals, prisons, we object to the reduction of the statutory consultation period for these schemes from 21 to 14 days, as a means of speeding up the process. For this reason we cannot support the proposal.

**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	X
No	

If not, please give your reasons as well as any suggested alternatives:

If introduced by the government, the proposed uses (hospitals, schools and further education colleges, and prisons, young offenders' institutions, and other criminal justice accommodation) seem appropriate.

However, this whole section appears to treat the planning process as if it were an undesirable burden on the providers of public infrastructure rather than as a means of engaging citizens in the way in which their community develops and its needs are met. We rebut this. The Government's aim should be to ensure that schools, colleges, hospitals, and prisons engage publicly and openly with the community at the earliest stage when they are considering expansion or relocation. These are major schemes of critical services, with which communities should be meaningfully engaged in the development. Civic Voice believes that if local communities and civic societies were genuinely and meaningfully engaged at an early stage in these schemes, obtaining full planning permission would be much quicker.

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

Yes	
No	X

Please give your reasons:

No. These are complex applications, and the existing 13 week period is more appropriate.

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

Yes	
No	X

Please give your reasons:

An efficient and effective process is important for critical public service infrastructure development e.g. hospitals however, it is concerning that the public consultation is proposed to be reduced to 14 days for major developments (which could be up to 5 hectares in size). We welcome renewed emphasis on effective pre-app engagement, but such engagement is not just internal confidential discussions between the applicant, statutory consultees, and the local authority. For major developments it must involve the local community.

We understand the government's ambitions and expectations that 'many of these developments will have already been subject to extensive prior engagement with the local community' (Para. 63) but Civic Voice's experience is that this is not happening. We cannot support the change to the consultation period unless there are standards for effective engagement with the local community on major developments. We would be happy to assist Government in developing standards for good, effective, and meaningful community engagement.

**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.)**

Yes	
No	X

Please give your reasons:

We suspect this would add additional bureaucracy to already overworked and understaffed local planning authorities. However, local planning authorities and the Local Government Association are best placed to advise on this.

**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?**

Yes	X
No	

Please give your reasons:

Yes. However, the requirement to work proactively to resolve key issues before planning applications are submitted should also apply to those public service providers bringing forward

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the development. Proactive planning requires resources in people and skills, particularly in communicating meaningfully and effectively with local communities, and this needs to be reflected in enhanced budgets for local planning authorities.

**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?**

Yes	X
No	

Please specify:

Para. 67 on post permission consents is important. The experience from some of our civic societies is that on major developments it is frequent for changes to the approved application to be sought in advance of, or during, construction. These may be minor, and easily granted, but they may make significant changes which need proper public consultation. The local planning authority must not be blamed for consequent delay, and as well as monitoring local planning authorities' performance the government should monitor the performance of the body (often itself in the public sector) that is making the application, to see if delay is caused by its own inefficiencies or frequent changes of mind.

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

Yes	X
No	

Please specify:

Local planning authorities in urban areas in England have had their budgets cut by 41% over the last ten years: <https://www.centreforcities.org/reader/cities-outlook-2019/a-decade-of-austerity/> (see Fig. 6) We consider the best way to prioritise all major development applications would be to invest in local government and improve capacity, technology and skills.

**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?**

Yes	X
No	

If so, please give your reasons:

It is difficult to say generally, but potentially, if the proposed consultation period is so short (and at 14 days, we believe it is) that local people with a protected characteristic find it difficult to understand and comment upon complex applications for important public service infrastructure.

## 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?**

Agree	X
Disagree	
Don't know	

Please give your reasons:

Civic Voice supports the broad approach outlined in Para. 76, however we note the complexities and potential issues set out in Para. 78 and reserve the right to comment on the detail of proposed changes to the legislation when they are consulted upon. This area of planning legislation is complex and for community groups to understand the potential impacts of changes on their communities, it is important that the government consults upon the detail.

A key concern for Civic Voice is the potential broadening of PD rights for land or properties within conservation areas. In legislation, this land generally receives exemptions from PD rights and, therefore, greater protections, for valid reasons to 'preserve or enhance' the special architectural or historic interest of the conservation area. We would not support a review of the legislation leading to widening of the PD rights to include land and properties within conservation areas.

**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?**

Agree	X
Disagree	
Don't know	

Please give your reasons:

Yes, subject to special protections for conservation areas, in particular, allowing local planning authorities to consider the design of any changes to the external appearance of the building. See our comments set out in response to question 2.2.

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

Agree	X
Disagree	
Don't know	

Please give your reasons:

Yes, subject to our comments set out in response to question 19.1. Civic Voice reserves the right to comment on the detail of proposed changes to the legislation when they are consulted upon. This area of planning legislation is complex and for community groups to understand the potential impacts on their communities, it is important that the government consults upon the detail.

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

Yes	
No	X

Please specify: