



Submission to the Ministry of Housing Communities and Local Government on:

Supporting housing delivery and public service infrastructure January 2021

the Edge is a voluntary built and natural environment think tank and network. It is multi-disciplinary in a landscape remarkable for its abundance of single-discipline institutions. We stand for being:

1. **Interdisciplinary:** bringing built environmental professionals together, inclusively along with others who share their concerns.
2. **Open and creative:** working across all disciplines with competitors and collaborators.
3. **Strategic in approach:** encouraging accessible and shared knowledge and seeking to connect place, practice, policy and research.
4. **Visionary:** in identifying the issues and in promoting effective and urgent responses to both local and global challenges.
5. **Professional:** developing a broad-based ethic of responsibility to social and environmental demands based on an equitable global framework.
6. **Business-like:** furthering the skills and capacity of the UK construction industry to promote prosperity and deliver a better built environment.

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

Reasons:

- Removing size limit, as well as including all uses under Use Class E (not just B1), will massively expand the quantum of permitted development coming forward. This will put pressure on Local Authorities, who will lose the ability to have effective oversight over high streets and town centres, potentially negatively affecting businesses in those areas.
- Homes that have come forward through commercial to residential PD rights have been shown to be of a poor quality – removing the size threshold will increase number of substandard homes relative to current numbers.
- Removing size limit will stop Local Authorities from obtaining planning gain from development (through s106), therefore reducing the potential for affordable housing and community infrastructure from development in these areas
- Removing size limit will put pressure on the functionality of non-designated industrial and commercial centres, as larger units could come forward for residential under these proposals many of these will not be in the right location for housing. In particular, evidence from the extension of PDR for office buildings shows that housing in commercial areas places particular stress on residents with school-age children, who cannot access a local school close to where they live, and on the children themselves. Significant numbers of units equate to significant numbers of adversely affected families. There is a risk that this might also accelerate the loss of retail where residential properties have higher value, or that inappropriate locations on industrial, retail or leisure parks become homes.

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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

Reasons:

- By designating exempt areas, the authors of the policy have accepted that these proposed new rights can have a negative, and largely unmanageable, impact on local places. There is no clear reasoning as to why the planning system is being bypassed.

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

Disagree

Reasons:

- As stated in 2.1, the exempt areas listed show that there will be negative impacts associated with these proposals. Conservation areas should be exempt, but then so should a number of other areas such as high streets, local centres and non-designated industrial hubs

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

Reasons:

- Full planning applications should be submitted for converting Use Class E to Use Class C3 generally. Prior approval, whilst better than nothing, still does not provide the oversight needed for councils, and local community groups, to effectively plan and manage their areas.

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?

Disagree

Reasons:

- These matters do not go nearly far enough to ensure at least basic standards of housing are brought forward in the right areas. The matters suggested may not adequately offset the negative impact of residential development on local infrastructure and communities
- The matters also do not address the need for any contributions towards local infrastructure and affordable housing (such as CIL or s106 agreement)
- Prior approvals should be replaced with the requirement to submit a planning application

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

Yes

Specifically:

- Climate, local infrastructure, basic housing standards (such as those in the London Plan), protecting high streets, planning obligations, lack of consultation, parking, bins

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

Reasons:

- Yes but ideally they should submit full planning application, perhaps with permission in principle for change of use but still mandated to meet requirements of local plan, contribute through planning obligations etc.

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

No

Reasons:

- It is sensible to propose that conversions through the PDR route should attract a fee, considering standard planning applications also attract a fee per new dwelling house - up to 50 homes. However, the proposed fee of £96 is considerably lower than the cost of a standard planning application. Given the high number of prior approval matters to be assessed by local planning authorities (LPAs), resourcing requirements are still likely to be high. Hence, fees should be the same as other standard planning applications, at £462 per house.

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

Specifically:

- This is a major reform, which will have a significant effect on towns and cities across England, removing control from Local Authorities at a time when their local economies and high streets are being badly affected by the pandemic. Major reform is needed regarding changing shopping habits and the well-documented decline of the high street, but this should be coordinated more broadly with a vision for our towns and cities after the pandemic, rather than unleashing a wave of loosely regulated conversions that will potentially damage high streets and neighbourhoods in the long term.
- More housing is needed, but especially affordable housing, which these reforms do little to address, and which unfortunately will likely further reduce the delivery of affordable homes due to the lack of a requirement for s106 agreements.

- Whilst it is welcome that PD developments now have to meet nationally described space standards and have daylight to habitable rooms, this is a very low bar to set for what could be a significant portion of new housing stock. The quality of these future homes could be of a very poor quality and could lead to significant issues for residents, neighbours and the local community. Planning controls help ensure that developments are habitable for future generations, and that the local infrastructure can support them. Planning documents such as the London Plan, and the London Housing Design Guide, provide a minimum standard for housing – effective planning controls would ensure these standards are met
- Ground floors and basements should be exempt from residential development under these rights to help protect high street uses. These floors are also generally less suitable for residential development, so this change would also ensure a higher quality of housing.

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

Reasons:

- As Q5

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?

Don't know

Reasons:

- MCLHG have recently consulted on raising accessibility standards for new homes. We strongly support the principle that all housing should be both accessible and adaptable and that the M4(2) standard, regardless of tenure, provides benefits for the whole household as well as for visitors, accommodating the changing needs of current occupants and those who may live there in the future. Not having a reference to accessibility standards will potentially be discriminatory to disabled residents living in the PDR permitted homes, or at the very least continuing a two tier of accessibility and independent living between those who can live in new build and in converted homes.
- Poor quality housing disproportionately affects BAME communities; increasing the stock of poor quality housing could have a disproportionate effect. Any policy interventions that reduce the supply of affordable housing will directly and disproportionately impact on low income households, households on LA waiting lists and those at risk of homelessness¹. These include a large proportion of individuals with disabilities, BAME groups, older residents, single parents, pregnant mothers and others with protected characteristics.

¹ For current scale of unmet housing need see modelling by Heriot Watt University for NHF
<https://www.housing.org.uk/resources/people-in-housing-need/>

- GLA data² shows that there are stark differences in average floor area per person by tenure, with those in the PRS faring worse. Combine this with data on the greater number of those with protected characteristics in PRS accommodation likelihood that PDR permitted homes will increase negative impacts.

----- Ends -----

the Edge, January 2021

² <https://data.london.gov.uk/dataset/housing-london> Housing in London 2020 table 1.14

