

SUPPORTING HOUSING DELIVERY AND PUBLIC SERVICE INFRASTRUCTURE

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|---|---|
| Head of Service: | Viv Evans, Head of Planning |
| Wards affected: | (All Wards); |
| Urgent Decision?(yes/no) | No |
| If yes, reason urgent decision required: | |
| Appendices (attached): | 1: Draft response to MHCLG consultation; Supporting housing delivery and public service infrastructure |

Summary

The Council's draft response to the Ministry of Housing, Communities & Local Government (MHCLG) consultation on "Supporting housing delivery and public infrastructure" proposals published on 3rd December 2020.

Recommendation (s)

The Committee is asked to:

- (1) Note and approve the draft response to the government's proposals documented within the open consultation; "Supporting housing delivery and public service infrastructure".**

1 Reason for Recommendation

- 1.1 The government is consulting on Supporting housing delivery and public service infrastructure, which outlines proposed measures said "*to support housing delivery, economic recovery, and public service infrastructure*".
- 1.2 The consultation was published on 3rd December 2020 and runs for an 8 week period up until the 28th January 2021. It is important that the Council responds outlining its support or concerns about the proposals.

2 Background

- 2.1 The consultation comprises a number of proposals set out under three main headline proposals, these are summarised within points 1-9 within the introduction. The 3 headline proposals set out in greater detail include:

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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
 - From 1 September 2020 the government introduced a new Commercial, Business and Service use class which groups together uses commonly found on high streets and town centres and provides for movement between such uses without the need for a planning application.
 - The government now want to allow this broader range of uses to change to residential use in an effort to support housing delivery and attract the additional footfall that new residents will bring. Current permitted development rights provide for shops, financial and professional services, and offices to change to residential use, and these will continue to apply until 31 July 2021.
 - The proposal will require all homes to meet the nationally described space standards. This will come into effect from 1 August 2021.
 - *The proposed right:* the right would allow for the change of use from any use, or mix of uses, within the Commercial, Business and Service use class (Class E) to residential use (C3). It will go significantly beyond existing rights, allowing for restaurants, indoor sports, and creches etc to change use to residential under permitted development rights for the first time. The protections for pubs, including those with an expanded food offer, theatres, and live music venues, all of which are outside of this use class, continue to apply and a full planning application required for the change of use to or from such uses.
 - *Size of the buildings to which the right might apply:* it is proposed that there be no size limit on the buildings that can benefit from the right.
 - *Where the right might apply:* It is proposed the right would not apply to sites of special scientific interest; listed buildings and land within their curtilage; sites that are or contain scheduled monuments; safety hazard areas; military explosives storage areas, sites subject to an agricultural tenancy, other sensitive article 2(3) land, such as national parks and areas of outstanding natural beauty. The proposal for sites within conservation areas, the right would allow for prior approval of the impact of the loss of the ground floor use to residential.

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- *Matters for local consideration through prior approval:* flooding, transport, contamination, impact of noise, adequate light, fire safety, areas which are used for heavy industry and waste management.
- *Applications for prior approval and fees:* prior approval would be accompanied by: information necessary for the consideration of the matters for prior approval, and an appropriate fee. The proposed fee will be per dwellinghouse, and that this is set at the current prior approval fee of £96 per dwellinghouse capped at a maximum of the fee for 50 homes.
- *Public Sector Equality Duty Assessment and impact assessment:* A Public Sector Equality Duty Assessment and an impact assessment will be prepared prior to any secondary legislation being laid. Government is required to assess proposals by reference to the Public Sector Equality Duty in the Equality Act 2010.

2. Supporting public service infrastructure through the planning system

- The Spending Review (25 November 2020) set out the government's long-term vision for investment in the vital public service infrastructure including new hospitals, schools, further education colleges and prisons. The Government considers a key issue in securing planning permission for new hospitals, schools, further education colleges and prisons as taking a significant time, leading to project delays and cost increases. The government is consulting on a package of proposals which it considers will speed up the planning process. The changes to provide additional capacity to schools, other educational establishments, hospitals, and prisons are de-regulatory.

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- *Providing further flexibilities for public service infrastructure through permitted development rights:* The proposal to provide additional educational and hospital capacity on existing sites. This could be taken forward through 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. The right would provide greater capacity to expand compared with the existing rights under class M. The proposal to allow prisons to expand their facilities to provide additional prison accommodation to address an increase in prisoner numbers without the need for a planning application. As part of the wider consultation the government will consider how the permitted development rights set out/or similar rights, could enable the expansion or construction of new buildings 'within the wire' on existing Defence sites as well.
- *A faster planning application process for public service developments:* the government proposes that changes to permitted development rights will ensure that planning for public service projects where new facilities involve the expansion of existing sites will be significantly streamlined to support their faster delivery. However, new hospitals, schools, further education colleges and prisons which the government will be funding will involve more substantive development, especially on new sites, which are outside the scope of proposed permitted development right changes. In these cases, public service providers will continue to submit an application to the local planning authority to secure planning permission.
- *This consultation seeks views about the proposed changes, including:*
 - the development within scope of the modified process
 - a shorter determination period
 - modified consultation and publicity requirements
 - measures to increase transparency
- *What public service developments should be in scope?:* It is proposed that there be a lower size limit that would mean the development would be subject to a shorter determination period because it would not fall within the definition of "major development. "Major development" normally the subject to a 13 week determination.
- *Faster decision-making:* proposals to speed up the process of determining these planning applications to provide for the statutory determination period for development to be 10 weeks, which will require local planning authorities to prioritise these decisions over other applications for major development.

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- *Consultation*: Proposal to reduce the minimum period for representations from 21 days to 14 days
- *Notifications to the Secretary of State*: the proposal requires local planning authorities to notify the Secretary of State when they receive a valid planning application for these developments, no later than 8 weeks from validation.
- *Post-permission matters, Guidance, Fees*

3. Consolidation and simplification of existing permitted development rights

- The proposals in this part relate to the consolidation and simplification of the existing permitted development rights, this is due mainly to the changes made to the use class order earlier this year. The review and update is a significant requiring consideration of those rights affected across the entire Order, this may require amendment of 49 individual rights and additional paragraphs and articles.

The government has summarised the amendments/impact on the rights to fall into 4 broad categories. Taking Part 3 to Schedule 2 of the Order Changes of use as an example:

- Category 1 – where the right is no longer required because the uses that used to fall into separate use class now fall in the same use class. Example - Class D shops to financial and professional

- Category 2 - the right is unchanged by the amendments to the Use Classes Order and therefore no amendment is necessary. Example - Class L small HMOs to dwellinghouse and vice versa.

- Category 3 - the right may be replaced by the new proposed permitted development right from the Commercial, Business and Service use class to residential. Example – Class O offices to dwellinghouses

- Category 4 - the right requires detailed consideration. There are several rights that may fall into this category.

- Annex A of the consultation: Lists the potential rights that may require consolidation and simplification, update and cross-referencing following changes to the Use Classes Order

2.2 A draft response is attached at Appendix 1 which the Committee are asked to consider. The consultation consists of 22 questions which the Government are seeking views on. The Council has up to 28 January 2021 to respond.

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3 Risk Assessment

Legal or other duties

3.1 Impact Assessment

3.1.1 The proposed changes are likely to impact the Council's Local Plan programme, in particular any emerging policies in relation to the Borough's retail centres. It is also wider implications on day to day planning decisions with proposed changes to the permitted development order. It is important that the Council responds accordingly outlining its concerns.

3.2 Crime & Disorder

3.2.1 None arising from this report

3.3 Safeguarding

3.3.1 None arising from this report

3.4 Dependencies

3.4.1 None arising from this report

3.5 Other

3.5.1 None arising from this report

4 Financial Implications

4.1 The proposed changes are likely to impact on the Council's Local Plan programme and day to day planning decisions. The proposals are likely to result in additional workload that will affect internal and external resources.

4.2 The consultation proposes a planning fee for the proposed permitted development which is consistent with existing prior approvals for residential, however the fee is lower than a planning application fee and the proposals are likely to result in reduced revenue.

4.3 Officers will closely monitor proposals and consider the impacts.

4.4 **Section 151 Officer's comments:** None arising from the contents of this report.

5 Legal Implications

5.1 None arising from the contents of this report.

5.2 **Monitoring Officer's comments:** none arising from the contents of this report.

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6 Policies, Plans & Partnerships

- 6.1 **Council's Key Priorities:** The following Key Priorities are engaged:
- 6.2 **Service Plans:** The matter is not included within the current Service Delivery Plan.
- 6.3 **Climate & Environmental Impact of recommendations:** None arising from the contents of this report
- 6.4 **Sustainability Policy & Community Safety Implications:** None arising from the contents of this report
- 6.5 **Partnerships:** None arising from the contents of this report

7 Background papers

- 7.1 The documents referred to in compiling this report are as follows:

Previous reports:

- None

Other papers:

- MHCLG consultation: Supporting housing delivery and public service infrastructure published on 3 December 2020.