

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)?

Agree	
Disagree	X
Don't know	

Please give your reasons:

Without a size limit the Council would be unable to balance housing versus other needs. There could be significant impact not only on the viability of our retail centres but on employment as well. Office space in Hampstead (and in LB of Camden) is valued at far less per square metre than housing, according to Camden's 2014 Office to Residential Permitted Development Impact Study. The value disparity means that practically any conversion from office to residential would be advantageous to property owners. As stated in the study, "There is little or no existing office stock that would be unviable for conversion to residential based upon cost or other practical restrictions. In most cases, even assuming for higher costs for difficult conversions, there are still viable profit levels to convert to residential."

There would be no net increase in footfall as residents simply would replace workers, many of whom frequent local shops, cafes and restaurants on a daily basis.

The loss of jobs locally would result in local people have to travel further for work.

The proposed changes would disastrously alter the balance that exists in Hampstead between business premises and residential premises. Hampstead already has a large proportion of residential property in high street vicinities. The Mayor of London's report, 'High Streets & Town Centres: Adaptive Strategies', which is supported by research at University College London, shows that only about 20% of businesses in London's high street areas (defined as up to 200 metres from a 'high street') are retail/leisure (ie shops and restaurants). The rest are other types of businesses, including professional services or companies that see a benefit in having their offices close to a hub. These are precisely the people who would be eased out of centres such as Hampstead under the proposed changes. The people who work in office space support the retail and leisure businesses, and vice versa. The proposed change would be a disastrous hit to the vitality of Hampstead and other centres. We need a multifaceted economy, and these measures would undermine this. We need localism, local knowledge, local councils' policies, to determine what will create healthy and thriving places. We do not need a rush to more residential housing, but a proper balance in our neighbourhood.

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:

These are important and sensitive areas, the development of which requires careful consideration.

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

Agree	
Disagree	X
Don't know	

Please give your reasons:

The change of use within a conservation area could result in harm to the area, contrary to NPPF 193-197. The NPPF requires a balanced judgement regarding the scale of any harm or loss and the significance of the heritage asset.

Many shops in Hampstead and LB of Camden are undesignated heritage assets but their contribution to the conservation area is that they continue the use for which their premises were intended.

The proposal justifies overlooking conservation areas on the basis that conservation is limited to the fabric of buildings rather than their uses. However, Historic England makes clear that heritage encompasses “continuing cultural practices, knowledge and living experiences. It records and expresses the long processes of historic development, forming the essence of diverse national, regional, indigenous and local identities and is an integral part of modern life. It is a social dynamic reference point and positive instrument for growth and change.” (Historic England, Conservation Principles, Policies and Guidance)

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:

As above, protecting the ground floor use only would not adequately protect the conservation area of the asset from harm.

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	

Please give your reasons:

A necessary safeguard should include consideration of the possible impact on local employment opportunities. Camden's 2014 Office to Residential study quoted a GLA survey showing that employment was growing in Camden at the third fastest rate in London, yet very little new supply of offices was planned outside the CAZ and office stock "is being lost irreversibly".

The list of matters for prior approval is too limited and will deny LPAs the opportunity to consider proposals in the light of local conditions. The result will be inappropriate conversions.

Prior approval considerations should be included which seek to avoid or reduce harmful or unintended impacts on town centres, communities and businesses by only applying to premises that are demonstrably and genuinely vacant and surplus and having a size limit. Considerations needed under prior approval should also include the impact on high streets, air quality, provision of amenity space, heritage impact, the suitability of the location for housing, the amenity of new and neighbouring occupiers, and sustainability.

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

Yes	
No	X
Don't know	

Please specify:

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	

Please give your reasons:

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

Yes	
No	X
Don't know	

Please give your reasons:

It is difficult to understand why the fee should have been set at such a low amount or what the basis for it could be. It does not appear to reflect the savings that a property developer would make in not having to make a full planning application.

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	X
No	

Please specify:

We object strongly. The proposal fails to assure that houses are built in areas supported by existing or planned infrastructure. It hobbles local authorities and local neighbourhoods in their ability to plan strategically for the future and dismantles the aims of the Localism Act of 2011. It could result in permanent damage to our high streets, local employment, our conservation areas and in the quality of our housing stock.

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:

The proposed changes could hollow out historic village centres such as Hampstead, further depressing our beleaguered high streets, increasing the loss of office space to residential and creating a bedroom community where everyone becomes more car reliant.

The proposal would undermine the Hampstead Neighbourhood Plan, which includes policies protecting commercial space and small shops and retail units. The Plan passed public referendum in 2018 with 91.5% in support.

Increasing the use of permitted development stifles local participation in government and weakens protections for conservation areas.

Strategic planning will be surrendered to market forces.

The notion that the fall in planning applications might benefit planning authorities is misguided. Either planning approval is appropriate or it is inappropriate. Timesaving is an irrelevant consideration. There may be scope for arguing that different planning considerations should be taken into account in different settings, e.g. a disused city centre office block in the context of falling use of permanent office space versus space for commercial use required to maintain the mix of businesses in a high street where the disparity in profit between residential property prices and commercial use would lead to significant profit for a developer but damage the local business ecosystem. However, reducing the workload of a local authority would not be in and of itself an appropriate criterion.

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	

Yes. Loss of local shops would impact those on limited income and mobility.

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 larger?

Agree	
Disagree	X
Don't know	

Please give your reasons:

Hampstead has the greatest concentration of schools in Europe and suffers from poor air quality because of the subsequent traffic congestion. As a result, the Local Plan currently will not permit school expansions in the area unless it can be shown that traffic will not increase. Without this requirement, schools in the area would have no incentive to encourage sustainable travel.

The aspiration of updating public buildings and providing "brand new buildings" does not appear to justify what appears to be the very different proposal of allowing existing buildings to be expanded which appears to be more "make do and mend" approach than the stated aspiration. If existing public buildings are to be added to in a manner that did not form part of the original design, it would seem vital that the discipline of a proper planning application were made so that the appropriateness of any such addition could be reviewed adequately. The notion that totally new sites for such buildings should still have to undergo the full planning procedure would create a perverse incentive to avoid the new developments that are aspired to and to concentrate on expanding existing buildings which appears to run counter to the aspiration to provide new public facilities.

Q7.2 Do you agree that the right be amended to allow the height limit to be raised from 5 metres to 6?

Agree	
Disagree	x
Don't know	

Please give your reasons:

Any increase in height (or any other direction) could harm the conservation area and therefore consideration of that harm versus benefits must be given.

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

Yes	
No	x
Don't know	

Please specify:

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

Agree	
Disagree	
Don't know	X

Please give your reasons:

Q8 Do you have any other comments about the permitted development rights for schools, colleges, universities, hospitals and prisons?

Yes	X
No	

Please specify:

Any development proposal that potentially impacts a conservation area should not be given this right.

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?

Yes	X
No	
Don't know	

If so, please give your reasons:

The current impact of schools on air quality is well known. Any unregulated development could further endanger the health of local people.

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?

Yes	
No	
Don't know	x

If so, please give your reasons:

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?

Yes	
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No	
Don't know	X

If so, please give your reasons:

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?

Yes	
No	
Don't know	X

If so, please give your reasons:

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:

Given that the stated reason for wanting the new process is the overrunning of the existing application process in many instances, beyond the current 13-week process, efforts should be invested in identifying what causes delays in the current process and putting in place a framework that would address and minimise those delays. This appears to be an attempt to reduce the timeframe even further which would appear inappropriate for such projects and, given their nature and the importance of their impact on local communities, would appear not to allow proper public scrutiny.

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	
No	x

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

Please see comments in reply to question 11. The existing process should continue to apply to major developments to allow for proper public scrutiny. Efforts should instead be made to address what is holding up the current process.

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:

A 10-week period is too short, particularly if proposal is sited in a conservation area. A major reason given for this is failure to comply with the existing 13-week application process. Efforts should be made to address why that process is not currently being complied with rather than shorten it still further. It is not at all clear why shortening the application process to 10 weeks in these cases would, as claimed, allow local authorities to prioritise such applications, unless "prioritise" is being used as a synonym for "allow less time for public scrutiny".

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

Yes	
No	X

Please give your reasons:

A statutory consultation period of 21 days is often too short, particularly if the proposal is complex or involves a heritage asset. Reducing the consultation period by one week would serve no practical purpose except to inhibit the opportunity of local people to respond.

In our experience, very few applicants bother to consult with neighbours, neighbourhood forums or the local authority before submitting planning applications. Even immediate neighbours are often taken by surprise when notice arrives. If they happen to be away or indisposed, they will miss their opportunity to respond.

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	

Please give your reasons:

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	
No	X

Please give your reasons:

Resolving all planning issues before any public consultation takes place might result in a lack of public engagement in developing proposals. If the public is involved in the process, however, then everyone would benefit.

The practice of local authorities working closely with developers at the pre-application stage tends to lead to regulatory capture and the local authority, whose job it is to uphold planning regulations designed, among other things, to protect the local community, can and has been seen to become overly influenced by developers. It is one thing for a local authority to provide some formal guidance on issues that will need to be addressed in a planning application but if the local authority becomes too closely involved with a developer at the pre-application stage, then effectively a conflict of interest is created at the review stage where the local authority is reviewing parts of an application in the putting together of which it has already been closely involved.

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	
No	X

Please specify:

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

Yes	
No	X

Please specify:

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	
No	X

If so, please give your reasons:

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	
Disagree	
Don't know	X

Please give your reasons:

Q19.2 Are there any additional issues that we should consider?

Yes	
No	X

Please specify:

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	
Disagree	
Don't know	X

Please give your reasons:

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

Agree	
Disagree	
Don't know	X

Please give your reasons:

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

Yes	
No	X

Please specify: