

28 January 2021

CIC response to MHCLG consultation on supporting housing delivery and public service infrastructure

<https://www.gov.uk/government/consultations/supporting-housing-delivery-and-public-service-infrastructure/supporting-housing-delivery-and-public-service-infrastructure>

FAO: Public Service and Permitted Development Consultation
Ministry of Housing, Communities and Local Government
Planning Directorate
3rd Floor, North East
Fry Building
2 Marsham Street
London
SW1P 4DF

From: Graham Watts

Position: Chief Executive, Construction Industry Council

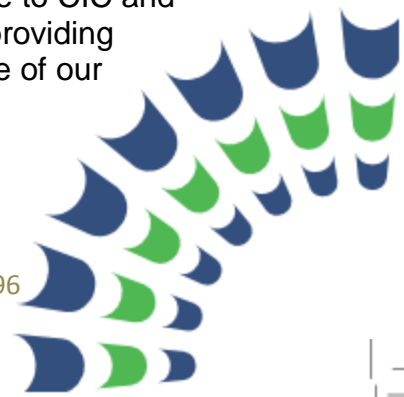
Organisation: The Construction Industry Council, The Building Centre, 26 Store St, Bloomsbury, London WC1E 7BT

The Construction Industry Council (CIC) is the representative forum for professional bodies, research organisations and specialist business associations in the construction industry. An appendix to this letter provides more information about us.

Our members collectively support and represent circa 500,000 individual professionals and 25,000 firms of construction consultants. That an effective and efficient means of ensuring new housing and public infrastructure can be delivered for the benefit of society is crucial to our membership. The role of the planning system and how it facilitates this delivery impacts the work of a high proportion of these practitioners as they plan, design, engineer, construct, maintain or operate homes, buildings and structures.

Importantly, our members' perspective on the proposals comes from a view of what works best to provide much-needed housing and public sector infrastructure while building strong communities through excellence in place making.

Any change to the planning system is therefore of critical importance to CIC and we are keen to input into this important consultation in the hope of providing constructive and informed comments, drawn from the wide expertise of our



membership. Our response concentrates on key areas of the consultation, Supporting housing delivery and public service infrastructure, where we can provide the most constructive feedback.

Many of our members will be submitting their own more detailed responses separately.

PART 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

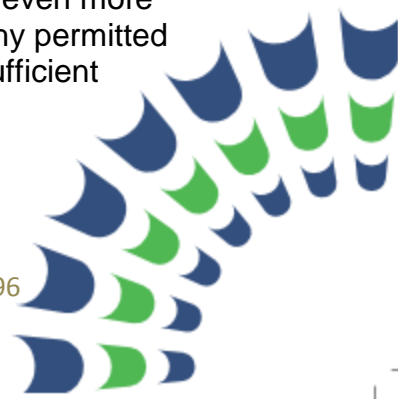
We endorse the government's desire to secure more well designed and safe homes as quickly as possible and to secure the regeneration of town and city centres.

We acknowledge that the proposal will greatly extend permitted development rights to enable conversion/development from a wide range of business uses to housing.

However, we are concerned that extending permitted development, as set out in the consultation, could have negative consequences that may be detrimental to communities in the longer term. These include the inability to address negative externalities and integrate new development with infrastructure, the risk of taking out premises which are cheap to rent and accessible to new start up business, especially in the culture sector, and the risk of poorly designed and unneighbourly developments that potentially become ghettos for the least well off. The worry is that we will have new housing in old high-rise offices which are simply inappropriate for families.

Furthermore, it is unclear how homes created through permitted development can be subject to the same degree of building safety scrutiny if their passage through the planning system is not so tightly controlled. We appreciate that new dwellings formed from office or retail conversions will be subject to meeting appropriate Building Regulations, but we would welcome reassurance that oversight of the new Building Regulator will still apply, given it is widely expected that new homes over 18m will need to pass new Building Safety legislation. This whole area will need more clarity. Space, quality standards and safety are all areas of concern to us, as is the fact that permitted development does not allow the knitting together of the necessary infrastructure.

At a time, too, when local resources are stretched, and will become even more so as councils count the cost of the pandemic, we see no reason why permitted development should be an exception to the principle of delivering sufficient



infrastructure alongside new housing. Indeed, the *Planning for the Future* white paper is proposing housing delivered through permitted development to incorporate an element of Community Infrastructure Levy or Section 106, ensuring contributions are made towards affordable housing and community infrastructure. This should also be a requirement within these new proposals.

We set out our concerns in more detail below:

Extending permitted development rights alienates the community and runs counter to greater engagement:

With retail in crisis and high streets struggling to thrive, we understand the logic in breathing new life into town centres by making it attractive for developers to turn empty premises into homes. However, if communities feel they have no say in development, that runs counter to the proposals set out in the *Planning for the Future* consultation, which emphasises the need to involve communities in plan making.

Lack of financial contribution through S106:

Contributions towards infrastructure payments cannot be secured under current arrangements, making it difficult for local planning authorities to secure developer funding for the amenities needed for additional residential developments such as open space or play spaces. We consider that making the provision of such amenities a condition of prior approval may be a way of ensuring these are included as part of the conversion.

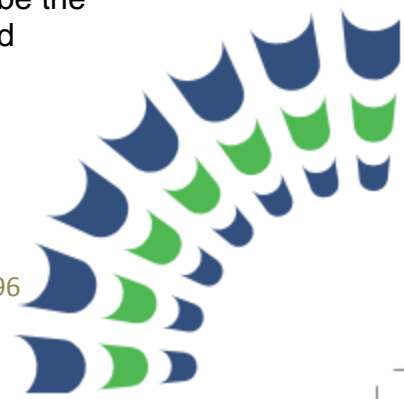
That said, this would still not contribute to other amenities required in a local area.

Effect on housing development and placemaking:

If homes through permitted development are of poor quality, it could affect formal valuations and book values on balance sheets of properties in the vicinity and hence the ability of firms to borrow against assets.

Lack of amenities and good placemaking:

We are worried about the impact of cumulative developments on densities, which would lead to more crowding and less open space, both in town centres and other areas where 'soft densification' might occur as a result of more permitted development. Recent research suggests this has tended to happen in poorer neighbourhoods more than others. The impact of this would be the reduction of development of more mixed housing types, as permitted development leads to a greater supply of flats in former commercial



premises/sites but in poor locations and of wrong types/sizes. Again, this runs counter to other housing policies.

With a third of all new homes delivered via permitted development rights, according to research from the RICS, we are particularly concerned that this percentage might become even greater. That would make it difficult for government to meet its aspirations for more neighbourhood planning as it means that authorities have no control under permitted development to stipulate housing types.

Quality and impact on the local area:

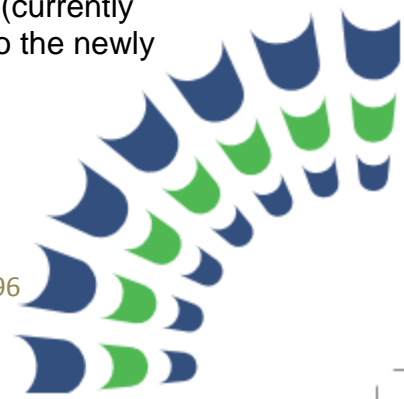
We acknowledge that government has addressed light and space concerns about permitted development and has set out space standards that new homes will be required to meet. But we are still concerned by other aspects of quality, such as materials, amenities and public realm. We fear that if these important aspects are not addressed, there will be a negative impact on quality in the local area. Sub-standard housing will not benefit the high street.

It might also have a negative impact on the wider housing sector – developers might plump for conversion rather than new build and placemaking because it is so much easier and there is no requirement to engage with the community.

How could greater safeguards be built into the proposals?

In debating these proposals CIC members suggest a number of ideas that could help provide confidence to communities and professionals that quality and safety will be safeguarded and a greater provision of amenities will be provided in the locality.

- Introduce more prior approval conditions as part of the permitted development process to ensure that space, quality and safety are considered in relation to existing infrastructure and that they comply with the requirements set out in Local Plans' quality aspects covering materials, amenities and public realm.
- Incorporate permitted development for conversion to residential into Local Plans that can be updated regularly.
- Ensure housing delivered through permitted development incorporate an element of Community Infrastructure Levy or Section 106, providing contributions towards affordable housing and community infrastructure.
- Ensure that the homes delivered through permitted development are subject to all the checks and balances that will be applied in the new Building Safety legislation. This must include requirements that those buildings which fall under the new Building Safety legislation (currently 18m or more and other higher risk buildings) will be subject to the newly



proposed Gateway One checks, even though there is no current requirement for a formal building application to be made at planning stage for permitted development housing schemes.

- Ensure that homes delivered through permitted development will be required to meet the new Future Homes Standard.
- Ensure that permitted development comes under the auspices of the New Homes Ombudsman, which CIC has been instrumental in campaigning for through its sponsorship of the All-Party Parliamentary Group for Housing, whose 2016/2018 reports called for the establishment of the Ombudsman. This would safeguard rights of redress of new homeowners in these schemes.

PART 2: Supporting public service infrastructure through the planning system

The new permitted development being suggested for hospitals, schools and university buildings appears to us to amount to the return of Crown Consent. We are not in favour of permitted development for these buildings. We have seen no evidence that local authorities have been slow in giving permissions to these developments. The benefit of having the scrutiny of planning authorities over these proposed projects outweighs the benefits of any expediency that might be gained.

We hope that the Government is able to consider our concerns and bear in mind that addressing the housing affordability crisis is not purely about numbers, but also about delivering the types of communities in which residents want to live.

We would be very willing to expand on any of the above points.



Annex A

About the Construction Industry Council

The Construction Industry Council (CIC) is the representative forum for the professional bodies, research organisations and specialist business associations in the construction industry.

Established in 1988 with five founder members, CIC now occupies a key role within the UK construction industry providing a single voice for professionals in all sectors of the built environment through its collective membership of circa 500,000 individual professionals and 25,000 firms of construction consultants.

The breadth and depth of its membership means that CIC is the only single body able to speak with authority on the diverse issues connected with construction without being constrained by the self-interest of any particular sector of the industry.

Organisations and Professional Bodies in membership of CIC are shown below.

Members of the Construction Industry Council

ACAI	Association of Consultant Approved Inspectors
ACE	Association for Consultancy and Engineering
APM	Association for Project Management
APS	Association for Project Safety
ASFP	Association for Specialist Fire Protection
BAFE	British Approvals for Fire Equipment
BCS	Chartered Institute for IT
BIID	British Institute of Interior Design
BRE	Building Research Establishment
BSRIA	Building Services Research and Information Association
CABE	Chartered Association of Building Engineers
CIAT	Chartered Institute of Architectural Technologists
CIBSE	Chartered Institution of Building Services Engineers
CIOB	Chartered Institute of Building
CIHT	Chartered Institution of Highways & Transportation
CIPHE	Chartered Institute of Plumbing and Heating Engineering
CIPS	Chartered Institute of Procurement & Supply
CIRIA	Construction Industry Research and Information Association
GF	Ground Forum
ICES	Chartered Institution of Civil Engineering Surveyors
ICWCI	Institute of Clerks of Works and Construction Inspectorate
IET-BES	Institution of Engineering and Technology - Built Environment Sector
IFE	Institution of Fire Engineers
IIRSM	International Institute of Risk and Safety Management
ISSE	Institute of Specialist Surveyors and Engineers





IStructE	Institution of Structural Engineers
IWFM	Institute of Workplace and Facilities Management
LABC	Local Authorities Building Control
LI	Landscape Institute
NHBC	National House-Building Council
RIBA	Royal Institute of British Architects
RICS	Royal Institution of Chartered Surveyors
RTPI	Royal Town Planning Institute
SAFed	The Safety Assessment Federation

