

Royal Institute of British Architects response to the consultation on planning reform: supporting the high street and increasing the delivery of new homes

Part 1. Permitted development rights and use classes

- 1.1 Do you agree that there should be a new permitted development right to allow shops (A1) financial and professional services (A2), hot food takeaways (A5), betting shops, pay day loan shop and launderettes to change to office use (B1)? Please give your reasons.**

The RIBA understands the Government's focus on trying to improve the flexibility of the high street so that it can better respond to the changing habits of its users. However, the planning system should be seen as the solution to this rather than a barrier. Local authorities should be encouraged to work with owners of vacant buildings to respond to local need and bring buildings effectively back into use with proper scrutiny from the planning system. This would require Government support for local authorities in the form of advice on how to effectively engage property owners, as well as proper resourcing to ensure they have the capacity to take a proactive approach.

Current permitted development rights remove the ability of local authorities to undertake appropriate scrutiny of planning applications and disempower local communities by removing local oversight of plans. The RIBA supports the change of use of sites where existing uses are no longer viable, as long as the proposals meet the requirements set out in local planning policies. There can be no justification for some planning applications having to meet higher standards than others, especially when the standards of schemes brought forward under permitted development have proven so inferior.

Permitted development also undermines the purpose of use classes in the planning system generally and can have a significant impact upon a Local Authority's ability to control changes to local high streets. A

proposed change which supports the loss of local restaurants and other premises within A5 use could significantly affect the character of local high streets with businesses taking advantage of cheaper rents in areas outside of traditional or locally designated business / retail hubs. While it could be argued that the proposed changes could ensure diversification in local economies, the potential for the gradual loss of A1 and A5 premises could reduce local offering to residents, which would ultimately result in an increased need to travel to access personable services such as hairdressers and dry cleaners etc. This would undermine controlled change that is managed by the Local Plan and masterplanning.

There is also a question over whether the use of office use B1 alone is the right approach to increase footfall and revitalise the high street. If the emphasis is on B1 Business instead, i.e. B1 (a), (b) and (c), covering offices, research and development of products and processes, and light industry appropriate in a residential area (such as maker spaces), the approach could be more effective in developing active frontage. B1 office space - if too much - can create a lot of dead frontage. Even if the Government were to consider widening the approach to include B1 Business, the RIBA could still only support a policy that requires proposals to receive proper scrutiny by the local authority through a full planning application.

1.2 Do you agree that there should be a new permitted development right to allow hot food takeaways (A5) to change to residential use (C3)? Please give your reasons.

It was undoubtedly not the intention of the permitted development policy to create demonstratively substandard accommodation. However, this has clearly been a consequence since it was introduced. The RIBA is strongly supportive of bringing vacant buildings back into use. However, this should not be achieved by creating poor quality homes.

Allowing development to come forward without the proper scrutiny from local authorities provided through the planning system leads to a decline in standards. This is particularly concerning in changes to residential use. The lack of standards required in relation to space, amenity space and sustainability has led to the creation of significant amounts of extremely poor

quality housing since the policy was introduced due to these issues not being scrutinised as part of the prior approval process. To give an example of this, according to plans submitted to Redbridge Council, and approved in 2014 under Permitted Development, the smallest single residential units built were 13sq m, and the smallest double 14.7sq m. Nationally Described Space Standards, which have been adopted in Redbridge Council's current Local Plan, set a minimum of 37sq m for a single and 50 sq m for a double unit¹. Allowing the development of housing so significantly below the Government's own recommended space standards through a centralised policy decision brings into question the purpose of the standards. One way of improving standards of housing delivered through permitted development would be to incorporate the Nationally Described Space Standards into Building Regulations. While homes would still not meet many of the minimum standards set by local authorities, this would ensure that new homes at least have to meet minimum requirements of space, which would significantly improve the quality of life of occupants.

Permitted development to residential also inexplicably enables developers to avoid contributions to local infrastructure through s106 and CIL charges. This is something that the Government needs to address if permitted development rights are to be continued as a policy. Assessing the impacts on just five local authorities, a report by RICS from May 2018 estimated that they had lost out on £10.8 million in income and affordable housing totalling 1,667 new homes as a result². Allowing developers to bypass this crucial function of the planning system is an effective Government subsidy for property owners, who stand to make significant profit anyway from their ability to develop homes that meet lower standards than if their proposals were subject to usual scrutiny through the planning system.

Permitted development also fails to account for the need for a balanced and diverse offer, especially at ground level - shops provide 'eyes on the street', and light and activity. There is no evidence to suggest that changing to residential from retail will assist a healthy and vibrant High Street. A whole street of shops being converted to residential changes the entire nature of the visitor experience. For example, in some cases planners have requested

¹ <https://www.bdonline.co.uk/comment/a-new-low-in-office-to-residential-conversions-/5095069.article>

² <https://www.rics.org/uk/news-insight/research/research-reports/assessing-the-impacts-of-extending-permitted-development-rights-to-office-to-residential-change-of-use-in-england/>

'switch' glass or opaque glazing at ground floor level to avoid residents being overlooked, which changes perceptions of the area for visiting pedestrians.

Ultimately, while the solutions identified above would improve permitted development as a policy, they are no substitute for subjecting applications to proper scrutiny from local authorities. The housing currently being delivered is not fit for purpose and therefore cannot be meeting the Government's intended outcomes when the policy was first introduced. Given the Ministry of Housing, Communities and Local Government's focus on improving design in housing, the policy should be urgently reviewed and conversions from office to residential immediately ceased pending the outcome.

1.3 Are there any specific matters that should be considered for prior approval to change to office use?

This policy should not be pursued for the reasons set out in the response to question 1.1.

1.4 Do you agree that the permitted development right for the temporary change of use of the premises listed in paragraph 1.9 should allow change to a public library, exhibition hall, museum, clinic or health centre?

Temporary changes in use can provide significant benefits to the High Street. In addition to incubating start-ups, temporary changes can provide a good opportunity for community groups to access local services and allow business the opportunity to set up satellite / extensions to their facilities. Such changes, where successful could also inform local retail, shopping and community provision policies, by demonstrating the potential of smaller high streets or a small cluster of buildings to support emerging local economies and enable other bodies like the NHS more flexibility / access to facilities to provide community services.

The best way to provide flexibility is to ensure the planning system is properly resourced to assess applications against local planning policy in a way that is timely and effective. The change of use of premises, including temporary changes in use, should be subject to scrutiny by the local planning authority.

If the Government decides to proceed with this policy, it is imperative that

once temporary change of use has expired a full application should be required.

1.5 Are there other community uses to which temporary change of use should be allowed?

No.

1.6 Do you agree that the temporary change of use should be extended from 2 years to 3 years?

As stated in the response to question 1.4, an effective planning system should not be a hinderance to well considered change of use applications, whether temporary or not, but provide the necessary scrutiny from the local planning authority to ensure proposals are in line with local strategic aims. We would urge the Government to instead work with local authorities on adequately resourcing local planning departments and improving skills and capacity so that planning is not viewed as an obstacle but a facilitator of positive development.

If the Government does intend to maintain a temporary change of use policy, it is also essential that it should be limited to one period and one permitted change, after which a full application should be required.

1.7 Would changes to certain of the A use classes be helpful in supporting high streets?

Yes. The traditional High Street is at risk of continued decline, particularly in sub-prime retail areas. Making it easier to change within the Use Class A is supported.

1.8 If so, which would be the most suitable approach:

- a. that the A1 use class should be simplified to ensure it captures current and future retail models; or,**
- b. that the A1, A2 and A3 use classes should be merged to create a single use class?**

Please give your reasons.

The use of premises for the preparation and sale of food or drink requires special planning consideration and therefore A3, A4 and A5 should not be amalgamated with A1/A2. However Use Class A1 could be much simplified. There needs to be some recognition that A1/A2/A3 uses increasingly overlap with certain categories of employment use in maker spaces/ co-working (B1 uses). The possible combination of these use class categories, more so than amalgamating A uses, should be considered. It is becoming increasingly problematic to justify mixed use schemes where these types of spaces are encouraged/would be suitable when they are not recognised by local authorities as formal employment floorspace when a retail component is included.

1.9 Do you think there is a role for a permitted development right to provide additional self-contained homes by extending certain premises upwards?

The proposal to allow commercial and residential premises to be extended upwards through a permitted development right is deeply concerning. The RIBA recognises the significant potential to add to the UK's housing stock through upwards extensions. A report by Apex Airspace Development and HTA Architects in 2016 revealed that upwards extensions could deliver 179,126 new homes in London alone³. There are a variety of planning tools through which this could be achieved - permitted development rights is but one option. The poor quality of existing residential development under permitted development is creating large quantities of unsafe and poor quality housing that will create long term problems for the housing stock. Policy on this matter should not be focussed on numbers alone; quality is vital.

While the Government's reference to design in Question 1.10 is recognised, there is no justification for allowing planning applications to bypass the planning process. It is not clear under the current proposals which - if any - criteria would be included in the prior approval process for this type of development. The best way of ensuring that good design is achieved in upward extensions is by ensuring local authority planning departments are properly resourced to enable them to carry out their duties in promoting good design in the built environment. Permitted development rights for upward extensions without an accompanying vision/design code for steering

³ <http://www.apexairspace.co.uk/wp-content/uploads/2017/03/HTA-P-Rooftop-Development-Report.pdf>

such development at wider strategic scale would result in poor quality development. Such policy (i.e. permitted development) is more likely to be successful in the context of areas specifically identified as suitable for upward extension with careful design guidance to ensure quality. It is also more suitable for very small upward extensions by single householders. The consultation document does not present any other planning tools which could be used/considered to ensure design quality when extending upwards.

If the focus is on creating self-contained additional homes, local authorities need to ensure that high quality liveable homes are created. Experience in this field also suggests that there are other considerations that need to be taken into account when considering upward extensions. Engagement with appropriate professionals such as structural engineers and local fire officers is also very important with respect to health and safety. There are also heritage and sustainability issues, which are a concern, not to mention the need for adequate engagement of local residents, including those who are in-situ. Permitted Development for upward extensions should not be brought forward. Designing and managing these schemes are often complex and require the engagement of several professionals and the ability of the LA to interrogate applications of this nature is vital.

1.10 Do you think there is a role for local design codes to improve outcomes from the application of the proposed right?

The RIBA opposes proposals to allow upward extensions through permitted development due to the high likelihood of it resulting in substantial amounts of poor standard accommodation. Part of the reason for this is to safeguard against poor design standards. Design codes would be one method of improving this, though it is no substitute for effective scrutiny provided by applications being determined by the local planning authority. Design codes need to be very carefully written to avoid being too restrictive but remain meaningful. Assuming local authorities are responsible for developing relevant design codes, the lack of resource within planning departments to even carry out their current statutory planning responsibilities means it is likely that in many cases there would be very long delays in the introduction of new codes.

Upward extensions being approved through permitted development in the

absence of rigorous design standards would cause irreparable long-term damage to streetscapes and be unpalatable for residents living in these areas. An option that could be explored would be to look at approving certain extension 'products', i.e. similar to custom build developers working with certain manufacturers. If the quality of the product could be agreed in this manner, this would at least improve outcomes for design, though it is again no substitute for applications being properly considered by the local planning authority. Concerns such as potential negative impact on roof profile if not considered carefully would still remain.

- 1.11 Which is the more suitable approach to a new permitted development right:**
- a. that it allows premises to extend up to the roofline of the highest building in a terrace; or**
 - b. that it allows building up to the prevailing roof height in the locality?**

As has been mentioned previously, the RIBA opposes the extension of permitted development rights entirely. Proposed option b has the potential to be particularly damaging given the potential significant height variances that could result within terraces. The inability to define prevailing roof heights would also risk leaving local authority decisions open to challenge by developers, adding further complications to the planning process and increasing the workload of already stretched local authority planning departments.

- 1.12 Do you agree that there should be an overall limit of no more than 5 storeys above ground level once extended?**

Decisions over appropriate heights for building extensions can only be made with reference to local context. The need to set an arbitrary cap demonstrates the deep flaw of this policy in failing to take into account local context.

- 1.13 How do you think a permitted development right should address the impact where the ground is not level?**

Attempting to develop a uniform policy for an issue that varies widely in each individual circumstance is destined to be unsuccessful. As is recognised in the consultation document, the impacts on the amenity of neighbouring

residents could be significant and would therefore need to be assessed properly by the local planning authority on an individual basis.

1.14 Do you agree that, separately, there should be a right for additional storeys on purpose built free standing blocks of flats? If so, how many storeys should be allowed?

No. Given the outcome of the Hackitt Review and the ongoing concerns around the safety of large blocks of flats, allowing development on such buildings to take place without proper scrutiny from local planning authorities would be irresponsible and potentially dangerous. Developments of this nature also require careful negotiation with the residents living within these blocks and require a significant amount of engagement with other professionals.

Not all purpose-built blocks are suitable for this type of development, especially if their age, character and construction require significant improvement. Local Authorities are gaining experience in pursuing such developments themselves and local planning departments are increasingly gaining sufficient experience to understand and appreciate the complexities of extending existing council housing blocks. They are therefore in the best position to assess applications of this nature and consider the fire and structural proposals.

1.15 Do you agree that the premises in paragraph 1.21 would be suitable to include in a permitted development right to extend upwards to create additional new homes?

Proposals to further loosen planning restrictions and introduce permitted development to what would be the majority of buildings within a high street context has the potential to cause significant and lasting damage to the built environment in these areas across the country. Increasing housing numbers is important but it must not come at the expense of quality. The large-scale development that would be able to take place with minimal scrutiny under these proposed changes is alarming and should be immediately reconsidered by Government.

1.16 Are there other types of premises, such as those in paragraph 1.22 that

would be suitable to include in a permitted development right to extend upwards to create additional new homes?

No.

1.17 Do you agree that a permitted development right should allow the local authority to consider the extent of the works proposed?

The Government's reference to the 'varied nature of what might be required' and the need for local authorities to consider proposals individually due to their potential impact shows a recognition of the complexity and flaw in trying to create a system of universal approval without effective individual scrutiny of applications. It's clear that this policy poses significant risk and should not be pursued.

1.18 Do you agree that in managing the impact of the proposal, the matters set out in paragraphs 1.25 -1.27 should be considered in a prior approval?

The matters set out in paragraphs 1.25 - 1.27 are concerning in that they demonstrate a very narrow view of "good design" and "good architecture". While it is important to ensure that the aesthetic of development is in keeping with the character of the local area, it is only part of delivering homes that are designed to a good standard. The existing housing stock in this country that was granted approval through permitted development often fails to meet standards on internal space, amenity space and sustainability. These are all crucial features of design, which is why office to residential accommodation has generally been of such poor quality. This failure to take a holistic view of what constitutes good design will inevitably lead to the continued and accelerated development of sub-standard housing if permitted development rights are further extended.

1.19 Are there any other planning matters that should be considered?

See response to question 1.18.

1.20 Should a permitted development right also allow for the upward extension of a dwelling for the enlargement of an existing home? If so, what

considerations should apply?

If the Government is to pursue this policy, the RIBA's members have questioned whether the Householders Technical Guidance is comprehensive enough or would need to be extended to provide clear guidance on the application of this policy.

1.21 Do you agree that the permitted development right for public call boxes (telephone kiosks) should be removed?

Yes. There is less need for public phoneboxes than when the policy was introduced due to changing habits as a result of the widespread availability of mobile phones. Local authorities have made it clear that this policy is now being exploited as a means of advertising revenue, especially in high value areas, with Camden Council reporting that it had received planning applications for 170 new phone boxes through the past two years.

While public phone boxes still have a place in the built environment for those less likely to use a mobile phone, it is right that the introduction of new telephone kiosks should require a full planning application.

1.22 Do you agree that deemed consent which allows an advertisement to be placed on a single side of a telephone kiosk should be removed?

Yes. Alongside the removal of permitted development rights for telephone kiosks, this would assist in reducing the incentive for opportunistic applications purely seeking the financial benefits of advertising revenue.

1.23 Do you agree the proposed increased height limit for an electrical vehicle charging point upstand in an off-street parking space that is not within the curtilage of a dwellinghouse?

No response.

1.24 Do you agree that the existing time-limited permitted development right for change of use from storage or distribution to residential is made permanent?

The RIBA strongly opposes proposals to make the permitted development right for storage/distribution to residential permanent for the reasons previously stated in this consultation response, particularly in the answer to 1.2. Permitted development has proven to result in poor quality accommodation that fails to meet local housing standards.

1.25 Do you agree that the time-limited permitted development right for larger extensions to dwellinghouses is made permanent?

See response to question 1.20 about the need to update the Householders Technical Guidance to adequately cover this change in policy if the Government decides to proceed with it.

1.26 Do you agree that a fee should be charged for a prior approval application for a larger extension to a dwellinghouse?

Not charging fees for prior approval applications is one of a number of ways that the policy currently disadvantages local authorities. Those submitting prior approval applications under the current system should be required to pay a fee to the local planning authority.

1.27 Do you support a permitted development right for the high quality redevelopment of commercial sites, including demolition and replacement build as residential, which retained the existing developer contributions?

The use of the word "high quality" in the phrasing of this question is entirely redundant given the context. The reality is that these proposals would enable the undertaking of major redevelopment projects with minimal planning oversight. Existing permitted development rights have demonstrated that local authorities are left powerless to maintain standards of quality when applications are allowed to bypass the planning system. Furthermore, the lack of design resources in planning departments up and down the country renders the assessment of 'High quality' quite meaningless as it is unclear who would assess the quality.

Even with the retention of developer contributions - which is clearly preferable to allowing development to make no contribution to local infrastructure whatsoever - this policy is effectively a major government

subsidy for existing commercial property owners, encouraging developers to make savings by reducing design quality through bypassing standards and the scrutiny that is required from landowners of undeveloped sites when engaging the planning system.

This policy would serve to further weaken the planning system and substantially disempower local communities, further reducing the confidence that local people already feel toward its ability to safeguard the built environment.

1.28 What considerations would be important in framing any future right for the demolition of commercial buildings and their redevelopment as residential to ensure that it brings the most sites forward for redevelopment?

There is no justification for removing the right of local planning authorities to effectively scrutinise the demolition and redevelopment of new buildings. There are already substantial benefits to redeveloping sites for residential use, including the existing vacant building credit, as well as applications being subject to viability to ensure that developers secure a minimum expected level of profit. There should therefore be no deterrent to developers seeking to bring forward high-quality proposals from subjecting them to the scrutiny of local planning authorities if they of high enough standard. However, amendments to National Planning Policy to encourage LPA's to relax their zoning policies is recommended so that applications for conversion to residential use can be seen as acceptable in principle, notwithstanding local plan policies to the contrary.

Permitted development is a short-term solution to meeting current housing need that will inevitably require significant investment in the future to make up for the resulting poor quality of development. Whilst some of these sites may be ideal for redevelopment, it is short-sighted that the possibility of mixed use schemes would be overlooked.

The Government should instead prioritise assisting local authorities in bringing new housing forward through supporting infrastructure investment, land assembly, direct investment in affordable housing and promoting models of long term stewardship.

- 1.29 Do you have any comments on the impact of any of the measures?**
- i. Allow greater change of use to support high streets to adapt and diversify**
 - ii. Introducing a new right to extend existing buildings upwards to create additional new homes**
 - iii. Removing permitted development rights and advertisement consent in respect of public call boxes (telephone kiosks).**
 - iv. Increasing the height limits for electric vehicle charging points in off-street parking spaces**
 - v. Making permanent the right for the change of use from storage to residential**
 - vi. Making permanent the right for larger extensions to dwellinghouses**

The Government's approach to delivering new housing by allowing development to bypass design standards and create poor quality housing to make up numbers is misguided and will have severely negative long-term implications. The RIBA would urge a reconsideration of the continued pursuit of permitted development as a policy. Rooftops are a potentially important source for new housing. However, permitted development rights are not the ideal tool to deliver high quality homes. There are many other imaginative planning tools which could be used to enable the changes discussed in the consultation document: local development orders, neighbourhood development orders, and supplementary planning guidance. All of these tools would put the local authority in charge of a vision for change. Whilst the housing crisis is undeniable, we should be focussed on good quality homes that are sustainable in the long term.

MHCLG has also made it clear that improving design standards in housing is a key priority for the department, highlighted by the launching in November 2018 of the Building Better, Building Beautiful Commission. Office to residential conversions through permitted development undermine this key aim as they often deliver demonstrably inferior quality housing. This will continue if the policy continues to incentivise a race to the bottom in terms of standards so that those willing to make the biggest cost savings can outcompete developers offering improved standards.

By undermining the planning policies of local authorities, permitted development also disincentivises the creation of local plans as local politicians know that development decisions in many cases are out of their control. Given that the government began the formal process of intervention against 15 local authorities last year as a result of delays to the local plan process, this policy contradicts governments other priorities when it comes to planning.

- 1.30 Do you have any views about the implications of our proposed changes on people with protected characteristics as defined in the Equality Act 2010? What evidence do you have on these matters? Is there anything that could be done to mitigate any impact identified?**

No.

Part 2. Disposal of local authority land

- 2.1 Do you think that the threshold for the existing general consent for the disposal of land held for purposes other than planning or housing at undervalue (under section 123 of the Local Government Act 1972) should:**
- a. remain at the current level?**
 - b. be increased?**
 - c. be removed completely?**
- Please give your reasons.**

The review of the current system of local authorities disposing of land at less than best consideration is welcome. The existing threshold disincentivises local authorities from seeking wider social benefits in the disposal of land due to the added bureaucracy of securing permission from the Secretary of State. Local authorities are best placed to determine the wider social and economic benefits that different proposals will have on their areas and the threshold should not limit flexibility in enabling them to make these decisions.

This is symptomatic of the wider problem of the current definition of 'Best consideration'. The Government should review and redefine 'Best consideration' to take into account long-term social and environmental benefits. This would ensure that when land is sold, the immediate capital gain is not the only, or even the primary consideration. The threshold should not be removed entirely as this creates unnecessary risk and it is right that large scale land deals receive a higher degree of scrutiny.

2.2 If you consider it should be increased, do you think the new threshold should be:

- a. £5 million or less?**
- b. £10 million or less?**
- c. other threshold? (please state level)**

Please give your reasons

C – The Government should undertake a review of 'Best consideration' to take into account long-term social and environmental benefits. A new threshold could then be established considering the holistic benefits of disposing of land.

2.3 Do you agree that the Secretary of State should issue a new general consent under section 233 of the Town and Country Planning Act 1990 for the disposal of land held for planning purposes? Please give your reasons.

Government should introduce a presumption in favour of retaining public land and local authorities should be actively advised to secure planning permission on sites before disposing of them to ensure an improved quality of development and to capture the benefits of planning uplift.

2.4 If yes, do you think any new general consent should apply to:

- a. disposals at an undervalue of £2 million or less?**
- b. disposals at an undervalue of £5 million or less?**
- c. disposals at an undervalue of £10 million or less?**
- d. disposals at some other undervalue threshold? (please state level)**
- e. all disposals regardless of the undervalue?**

Please give your reasons.

D. The proposed focus on monetary value of sites is misguided and neglects the wider social, economic and environmental benefits of development, which are crucial to creating quality designed places where people want to live. The Government should consult on revising the 'Best value' consideration to establish a new set of principles that adequately captures benefits of proposals for land outside of short-term capital benefits, in favour of long-term sustainable development.

2.5 Do you agree that the economic, social or environmental well-being criteria which apply to the existing general consent should also apply to any new general consent for the disposal of land held for planning purposes?

Yes. Local authorities should be free to dispose of land for planning purposes at less than 'Best value' if they identify clear economic, social and environmental benefits. The update earlier this year to HM Treasury's Green Book emphasising the importance of considering 'social value' when assessing the economic case for proposals should ensure that these are essential considerations in local authorities' decision making.

2.6 Do you have any additional comments about the current system governing disposals of land at an undervalue by local authorities and our proposals to amend it?

The review and proposed amendments need to be widened to include a review of the definition of 'Best value' to ensure more focus on long term social, economic and environmental benefits, rather than short term capital gain.

2.7 Do you consider that the current £10m threshold contained in the general consent governing disposals by the Greater London Authority remains appropriate?

Please give your reasons.

The GLA should be given greater freedom to make its own determinations about the disposal of land. This policy should also be extended to all combined authorities.

2.8 If you consider the current threshold is no longer appropriate, or that the limit should be removed completely, please specify what you think the alternative should be and give reasons.

The measure of any increased threshold needs to be assessed against a threshold that is not purely monetarily focused. A review of 'Best value' to include wider social, economic and environmental benefits would enable a new threshold with a more holistic approach to benefit to be established.

2.9 Do you have any views about the implications of our proposed changes on people with protected characteristics as defined in the Equality Act 2010? What evidence do you have on these matters? Is there anything that could be done to mitigate any impact identified?

No.

Part 3. Canal & River Trust: Draft listed building consent order

3.1 Do you agree that the types of work set out in paragraph 3.8 should be granted a general listed building consent? Please give your reasons.

Yes - because the works are of repair and maintenance. However, the RIBA considers this proposal to be a very special case and our support should therefore not be more generally extended to apply in any other cases.

3.2 Do you agree that the safeguards included in the order are appropriate? Please give your reasons.

Yes - the requirement to consult Historic England to agree methodology is as good as applying for LBC. Plus the requirement to report annually all works gives an opportunity to scrutinise performance. It should be noted that the RIBA is only expressing support in this particular, very special case.

3.3 Do you consider that any additional safeguards are required? Please provide details

Only in the context that this is a special case and should not be rolled out or misunderstood as relevant to any other institute, client, building group, individual building or structure.

3.4 Do you have any views about the implications of our proposed changes on people with protected characteristics as defined in the Equality Act 2010? What evidence do you have on these matters? Is there anything that could be done to mitigate any impact identified?

No.

Part 4. New town development corporations: Draft compulsory purchase guidance

4.1 Do you have any comments on the draft guidance at Annex D?

Hope value should be removed from the Land Compensation Act and compulsory purchase compensation should be set at existing use value plus a

modest premium. The introduction of 'hope value' into the Land Compensation Act 1961 entitling landowners to expect compensation based on the potential of gaining planning permission has significantly weakened the ability of development corporations to deliver successful new towns. It has also greatly distorted the beneficiaries of public investment in infrastructure, as landowners have benefited from the value of their land increasing through no efforts of their own. The introduction of the 'no scheme' principle is recognised, however, hope value continues to be a barrier preventing the state from rightfully capturing the values created by public infrastructure investment and reinvesting this into the necessary local social infrastructure that creates a successful place.

4.2 Do you have any views about the implications of the proposed guidance on people with protected characteristics as defined in the Equality Act 2010? What evidence do you have on these matters? Is there anything that could be done to mitigate any impact identified?

No.