

Written evidence submitted by the Chartered Institute of Building (CIOB) [PDR 075]

1. Introduction

- 1.1. The Chartered Institute of Building (CIOB) is at the heart of a management career in construction. We are the world's largest and most influential professional body for construction management and leadership. We have a Royal Charter to promote the science and practice of building and construction for the benefit of society, which we have been doing since 1834.
- 1.2. Our members work worldwide in the development, conservation and improvement of the built environment. We accredit university degrees, educational courses and training. Our professional and vocational qualifications are a mark of the highest levels of competence and professionalism, providing assurance to clients and authorities who procure built assets.
- 1.3. Quality, or rather the failure of quality, is arguably the most important issue facing the construction industry today. The CIOB is committed to ensuring that the principles outlined in the Independent Review of Building Regulations and Fire Safety are fully implemented, and we have been active in driving building safety reform at an industry and regulatory level. Our recently published Guide to Quality Management in Construction¹ aims to provide a single point of information on quality management to establish best practice for site production and assembly. Additionally, we have long campaigned for a statutory New Homes Ombudsman to strengthen consumer confidence and raise overall quality for new homes.
- 1.4. In recent months, the CIOB has engaged constructively with the Government as it has overhauled the Permitted Development Rights (PDR) process. This engagement carried out both bilaterally and as part of a group of professional bodies,² has led to positive changes, including the announcement that all office-to-residential conversions built under PDR will have to meet minimum space standards and natural light requirements. Given that the dialogue between the CIOB and the Government has led to better policy outcomes, we urge the Government to continue this engagement as the PDR regime evolves.
- 1.5. The CIOB has proposed safeguards in the PDR process to ensure it delivers quality housing rather than large quantities of sub-standard residential units. These include interventions at an earlier stage of the construction process and the use of design standards to complement PDRs.³
- 1.6. We are concerned that our proposals have not been given consideration in the new Class MA business and commercial to residential PDR introduced by the Town and Country Planning (General Permitted Development etc.) (England) (Amendment) Order 2021. Beyond the broad aim of delivering housing and the reuse of redundant shopping space, no impact assessment of the quality of residential units the new Class MA PDR will deliver has been provided. Considering the well documented

¹ The Chartered Institute of Building, [Guide to Construction Quality \(Site Production and Assembly\)](#), January 2021

² CIOB, Royal Town Planning Institute (RTPI), Royal Institute of British Architects (RIBA), and Royal Institution of Chartered Surveyors (RICS) represent a combined membership of over 175,000 skilled professionals.

³ CIOB, [Submission to the Ministry of Housing, Communities & Local Government \(MHCLG\) on the consultation on Planning for the Future](#), 29 October 2020

poor-quality units PDRs⁴ produce when compared to residential buildings that come through the planning system, this is concerning.

1.7. We urge the Government to consult with the CIOB and other professional bodies before pursuing what is among the most significant planning changes in a generation. This profound deregulation of land uses in and around town centres marks a departure from decades of plan-led 'town centre first' planning and needs to be carried out in consultation rather than in haste.

2. What role should permitted development rights (PDR) play in the planning system?

What is the impact of PDR on the quality and quantity of new housing, including affordable and social housing?

2.1. We understand the motivation behind PDRs and agree that there is a need to have flexibility in buildings, rejuvenate town centres, and deliver more housing in the right locations. The High Street Report notes the changing nature of retail behaviour and increase in vacant shops seen across the country.⁵ Accordingly, there are areas in which flexibility of use is welcome. However, flexibility should not extend to the quality of buildings.

2.2. While there are issues that need to be addressed on PDR from planning, design and architecture perspectives, the CIOB's focus is on the quality of buildings that PDRs produce. We are concerned that Class MA⁶ - allowing properties within Class E to change to residential without planning permissions - if implemented without significant safeguards will lock in sub-standard development.

2.3. If success or failure is measured based on the numbers of residential units being delivered without concurrently assessing the quality of what is being produced, there is the risk of creating societal burdens through planning policy. For example, research from the Building Research Establishment has indicated that poor housing incurs significant health related costs. Investment to improve some of the worst quality homes could save the NHS £1.4bn in first year treatment costs alone.⁷

2.4. There is now clear evidence that PDRs produce housing that is consistently below the level of residential buildings that come through the planning system. Ministry of Housing, Communities and Local Government funded research into the quality standard of homes delivered through change of use permitted development rights finds that '...permitted development conversions do seem to be more likely to create worse quality residential environments than planning permission conversions in relation to a number of factors vital to the health, wellbeing and quality of life of future occupiers. These aspects are primarily related to the internal configuration and immediate neighbouring uses of schemes...'.⁸ We welcome the announcement from the Ministry of Housing, Communities & Local Government (MHCLG) in September 2020⁹ that confirms all office-to-residential conversions built under PDR

⁴ Clifford, B., Canelas, P., Ferm, J., Livingstone, N., Lord, A., Dunning, R., [Research into the quality standard of homes delivered through change of use permitted development rights](#), July 2020

⁵ Ministry of Housing, Communities & Local Government, [The High Street Report](#), December 2018

⁶ The new use Class E Covering retail, food, financial services, gyms, healthcare, nurseries, offices and light industry

⁷ Building Research Establishment, [The cost of poor housing to the NHS](#), May 2016

⁸ Clifford, B., Canelas, P., Ferm, J., Livingstone, N., Lord, A., Dunning, R., [Research into the quality standard of homes delivered through change of use permitted development rights](#), July 2020

will have to meet the Nationally Described Space Standard and natural light requirements. While these measures do go some way to addressing these issues, we remain concerned that units coming through PDR have few checks for other markers of quality such as EPC ratings, building aspect, building safety measures including Gateway One checks, and access to amenity space. These recommendations for tighter PDR quality controls has been issued to MHCLG through a joint CIOB, RIBA, RICS and RTPI letter.¹⁰ These concerns need to be addressed as a matter of urgency.

- 2.5. We accept that a balance must be sought between quality and quantity of homes. PDR could, in principle, produce quality residential units if an accompanying regime of quality assurance protocols and design standards is introduced simultaneously. This would help to create better buildings for people to live in, aligning with ideas of sustainable development and quality of life. Higher specification units may also be a better long-term investment and help to achieve the Government's stated aim of being '...far more ambitious for the places we create, expecting new development to be beautiful'.¹¹
- 2.6. The 'Building in Quality' report¹², a collaboration between the RIBA, CIOB and RICS, established three dimensions of quality:
- Build quality – completed asset performance
 - Functionality – fitness for purpose
 - Impact – the degree to which the asset adds social, economic, cultural and environmental value and improves wellbeing for those that buy, use, or manage an asset.

We urge the Government to consider these dimensions as the basis for an assessment of quality of the residential units proposed for a change of use under the new Class MA.

- 2.7. Post Occupancy Evaluation (POE) methods associated with regulated predicted performance requirements could be used to assess the quality of housing delivered through use Class MA. POE of units delivered in the initial phase of use class MA could create a positive feedback loop whereby information gathered could inform any changes that need to be made to the policy to ensure quality output in perpetuity. Without checking how units delivered through PDR perform, the policy is relying on unverified predictions of performance.
- 2.8. Regarding the future of town centres, we understand the need for a flexible built environment. A long term, sustainable solution should consider looking at interventions earlier in the build process as opposed to retrofitting commercial units that are not suitable for housing. For instance, 'Seed Planning'¹³ - a planning and design approach offering minimum specification of how form relates to function - allows a building to fulfil multiple uses over the course of its life without sacrificing quality as it changes.

⁹ MHCLG, ["Permitted development" homes to meet space standards](#), September 2020

¹⁰ [Joint Letter To Housing Minister Calling For Tighter PDR Controls](#), November 2020

¹¹ MHCLG, [Planning for the Future](#), August 2020

¹² RIBA, RICS, CIOB, [Building in Quality](#), February 2018

¹³ Sennett, Richard, [Building and Dwelling: Ethics for the City](#), 2018

2.9. Seed Planning has been used by the Amsterdam Municipal Government in its transformation of Amsterdam's Port-City area from a mono-functional work area around the Sloterdijk node to a mixed urban living-working environment. The success of this project relies on urban, morphological and functional principles, linked to different typologies for buildings and public spaces relating to density, mixed use, flexibility, and adaptability for many different types of initiatives. The plan provides for buildings that, from the point of construction, would leave sufficient scope for change as the local economy develops and needs change. Given the fluidity we are witnessing in terms of how people utilise the built environment due to the pandemic, particularly office space, seed planning is a proactive type of intervention we could implement now, that will give new buildings the ability to continually adapt to the changing world.

2.10. Modern methods of construction (MMC), particularly modular, off-site solutions are well placed to facilitate the adaption involved in a seed planning approach. Modular off-site buildings can be built to be re-configured through their lifetime, adapting to different needs as they evolve. Modular construction provides a repeatable system of building that is easily adapted according to different requirements for height and floor area ratio and is thus deployable across a range of contexts. This is particularly pertinent in the context of large swathes of office space which could potentially become obsolete given changing working practices resulting from the Covid-19 pandemic.

3. Is the government's approach to PDR consistent with its vision in the Planning White Paper?

3.1. The approach to PDR ostensibly aligns with the Planning White Paper's aim to '...increase the supply of land available for new homes...'. However, the new regime also needs to ensure that changes of use under use class MA will result in housing completions. Given the incentives created around land trading by the land value uplifts associated with residential permissions, it should not be assumed that a change of use will result in the delivery of residential units. There needs to be an accompanying 'duty to build' on those who avail of the new use class MA.

3.2. Given the Ministry of Housing, Communities and Local Government's funded research finding that '[PDR] conversions are potentially creating slum housing',¹⁴ there is tension between the Government's approach to PDR and the White Paper's aim to 'be more ambitious for the places we create, expecting new development to be beautiful and to create a 'net gain' not just 'no net harm'.

4. Should the government reform PDR? If so, how?

4.1 Yes. By introducing the following safeguards:

- An accompanying regime of higher quality design standards and quality assurance protocols to complement PDR's ability to increase supply.

¹⁴ Clifford, B., Canelas, P., Ferm, J., Livingstone, N., Lord, A., Dunning, R., [Research into the quality standard of homes delivered through change of use permitted development rights](#), July 2020

- Making use of seed planning and MMC to embed flexibility in future buildings in town centres.

4.2 We agree on the need for more affordable housing. However, we are not best placed to inform on the numbers required to meet demand. Our position is clear on the need for quality homes, as opposed to focusing purely on quantity. Ensuring housebuilders are held to account and are delivering for the consumer remains paramount. If we can build more homes that are higher quality, we are ensuring a stable pipeline of construction activity whilst improving trust in the sector. We believe the two measures above will ensure PDR produces quality units, now and in the future.

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