



NFCC
National Fire
Chiefs Council

The professional voice of the
UK Fire & Rescue Service

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London
SW1P 4DF

Sent via email to:

PublicServiceInfrastructure&PermittedDevelopmentConsultation@communities.gov.uk.

1 February 2021

To the Ministry of Housing, Communities and Local Government,

RE: Supporting housing delivery and public service infrastructure

Please find attached the National Fire Chiefs Council (NFCC) response to the open consultation published on 3 December 2020 '*Supporting housing delivery and public service infrastructure*' concerning proposed new permitted development rights (PDR) for the change of use from Commercial, Business and Service use to residential to create new homes.

NFCC is the professional voice of the UK fire and rescue services (FRS) and is comprised of a council of UK Chief Fire Officers. This submission was put together by NFCC's Protection Policy and Reform Unit (PPRU).

NFCC supports the ambition to deliver much needed housing and infrastructure. However, this needs to be provided via a robust process that results in safety for residents, occupants, the wider community and firefighters alike. There should not be conflict between easily and quickly approved delivery of housing and infrastructure and fire safety, proliferated through the proposed changes to PDR.

NFCC has significant concerns around the conversion of commercial premises to residential buildings under PDR: the experience of FRSs indicates that such conversions have contributed to the number of buildings with fire safety issues. An extension of PDR could inadvertently lead to a further increase in buildings with fire safety issues at a time when the regulatory system is struggling to deal with those already built.

A solution to this problem could be a requirement for the whole of a building converted to residential purpose under PDR to comply with the Building Regulations (as amended), rather than just that part subject to actual building work.

Interaction between planning and other regulatory functions

The proposed changes to the PDR process should not be carried out in isolation to other regulatory functions and supporting guidance as they are inextricably linked, with planning being the initial stage for stakeholders and regulators to engage on the proposals.

NFCC believes it is necessary to highlight the misconception from applicants that planning permission is the only approval they need to build. Planning permission does not demonstrate compliance with the Building Regulations (as amended) or the Regulatory Reform (Fire Safety) Order 2005 (FSO). It also cannot be used to demonstrate compliance with new requirements proposed by the draft Building Safety Bill. After achieving planning permission, developers should also consult a Building Control Body. However, the experience of our members suggests a number of owners/developers are not following this process.

The Future of Building Control Working Group¹ has recommended that consideration should be given to introducing a duty on Building Control Bodies and Professionals to identify and report uncontrolled building work (where building work is taking place which should be subject to control by a Building Control Body (BCB), but this is effectively being evaded), in order to better ensure public protection.

Updated guidance to accompany the proposed changes to the planning framework should also be explicit in outlining the requirements for the provision of suitable firefighting water / media, as well as access and facilities for the FRS (which should be in accordance with the functional requirement B5 of schedule 1 of the Building Regulations 2010 (as amended)).

We trust the attached submission is helpful and welcome further discussions following the outcome of the consultation: PPRUAdminTeam@nationalfirechiefs.org.uk

Yours sincerely,

Roy Wilsher



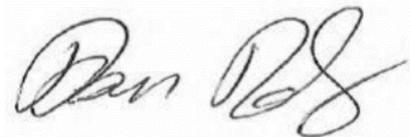
Chair, National Fire Chiefs Council

Gavin Tomlinson



NFCC Protection and Business Safety Committee Chair

Dan Daly



NFCC Head of Protection Policy and Reform Unit

¹ <https://www.labc.co.uk/sites/default/files/2020-07/EXT.Future-of-Building-Control-strategy-version-14-07-20-DF.v1.pdf>

Respondent Details

This section of the survey asks for information about you and, if applicable, your organisation.

Respondent details																											
First name	Dan																										
Last name	Daly																										
Email address	PPRUAdminTeam@nationalfirechiefs.org.uk																										
Are you responding on behalf of an organisation or as an individual? *	Responding on behalf of the National Fire Chiefs Council (NFCC)																										
Organisation (if applicable)	National Fire Chiefs Council																										
Position in organisation (if applicable)	Head of Protection Policy and Reform Unit, National Fire Chiefs Council																										
Please indicate whether you are replying to this consultation as a: *	Professional organisation																										
<table border="1"> <tr><td>Developer</td><td><input type="checkbox"/></td></tr> <tr><td>Planning consultant</td><td><input type="checkbox"/></td></tr> <tr><td>Construction company or builder</td><td><input type="checkbox"/></td></tr> <tr><td>Local authority</td><td><input type="checkbox"/></td></tr> <tr><td>Statutory consultee</td><td><input type="checkbox"/></td></tr> <tr><td>Professional organisation</td><td><input checked="" type="checkbox"/></td></tr> <tr><td>Lawyer</td><td><input type="checkbox"/></td></tr> <tr><td>Charity or voluntary organisation</td><td><input type="checkbox"/></td></tr> <tr><td>Town Council</td><td><input type="checkbox"/></td></tr> <tr><td>Parish Council</td><td><input type="checkbox"/></td></tr> <tr><td>Community group, including residents' associations</td><td><input type="checkbox"/></td></tr> <tr><td>Private individual</td><td><input type="checkbox"/></td></tr> <tr><td>Other (please specify):</td><td><input type="checkbox"/></td></tr> </table>	Developer	<input type="checkbox"/>	Planning consultant	<input type="checkbox"/>	Construction company or builder	<input type="checkbox"/>	Local authority	<input type="checkbox"/>	Statutory consultee	<input type="checkbox"/>	Professional organisation	<input checked="" type="checkbox"/>	Lawyer	<input type="checkbox"/>	Charity or voluntary organisation	<input type="checkbox"/>	Town Council	<input type="checkbox"/>	Parish Council	<input type="checkbox"/>	Community group, including residents' associations	<input type="checkbox"/>	Private individual	<input type="checkbox"/>	Other (please specify):	<input type="checkbox"/>	
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Address (including postcode)	99 Vauxhall Road, Birmingham, B7 4HW																										

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	✓
Don't know	

Please give your reasons:

NFCC has concerns over the application of PDR and potential deficiencies, especially around a change of use from commercial/office to residential, and with no size limit imposed this could lead to the issues outlined below being compounded.

Experience of FRSs indicates that conversions of offices to housing have produced buildings with a wide range of serious defects such as: inadequate compartmentation; unsafe external wall systems; inappropriate ventilation systems; inadequate means of escape for residents etc.; often making them unsafe for occupancy. NFCC is concerned how the conversion of commercial premises to multiple residential buildings under PDR has already increased the number of buildings with fire safety issues, and further, that an extension of PDR could inadvertently lead to a further increase at a time when the regulatory system is struggling to deal with those already built. The proposal to widen and change the nature of permitted development rights (PDR) to enable forms of development and previously excluded premises to be approved easily and quickly gives rise to significant concern.

A solution could be to require the developer to consult with the Building Control Body (BCB) if PDR was being applied, and for any PDR conversion to residential or an addition to existing residential premises, to be accompanied with a fire statement outlining how the required levels of fire safety e.g., compartmentation, will be achieved. We anticipate that some change will be required to adapt the draft Building Safety Bill to the proposed changes to planning law and suggest this offers an opportunity to address the fire safety challenges raised by PDR conversions at the same time.

For permitted developments, the planning stage should provide the initial opportunity for the relevant authority to raise concerns about a premises and engage with the applicant, including through BCBs. It is significantly easier for regulators to work with applicants if engagement takes place at this early stage, with their comments acknowledged and acted upon. This can again avoid the need for retrospective works or subsequent enforcement action and would help to ensure that a design that may be replicated many times, is safe to occupy in all instances of its use.

Changes made under PDR are still subject to the Building Regulations (as amended) and work that complies with the Building Regulations should generally comply with the FSO when managed effectively. However, the Building Regulations (as amended) only apply to the work being done to the building; existing parts of the building that are not directly impacted are not covered.

There remains a fundamental disconnect between the non-worsening conditions of Building Regulations (as amended), and the expectations of continuous improvement through the fire risk assessment process set by the FSO. Where a PDR commences above an existing building there is currently no requirement to enhance the fire safety measures in that existing part of the building, this places the parts of the PDR at an increased risk from fire developing in the existing building below. Section 4(3) of the Building Regulations 2010 states that where the work did not previously comply with Schedule 1, that when the new work is complete it should be no more unsatisfactory in relation to that requirement than before the work was carried out. This is commonly interpreted as allowing fire precautions to be removed and replaced on a like-for-like basis – meaning a building can be refurbished many times but the general fire precautions may never get improved to modern standards. This runs contrary to the principles of prevention as outlined in the FSO, that premises fire risk assessments should adapt to technical progress and reduce overall risk within buildings.

The commonly cited non-worsening provision is resulting in lost opportunities to improve building and life safety and is a feature of PDR where work will be carried out on existing premises. It is important to recognise that the risk profile and levels of vulnerability of those occupying the building increases when a premises under PDR moves from commercial to residential and applies the non-worsening provisions, resulting in inadequate fire safety provisions such as suitable and sufficient means of escape, appropriate fire detection and warning systems for the residents.

A solution to these issues could be an amendment to the Building Regulations (as amended), under the Fire Safety Bill or the draft Building Safety Bill, requiring the whole of a building converted to residential purpose under PDR to comply with the Building Regulations (as amended), rather than just that part subject to actual building work. Such an approach would encourage early engagement between developers and building control bodies and ensure the final residential building meets modern fire safety standards, without impacting on the government's aims in extending PDR.

NFCC has not offered answers to questions 2.1, 2.2 and 2.3 as other organisations will be better placed to comment in areas of conservation.

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	
Don't know	

Please give your reasons:

NFCC strongly supports the need for safeguards at prior approval stage to ensure all potential consequences are considered and addressed, please see additional related comment in question 3.2 below.

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

Yes	✓
No	
Don't know	

Please specify:

Provisions for water for firefighting

NFCC believes that any revisions to the planning system aimed at streamlining approvals processes and widening the scope of PDR should be carried out with an overhaul of the guidance in the provision of water for firefighting. This is an area that requires fundamental revisions to include:

- A requirement for adequate firefighting water provision to be included in Local Plans. It should be necessary for any Local Plans to include a confirmation that an adequate supply of firefighting water exists for any premises subjected to PDR. Where this cannot be confirmed, it should be highlighted for any development that this will need to be provided as part of the initial grant of outline planning permission. This may increase the resilience of the proposals for a Fire Statement outlined in the *Building a Safer Future*² report as it would ensure adequacy of water supplies for all developments, not just those within the scope of the future Building Safety Regulator.
- An express requirement that all planning approval for buildings, no matter the size or usage, have an adequate water supply for firefighting. This would normally be provided by the provision of hydrant(s) attached to a suitable size main delivering an appropriate flow rate for firefighting but may also be complemented or provided by storage tanks, open water sources, or a combination.
- Better specification of appropriate pressures and flow rates.

Current guidance for the provisions for the supply of water for firefighting is too vague and is deficient in ensuring appropriate supplies of water for firefighting are achieved. Guidance accompanying the proposed changes to PDR should be explicit in these provisions as currently they are only outlined in Approved Document B in support of the Building Regulations. For instance, where PDR is proposed, consideration of firefighting water supplies at the Building Regulations stage may be too late. As such, NFCC believes that guidance for planning should set out requirements in this area.

Whilst it may not be an issue for some premises under PDR in areas where existing infrastructure is available, for new development sites of multiple dwellings in large premises or in areas where infrastructure is minimal, appropriate provisions need to be made. The Building Regulations state that *'[a] building shall be designed and constructed so as to provide reasonable facilities to assist firefighters in the protection of life'*. This is open to

² <https://www.gov.uk/government/consultations/building-a-safer-future-proposals-for-reform-of-the-building-safety-regulatory-system>

interpretation as it does not qualify what is reasonable or if this requirement extends beyond the fabric of the building to hydrants, fire suppression systems, water storage tanks and open water supplies. This lack of clarity coupled with a lack of responsibility on developers to provide appropriate water provisions creates a significant challenge for fire services.

Fire Hydrants

It is noted with great concern that there is no requirement to assess the suitability of the existing hydrant for firefighting, feeding a dry riser, etc. The presence of a hydrant within 100m is deemed to be enough to meet the standards, whereas the reality is it may not deliver the required flow rate as outlined in the [National Guidance Document on Water for Firefighting 2007](#), which as previously identified, needs updating and preferably elevated to a recognised legal position.

It is a major concern that premises are being built without provision for water for firefighting and those dwellings are being inhabited. This lack of provision of water for firefighting has also resulted in other challenges. Where these premises being developed under PDR have no size limit and are considerably large, this puts firefighters and occupants at increased life risk, where the water provision is inadequate.

The deregulation of the water industry has led to major challenges in ensuring appropriate provisions of water for firefighting. FRSs have seen a sharp increase in the numbers of self-lay or inset companies laying water mains with little or no involvement of the water undertaker, and no consultation with the FRS.

This can be compounded by water undertakers using 63mm pipes which are unsuitable for affixing hydrants. The connection point of a fire hydrant has an 80mm bore. There is a growing tendency for water undertakers to install 63mm pipes which can halve the output of water through a fire hydrant. There is an increased cost if hydrants must be retrofitted. Currently this is falling on FRSs when the main is adopted by the water undertaker. There may also be challenges installing hydrants to an appropriate main for firefighting, which could ultimately lead to a new main being required, the installation costs for which potentially get charged back to the FRS. The costs can be into the hundreds of thousands of pounds which, for one site alone, could exhaust or even significantly exceed the annual budget for hydrant repair and installation for almost all FRSs.

Water Undertakers

The Water Industry Act 1991 places a duty on water undertakers to install hydrants where requested by the FRS, but the cost for these falls to the FRS for statutory hydrants, not to the developer. The costs associated with providing appropriate water supplies, including hydrants, should be part of the development costs and not be the responsibility of FRSs.

The Town and Country Planning Act 1990 (TCPA) currently provides recourse for developers to be subjected to planning obligations or to make contributions to the cost of any infrastructure required to service a new development. This legislation has been successfully applied to the provision of hydrants by a small number of FRSs, however, it requires close working with the local Planning Authority as this is a planning condition. The application of this can be arduous for FRSs, such as the London Fire Brigade, which has 33 Planning Authorities within its area. The provision of hydrants and the financial burden of installing them on such new development sites is falling to FRSs which, in turn, puts strain on already stretched public funds. This seems outside of the spirit of the legislation, especially given the size and profitability of these developments. NFCC considers the installation of an appropriate number of hydrants would add a negligible additional cost to many development projects.

Assuming the water mains serving the development are either owned by the local water undertaker or adopted by them, the FRS would then take on the responsibility for the inspection and maintenance of any hydrants attached to those mains. It would therefore be welcomed if the provisions for infrastructure such as hydrants on new developments could consolidate the guidance and requirements for land that is to be zoned for growth or regeneration.

It should be a requirement for all developments, no matter the size or usage, to have an adequate water supply for firefighting. This would normally be provided by the provision of hydrant(s) attached to a suitable size of water main delivering an appropriate flow rate for firefighting but may also be complemented or provided by fire suppression systems, storage tanks, open water sources, or a combination thereof. The consolidation of Section.106 of the TCPA into the Building Regulations would significantly assist in achieving this aim.

Water undertakers and companies can be inconsistent in notifying the FRS when statutory fire hydrants they have requested have been installed and are operational for firefighting. This is also true for private fire hydrants that have been requested by the FRS from the developer of the site. The risk here is that properties are inhabited without the local FRS being told hydrants have been installed and if there is a fire, FRS fire crews can struggle to locate the hydrants to access water for firefighting. This is compounded by water undertakers not fitting the correct British Standards 750 compliant FH cover on the asset which can cause Fire Crews confusion and cause delays in accessing water. The risk is even greater on phased schemes which are increasingly common. Often a phase is finished, the properties are sold and inhabited, but the FRS has no fire cover from fire hydrants in place.

Finally, there is also concern that legislation and / or set performance targets may be driving the wrong incentives for water undertakers, leading to a significant reduction of water available in the network for firefighting. Whilst there are clear responsibilities for water undertakers to support FRSs by boosting water supplies at incidents, in reality this takes time to implement and may not be achievable based on the age and configuration of the water undertaker network. Water undertakers are still most concerned about taking customers out of supply, or possible discoloration issues, even if the Fire and Rescue Service Act 2004 Chapter 21, Part 5 Section 40 states they cannot suffer penalties for discharging responsibilities under this legislation. It would therefore be helpful if the relevant part of the aforementioned legislation could also be captured in the Water Industry Act.

Automatic water suppression systems

The water supply issues, outlined above, may not always be able to be resolved in premises development under PDR. Any guidance written to support planners in applying these changes should seek to qualify water supply issues and look to mandate automatic water suppression systems (AWSS) provision in appropriate circumstances where wider issues with water carriers may not allow minimum standards to be met, the provision of water for firefighting can be complemented by the provision of AWSS. Developments can be enhanced by the proven benefits and performance of AWSS in saving lives, protecting property and reducing the environmental impact / sustainability of developments (see below) in the event of a fire. As such, NFCC believes their inclusion within updated planning guidance already identified is a fundamental need.

In 2017, NFCC and the National Fire Sprinkler Network jointly published the report '*Efficiency and Effectiveness of Sprinkler Systems in the United Kingdom: An Analysis from Fire Service Data*'.

The report presented the following headline results:

- Sprinkler systems operate on 94% of occasions, demonstrating very high reliability.
- When they operate, they extinguish or contain the fire on 99% of occasions.
- In both converted and purpose-built flats sprinklers were 100% effective in controlling fires.

In 2019 further research was conducted into the performance of sprinkler systems in protecting life and reducing the incidence of harm. The full 2017 report can be read [here](#) and the follow up 2019 report can be read [here](#). A reduction in the effectiveness and timeliness of the consultation process will adversely affect any consideration for the benefits of installing these proven systems.

Fire Appliance Access

Another area of ambiguity is the requirement for access for a fire appliance within 45m of the building. Guidance is required regarding hose laying distances to avoid convenient interpretations and should stipulate suitable routes for firefighters to lay a hose (for instance, not point to point on a map, or on the other side of a motorway).

Other regulatory interaction

The ongoing [Technical review of Approved Document B workplan](#) identifies many areas of research that will have an impact on planning proposals, and there are other Approved Documents e.g. parts F (ventilation) and L (conservation of fuel and power) that are also linked to fire safety as identified in our response to [The Future Homes Standard: 2019 Consultation on changes to Part L \(conservation of fuel and power\) and Part F \(ventilation\) of the Building Regulations for new dwellings](#). As mentioned, the current 3rd edition of the [National guidance document on the provision of water for fire fighting](#) is from 2007 and requires reviewing and updating to reflect current regulatory requirements and practices and to ensure that the guidance is fit for purpose.

Failure to provide effective guidance for planners could result in retrospective works being required, subsequent enforcement action being taken, and premises being provided with insufficient facilities to protect residents, occupants, the wider community and firefighters, placing them at increased risk in event of fire.

Innovation, design and sustainability

NFCC supports the move towards increasing the energy efficiency of new homes and reducing the environmental impact when they are built, however, this should not come at the expense of safety. Premises need to be constructed to a safe and high standard, notwithstanding the need to create new homes quickly and sustainably. Modern methods of construction (MMC), encompassing different materials and methods, play a key part in providing this much needed housing and infrastructure. However, NFCC has concerns over some of these methods and how the proposed streamlined planning system to accommodate the PDR changes may promote the issues identified below through a desire to achieve its goals.

Competence, as with any building and construction methodology, and its relationship to fire, is critical to delivering safe premises for occupants and firefighters alike. This knowledge and understanding of MMC, and related building safety, should encompass competency throughout a premises' lifecycle and include the planning process alongside design, approval, construction, occupation, management, and any future alteration.

The drive for quick, sustainable and higher quality buildings must be balanced with the need to ensure that new and existing building stock achieves a high degree of fire safety. The apparent lack of large-scale fire test research and data, coupled with a period where construction quality and competence has been acknowledged as broken by the Independent Review³, does not provide us with confidence that all MMC are receiving the appropriate level of scrutiny needed for such new and innovative approaches. In our view, there should not be a conflict between streamlined planning, sustainability, improved building standards and fire safety. This not only feeds directly into the planning and design process but allows greater understanding of how the building will perform in fire, which in turn enables FRs to develop their operational response.

There have been several high-profile fires across the country, e.g. Barking Riverside, Worcester Park and Beechmere care home in Crewe, where construction methods have been questioned. Investigating and learning from these incidents will contribute to the information required to allow such methods to be safely used when supported and informed with comprehensive, robust, validated and appropriate test data and research.

NFCC believes that Government together with the fire and construction sectors still have a long way to go to ensure that the fundamental changes needed are realised. Significant cultural change in the system must take place to improve competency levels across the sector, and to ensure that MMC is promoted and used in a manner which provides safe buildings for all. This commences at the planning stage.

It is important the national guidance that has a direct bearing on the design of new communities e.g. the updated National Planning Policy Framework, National Design Guide, National Model Design Code and the revised Manual for Streets; contain appropriate information to inform all involved of the need to consider fire safety at the earliest opportunity. This will ensure fire safety is embedded throughout the process and will inform the proposed localised design guidance and codes.

NFCC has not offered answers to questions 4.1 or 4.2 as other organisations will be better placed to comment on areas of fees.

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	✓
No	

Please specify:

³https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/707785/Building_a_Safer_Future_-_web.pdf

NFCCs concerns are detailed in our answers to questions 1 & 3.2 above regarding the potential impact of PDR and the proposals to widen the scope. To highlight our concerns in relation to the widening of scope and allowing an increased number of premises to qualify for PDR, we have concerns this will compound the issue of unsafe premises being developed and the increased burden this will place on an already struggling regulatory regime.

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	✓
No	
Don't know	

If so, please give your reasons:

NFCCs concerns are detailed in our answers to questions 1 & 3.2 above regarding the potential impact of PDR and the proposals to widen the scope. To highlight our concerns in relation to the widening of scope and allowing an increased number of premises to qualify for PDR, we have concerns this will compound the issue of unsafe premises being developed and the increased burden this will place on an already struggling regulatory regime.

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	✓
No	
Don't know	

If so, please give your reasons:

Yes, NFCC is concerned that this change will compound the issue of unsafe premises being developed. In respect to how the proposals may impact on fire safety generally, many of our concerns are detailed in our answers to questions 1 & 3.2 above. Vulnerable people can face additional challenges in the event of fire, particularly where they may require assistance to evacuate; any compromises in safety standards generally can therefore have a disproportionate impact on more vulnerable groups.

Many of the assumptions within current design guidance are based on post-war building studies, and do not take account of modern building trends, modern methods of construction, the needs of vulnerable persons, current operational deployment and tactics, and possible variations between fire services such as in attendance times or available resources.

People are living longer lives and the proportion of older people in the population is increasing. As our population ages, the numbers of disabled and vulnerable people will also continue to increase.

Furthermore, disability can affect anyone, at any time, either permanently or temporarily through illness or injury. Homes should be suitable for people of all ages and abilities, to

support the ambition that homes can truly be inclusive and fit for purpose through a whole life.

The way in which people live in and use buildings has evolved. Greater reliance on technologies is an integral part of our lives. The pace and change of technology has changed the materials we use to construct buildings and a demand for more environmentally sustainable and energy efficient buildings. Assumptions within Approved Document B may no longer be fit for purpose, in the context of increased modern fire loadings in typical households, potential hoarding issues and increasing vulnerabilities within the population.

NFCC is already receiving reports anecdotally that people are seeking to evade the latest requirements for sprinklers in 11m buildings where PDR are being relied upon to increase the height of existing buildings.

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	✓
Don't know	

Please give your reasons:

The automatic right to extension of up to 25% of the footprint or up to 250 square metres should only be brought into force if there is a linked requirement that such development only takes place where the requirements for fire appliance and firefighter access can be met. FRSs are aware of instances where extensions have taken place to such buildings into areas such as school fields which lead to inadequate provision for access in an emergency. Such provisions should also take account that access distances are taken on a route suitable for laying firefighting hose.

Further information on this can be found in our answer to section 3.2, above and specifically, access and facilities for the FRS.

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	
Don't know	✓

Please give your reasons:

NFCC do not consider this raises additional concerns beyond those outlined in our previous answers.

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

Yes	
No	
Don't know	✓

Please specify:

N/A

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

Agree	
Disagree	
Don't know	✓

Please give your reasons:

NFCC consider that prisons and any other premises that are expanded, are done so in such a way as to ensure they are safe for occupants, the wider community and firefighters alike as previously identified. In addition, all the comments made above are considered for all premises.

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

Yes	
No	✓

Please specify:

See answer to question 7.4 above.

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	✓
No	
Don't know	

If so, please give your reasons:

NFCC would refer to our answer to question 3.2 above and specifically, access and facilities for the FRS.

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	<input checked="" type="checkbox"/>
No	<input type="checkbox"/>
Don't know	<input type="checkbox"/>

If so, please give your reasons:

Comments made in previous answers include a range of premises. Please see our answers to Question 6.2.

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	<input checked="" type="checkbox"/>
No	<input type="checkbox"/>
Don't know	<input type="checkbox"/>

If so, please give your reasons:

NFCC would refer to our answer to question 3.2 above and specifically, access and facilities for the FRS.

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	<input type="checkbox"/>
No	<input type="checkbox"/>
Don't know	<input checked="" type="checkbox"/>

If so, please give your reasons:

NFCC would defer to the expertise of the Crown premises fire safety inspectorate, who should be consulted on these proposals.

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	<input type="checkbox"/>
No	<input type="checkbox"/>

Please give your reasons:

The scope of this question falls outside the range of expertise of the NFCC. No response is submitted.

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	✓

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

NFCCs concerns are detailed in our answers to questions 1 & 3.2 above regarding the potential impact of PDR and the proposals to widen the scope.

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	✓

Please give your reasons:

NFCCs concerns over the expediency of application is covered in questions 1 & 3.2 above and we have concerns that any process that seeks to reduce the time for effective consultation for potential issues to be identified and addressed, should be viewed with caution.

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

Yes	
No	✓

Please give your reasons:

Please see answer to question 13 above.

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:

NFCC supports this as stated in the consultation, for transparency and openness of the application of the proposed changes to the PDR system. In addition, we consider this would also benefit where subsequent fire safety (and other) deficiencies are identified at a premises as this will allow for analysis or premises information to inform any future review, identification of trends and where changes may need to be made.

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	<input checked="" type="checkbox"/>
No	<input type="checkbox"/>

Please give your reasons:

As previously identified in a number of our answers, NFCC supports positive early engagement with all sector stakeholders to identify and address any issues as early as possible, reducing the potential for retrospective work and / or subsequent enforcement action.

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	<input type="checkbox"/>
No	<input checked="" type="checkbox"/>

Please specify:

The scope of this question falls outside the range of expertise of the NFCC. No response is submitted.

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

Yes	<input type="checkbox"/>
No	<input checked="" type="checkbox"/>

Please specify:

The scope of this question falls outside the range of expertise of the NFCC. No response is submitted.

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	<input checked="" type="checkbox"/>
No	<input type="checkbox"/>

If so, please give your reasons:

NFCC believes that all infrastructural facilities that are open to the general public for use should meet the highest standard of accessibility and safety.

In that respect, the regulatory system should place requirements on facilities to comply, as nearly as is reasonably practicable, with building regulations requirements relating to the means of escape from fire and access and facilities for people with disabilities. Similar types of provisions exist in New Zealand:

<https://www.building.govt.nz/managing-buildings/change-of-use-and-alterations/>

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	✓

Please give your reasons:

NFCC consider we are not best placed to answer this question, however, this is linked to a previous comment we made in our covering letter regarding the seeking and approval of planning permission being only 1 part of a wider regulatory process, it is reproduced here.

Interaction between planning and other regulatory functions

The proposed changes to the PDR process should not be carried out in isolation to other regulatory functions and supporting guidance as they are inextricably linked, with planning being the initial stage for stakeholders and regulators to engage on the proposals.

NFCC believes it is necessary to highlight the misconception from applicants that planning permission is the only approval they need to build. Planning permission does not demonstrate compliance with the Building Regulations (as amended) or the Regulatory Reform (Fire Safety) Order 2005 (FSO). It also cannot be used to demonstrate compliance with new requirements proposed by the draft Building Safety Bill. After achieving planning permission, people should also consult a Building Control Body, however, the experience of our members suggests a number of owners/developers are not following this process.

The Future of Building Control Working Group⁴ has recommended that consideration should be given to introducing a duty on Building Control Bodies and Professionals to identify and report uncontrolled building work (where building work is taking place which should be subject to control by a Building Control Body but this is effectively being evaded), in order to better ensure public protection.

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

Yes	
No	✓

Please specify:

⁴ <https://www.labc.co.uk/sites/default/files/2020-07/EXT.Future-of-Building-Control-strategy-version-14-07-20-DF.v1.pdf>

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	✓

Please give your reasons:

The scope of this question falls outside the range of expertise of the NFCC. No response is submitted.

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	✓

Please give your reasons:

Please see our answer to question 19.1 above.

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

Yes	
No	✓

Please specify:

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