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Sent via email: PDRconsultationsummer2023@levellingup.gov.uk

Consultation on Permitted Development Rights

The National Fire Chiefs Council (NFCC) is pleased to respond to the consultation published on 24 July 2023 *Permitted Development Rights*.

NFCC is the professional voice of the UK fire and rescue services (FRSs) and is comprised of a council of UK Chief Fire Officers. This response was put together by NFCC's Strategy and Policy Team and Protection and Reform Unit (PRU).

NFCC does not believe we are best placed to answer the specific questions of this consultation, but we hold strong concerns around the policy of permitted development that apply to most if not all of the situations consulted upon within this consultation.

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.

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 the problem could be a requirement for the whole building's fire safety requirements to be considered including but not limited to the part subject to actual building work. This would ensure that a holistic view of fire safety is undertaken, and developers would not hide behind the non-worsening clause. A practical example would be a PDR which took the building of a residential premises over 11m would only require sprinklers in the new bits but not the existing building, which in our opinion is unacceptable.

Interaction between planning and other regulatory functions

The planning stage is an opportunity for the fire and rescue service to raise concerns about a building and engage with the developer at an early stage, including through building control bodies. One key advantage is that it is easier for regulators to work with developers if engagement takes place at this early stage, with their comments acknowledged, which can avoid the need for abortive works or subsequent enforcement action. Changes made under PDR are still subject to the Building Regulations and work that complies with the Building Regulations should comply with the Fire Safety Order.

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 within the Building Safety Act. 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.

As stated earlier, Building Regulations only apply to the work being done to the building; existing parts of the building that are not directly impacted are not covered. This can mean that, for example, a shop converted into flats containing existing walls that do not meet the fire compartmentation standards that would normally apply to a new building of the same layout and purpose, not being addressed. Additionally, where a PDR commences above an existing building there is 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.

NFCC would like to see the whole building's fire safety requirements to be considered including but not limited to the 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. An alternative solution could be to require the developer to consult with the fire and rescue service if PDR was being applied and for any PDR conversion to residential to be accompanied with a fire statement.

Yours sincerely,

A handwritten signature in black ink that reads "N. Coombe". The signature is written in a cursive, flowing style.

Nick Coombe
Head of Protection
National Fire Chiefs Council