

Supporting Housing Delivery & Public Service Infrastructure

About this Consultation

This consultation document and consultation process have been planned to adhere to the consultation principles issued by the Cabinet Office.

Representative groups are asked to give a summary of the people and organisations they represent, and where relevant who else they have consulted in reaching their conclusions when they respond.

Information provided in response to this consultation, including personal data, may be published or disclosed in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 2018 (DPA), the General Data Protection Regulation 2016, and the Environmental Information Regulations 2004.

If you want the information that you provide to be treated as confidential, please be aware that, as a public authority, the Department is bound by the Freedom of Information Act and may therefore be obliged to disclose all or some of the information you provide. In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Department.

The Ministry of Housing, Communities and Local Government will process your personal data in accordance with the law and in the majority of circumstances this will mean that your personal data will not be disclosed to third parties. A full privacy notice is included on the next page.

Individual responses will not be acknowledged unless specifically requested.

Your opinions are valuable to us. Thank you for taking the time to read this document and respond.

Are you satisfied that this consultation has followed the Consultation Principles? If not or you have any other observations about how we can improve the process please contact us via the [complaints procedure](#).

Please confirm you have read this page. *

Yes	<input checked="" type="checkbox"/>
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Privacy Notice

The following is to explain your rights and give you the information you are be entitled to under the data protection legislation.

Note that this section only refers to your personal data (your name address and anything that could be used to identify you personally) not the content of your response to the consultation.

1. The identity of the data controller and contact details of our Data Protection Officer

The Ministry of Housing, Communities and Local Government (MHCLG) is the data controller. The Data Protection Officer can be contacted at dataprotection@communities.gov.uk.

2. Why we are collecting your personal data

Your personal data is being collected as an essential part of the consultation process, so that we can contact you regarding your response and for statistical purposes. We may also use it to contact you about related matters.

3. Our legal basis for processing your personal data

Article 6(1)(e) of the General Data Protection Regulation 2016 (GDPR) provides that processing shall be lawful if processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller.

Section 8(d) of the Data Protection Act 2018 further provides that this shall include processing of personal data that is necessary for the exercise of a function of the Crown, a Minister of the Crown or a government department.

The processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the Ministry of Housing, Communities and Local Government. The task is consulting on departmental policies or proposals or obtaining opinion data in order to develop good effective government policies in relation to planning.

4. With whom we will be sharing your personal data

We will not share your personal data with organisations outside of MHCLG without contacting you for your permission first.

5. For how long we will keep your personal data, or criteria used to determine the retention period.

Your personal data will be held for 2 years from the closure of the consultation

6. Your rights, e.g. access, rectification, erasure

The data we are collecting is your personal data, and you have considerable say over what happens to it. You have the right:

- a. to see what data we have about you
- b. to ask us to stop using your data, but keep it on record
- c. to ask to have all or some of your data deleted or corrected
- d. to lodge a complaint with the independent Information Commissioner (ICO) if you think we are not handling your data fairly or in accordance with the law. You can contact the ICO at <https://ico.org.uk/>, or telephone 0303 123 1113.

7. Storage of your personal data

We are using SmartSurvey to collect data for this consultation, so your information will be stored on their UK-based servers in the first instance. Your data will not be sent overseas. We have taken all necessary precautions to ensure that your data protection rights are not compromised by our use of third-party software.

If you submit information to this consultation using our third-party survey provider, it will be moved to our secure government IT systems within six months of the consultation closing date (28 January 2021).

8. Your personal data will not be used for any automated decision making.

Please confirm you have read this page. *

Yes	<input checked="" type="checkbox"/>
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Respondent Details

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

First name *

Last name *

Email address

Are you responding on behalf of an organisation or as an individual? *

Organisation	<input checked="" type="checkbox"/>
Individual	<input type="checkbox"/>

Organisation (if applicable)

Position in organisation (if applicable)

Please indicate whether you are replying to this consultation as a: *

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 type="checkbox"/>
Lawyer	<input type="checkbox"/>
Charity or voluntary organisation	<input checked="" type="checkbox"/>
Town Council	<input type="checkbox"/>
Parish Council	<input type="checkbox"/>
Community group, including residents' associations	<input checked="" type="checkbox"/>

Private individual	
Other (please specify):	

Please indicate which sectors you work in / with (tick all that apply): *

Education section	
Health sector	
Prison sector	
None of the above	✓

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:

Change of use of a large building from, say, commercial to residential use will have significant implications for local infrastructure and should be required to go through the same application process as any other major development.

In addition, landlords may prefer to seek greater income from residential rather than retail leases, without regard to the impact of the loss of retail provision in that locality.

Q2.1 Do you agree that the right should not apply in areas of outstanding natural beauty, the Broads, National Parks, areas specified by the Secretary of State for the purposes of section 41(3) of the Wildlife and Countryside Act 1981, and World Heritage Sites?

Agree	✓
Disagree	
Don't know	

Please give your reasons:

Q2.2 Do you agree that the right should apply in conservation areas?

Agree	
Disagree	✓
Don't know	

Please give your reasons:

Absolutely not. The designation of such areas will have gone through a rigorous process of evaluation individual buildings, settings and street scenes as well as a consideration of historical value. Any proposed change of use should be submitted to the same level of scrutiny as at present through the planning application system.

Q2.3 Do you agree that, in conservation areas only, the right should allow for prior approval of the impact of the loss of ground floor use to residential?

Agree	
Disagree	✓
Don't know	

Please give your reasons:

As argued above, there should be no change to current application processes, so the question is redundant.

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:

The proposals remove the right of local authorities to shape their high streets for the benefit of landlords, lease-holders, businesses and the local community. Retail units separated by residential buildings would severely affect the retail attraction of the area.

In addition, it would not be possible to control the standard of the retail units or to gain the value of CIL or Section 106 payments.

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

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

Please specify:

Here, as elsewhere, there is an assumption that local planning authorities are an annoying block to development and that those proposing changes of use within the scope of this paper are 100% benign and appropriate in their intentions. Local communities want and deserve to participate in expressing views on the suitability of any proposal.

Q4.1 Do you agree that the proposed new permitted development right to change use from Commercial, Business and Service (Class E) to residential (C3) should attract a fee per dwellinghouse?

Agree	<input checked="" type="checkbox"/>
Disagree	<input type="checkbox"/>
Don't know	<input type="checkbox"/>

Please give your reasons:

Q4.2 If you agree there should be a fee per dwelling house, should this be set at £96 per dwellinghouse?

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

Please give your reasons:

Any charge should be matched to the value of any proposed dwelling.

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

Please specify:

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

If so, please give your reasons:

Local planning authorities will have less power to consider the need for and virtues, including design considerations, of any such changes. Business seeking changes will be better motivated to discuss and seek local views on any proposal if they know this proposal has not been adopted. Local people will be denied their current rights of scrutiny and comment.

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

If so, please give your reasons:

They will lack the opportunity to say how a proposal would impact on their lives.

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	<input type="checkbox"/>
Disagree	<input checked="" type="checkbox"/>
Don't know	<input type="checkbox"/>

Please give your reasons:

Such developments may well have infrastructure implications which the local planning authority would otherwise be able to consider as part of its decision-making process.

Also, the proposal would allow such establishments from engaging in purely commercial development opportunities by building eg housing, retail outlets or entertainment venues on their land.

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:

No argument has been made as to the necessity of such a change, which could in any case have implications for nearby residents and other local activities.

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

Yes	
No	✓
Don't know	

Please specify:

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:

For the reasons given in answer to Qs 7.2 and 3.

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

Yes	
No	✓

Please specify:

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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:

Local planning authorities could no longer evaluate the merits of proposed expansion, and nearby businesses and communities would be denied the right to comment.

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	✓
No	
Don't know	

If so, please give your reasons:

As with proposals for other buildings, they would not be able to say how their opportunities were being affected.

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:

As for other types of premises above

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

If so, please give your reasons:

As for other types of premises above.

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 checked="" type="checkbox"/>

Please give your reasons:

No analysis is offered as to the causes of delayed decision making. It is quite possible that they derive from poor initial applications which require further engagement in order to make them assessable and thus capable of approval.

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

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

No categories of building programme should be exempt from close scrutiny by local planning authorities.

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:

The current length is perfectly appropriate, and allows for proper scrutiny by both local authorities and communities.

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

Yes	
No	✓

Please give your reasons:

No, this is not long enough for local communities to evaluate significant proposals and for local planning authorities to analyse responses from both statutory consultees and citizens.

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:

What benefit does it serve other than to allow the Secretary of state to compile a list of 'late' decisions and conclude, possibly quite falsely, that the delay is the fault of the local authority?

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	
No	✓

Please give your reasons:

This needs to be a process that is applied equally to the developers and the local planning authority, rather than placing the onus solely on the latter.

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	
No	✓

Please specify:

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

Yes	
No	✓

Please specify:

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	✓
No	

If so, please give your reasons:

Any reduction in applications for or length of consultation on such proposals will make it more difficult for those with increased difficulties in accessing and evaluating them

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:

We are not persuaded of any need to reduce the rights of local planning authorities and communities in evaluating any changes to property usage..

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

Yes	
No	✓

Please specify:

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:

There is no reason to discriminate if this paper proceeds.

Q21 Do you agree the broad approach to be applied in respect of category 4 outlined in paragraph 76 of the consultation document?

Agree	<input checked="" type="checkbox"/>
Disagree	<input type="checkbox"/>
Don't know	<input type="checkbox"/>

Please give your reasons:

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

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

Please specify:

End of survey

You have reached the end of the consultation questions. Thank you for taking the time to complete them and for sharing your views. Please note that you will not receive an automated email to confirm that your response has been submitted.

After the consultation closes on 28 January 2021 we will consider the responses we have received and publish a response, in due course.

SUBMITTED 26 January 2021