

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 your 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 *

Councillor Chris

Last name *

Turrell

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)

Bracknell Forest Borough Council

Position in organisation (if applicable)

Executive Member for Planning and Transport

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 checked="" type="checkbox"/>
Statutory consultee	<input type="checkbox"/>
Professional organisation	<input 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"/>

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

Education section	X
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	X
Don't know	

Please give your reasons:

In the absence of a size limit, substantial retail or employment floorspace could be converted to residential, having a significant impact on town centres or employment areas. Loss of retail uses within town centres could impact upon the vitality and viability of the centre and loss of creches, gyms and indoor sports venues has the potential to impact upon the health and well-being of existing and future residents.

Changes of use within existing industrial areas could lead to residential development in unsustainable locations, far from essential local facilities leading to increased dependence on private motor vehicles.

Lack of control over size of unit to which permitted change would apply could undermine the Council's ability to plan and maintain a balance between employment and housing. Control needs to be maintained in order to safeguard economic floorspace in the interests of sustaining and enhancing the local economy. Particular concern is expressed about the impact on smaller, lower value units (in Class E(g)(i), (ii) and (iii)) that help provide a range of jobs and accommodation for a variety of users although it is recognised that this is currently possible under Class O, Part 3 rights.

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	X
Disagree	
Don't know	

Please give your reasons:

These are sensitive areas where the impact of any development should be fully considered within the context of a planning application.

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

Agree	
Disagree	X
Don't know	

Please give your reasons:

No details have been provided as to the information required by, or the precise nature of, the proposed Prior Approval process although it would appear that this would allow consideration only of the heritage impact of the conversion of a ground floor unit. The change of use of a building within a Conservation Area, has the potential to impact on the significance of the area as a designated heritage asset and the grant of a deemed permission for such works is potentially contrary to the statutory duty set out in s73 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and paras. 193 - 196 of the NPPF.

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	X
Don't know	

Please give your reasons:

For the reasons stated in response to Qu.2.2, a process which only requires prior approval in respect of a ground floor unit within a Conservation Area is not considered to provide sufficient control over development which has the potential to harm the significance of a designated heritage asset.

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	X
Don't know	

Please give your reasons:

The proposed change will have an impact on employment areas which could contain various industrial uses falling within Class B2 of the UCO. In addition to the issues identified, it is considered that the impact of any existing 'bad neighbour' uses should be included within the Prior Approval process to determine the impact of smell, vibration and air pollution, as well as noise, on future occupants.

Furthermore, if it is determined that the right should apply to large scale buildings, it is suggested that issues of parking and traffic generation should also be subject of prior approval procedures as both issues have the potential to impact significantly on local amenity.

Existing Part M rights allow for consideration of the impact of the development on the provision of services and the sustainability of the shopping area and it is considered that this element of the prior approval process should be included within any new right.

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

Yes	
No	X
Don't know	

Please specify:

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	X
Disagree	
Don't know	

Please give your reasons:

Any change of use will provide significant value to the developer and the costs of processing any application to facilitate the development should be borne by the developer and not local tax-payers.

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

Yes	
No	
Don't know	X

Please give your reasons:

It is recognised that this reflects existing fees however it is not known if this covers the cost of processing such applications by the LPA.

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	X
No	

Please specify:

The proposal takes no account of the suitability of locations for housing or of the need to provide funding for infrastructure and services to support the increased population or affordable housing.

The aim of the proposals is to have thriving, vibrant town centres however, there is no requirement for buildings to be vacant to benefit from the proposed permitted development rights. This could lead to the loss of existing less profitable uses, fragmenting the retail/leisure offer and impacting on the diversity and vitality of the local centre.

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	X
No	
Don't know	

If so, please give your reasons:

It would result in a loss of ability for other stakeholders to participate in the decision-making process. This is important as the use of a property for residential purposes might conflict with the use of nearby buildings for commercial purposes, for example, night access, deliveries. It is also likely to result in residential development in commercial areas being located away from essential facilities for residential areas such as shops, schools, open spaces etc. The consultation does not provide any information on how funding would be secured for infrastructure to mitigate the impact of the increased residential population.

The proposals could also have an adverse effect on the vitality and viability of town centres through the loss of restaurants/cafes and other uses which are often located in town centres such as creches and leisure facilities, reducing footfall and fragmenting the retail/leisure offer. It could be particularly damaging to the night-time economy, both due to the loss of restaurants/cafes and leisure facilities and the potential adverse effects on new residents.

The proposals undermines the NPPF which requires Local Plans to meet their area's needs for economic development and to plan for the future of town centres. Cumulatively, the proposals could have a significant impact on the supply of land for economic development and scale and variety of jobs available.

There are also concerns regarding the monitoring of employment land. Potentially, the Council would have no prior warning about a development that might result in a significant loss of employment floorspace.

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	X

If so, please give your reasons:

No comment

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	X
Don't know	

Please give your reasons:

Whilst some greater flexibility is welcomed, it is noted that the traffic implications of the development are not considered. New or extended buildings could be situated on areas of existing car parking and would themselves give rise to additional parking requirements. On a limited site, this could lead to significant amenity or highway safety implications.

Furthermore, the allowance of up to 25% of the footprint of the current buildings on site at the time the legislation is brought into force relies on the LPAs having access to accurate surveys of the site at the relevant time.

Q7.2 Do you agree that the right be amended to allow the height limit to be raised from 5 metres to 6?

Agree	X
Disagree	
Don't know	

Please give your reasons:

Subject to the proposed safeguard that this increase in height would not apply within 10m of the boundary of the site it is not considered that the change would adversely impact upon adjoining occupiers.

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

Yes	
No	
Don't know	X

Please specify:

No comment – no evidence available but if the height restriction is increased there should be a corresponding increase in the 10m minimum distance from the site boundary.

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

Agree	
Disagree	
Don't know	X

Please give your reasons:

No comment

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

Yes	
No	X

Please specify:

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	X
No	
Don't know	

If so, please give your reasons:

As stated in response to Qu.7.1, there are potential traffic implications that would impact on local communities and an enforceability issue for LPAs.

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	X

If so, please give your reasons:

No comment

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	
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No	
Don't know	X

If so, please give your reasons:

No comment

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	
No	
Don't know	X

If so, please give your reasons:

No comment

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	X
No	

Please give your reasons:

The purpose of the process is to speed up the determination of applications. 'Minor' development is already subject to a more limited eight week determination date such that there is no value in including such development under the new public service application process.

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:

No comment

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	X

Please give your reasons:

A 10 week period is unlikely to be sufficient to assess and determine an application of the scale

envisaged particularly if a Committee decision is required.

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

Yes	
No	X

Please give your reasons:

Reducing the publicity period impacts on local engagement particularly when it coincides with holiday periods. A 14 day period for statutory consultees is unlikely to be sufficient in light of current resource levels and the potentially complex nature of these applications.

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:

No comment

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:

The NPPF already encourages pre-application engagement. Whilst there is no objection to any amendment to para. 94 of the NPPF as suggested to include other public sector infrastructure projects with the existing advice relating to education provision, it is not considered that this will materially impact on the determination process.

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	X
No	

Please specify:

The Government's expectation that any post-permission consents such as reserved matters or

conditions applications will be similarly prioritised is noted, as is the fact that the current fee structure will still apply.

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	X

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	X

If so, please give your reasons:

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	X
Disagree	
Don't know	

Please give your reasons:

The GDPO has become overly complicated at a time when the planning system is supposed to being made more efficient and transparent. Accordingly, proposals to simplify and consolidate the Order are welcomed.

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

Yes	
No	X

Please specify:

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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	X

Please give your reasons:

The LPA does not have a high incidence of these uses within the town centre and accordingly no specific comment is made.
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Q21 Do you agree the broad approach to be applied in respect of category 4 outlined in paragraph 76 of the consultation document?

Agree	X
Disagree	
Don't know	

Please give your reasons:

However, care needs to be taken in instances where rights are merged and the decision as to whether the resultant situation provides a broader or more restricted right is made. In particular concern is raised in respect of the suggestion that the process could result in extended rights being applied to protected land such as Conservation Areas. The serious concern set out in the response to Qu. 2.2 on this issue is reiterated.
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Q22 Do you have any other comments about the consolidation and simplification of existing permitted development rights?

Yes	
No	X

Please specify:

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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.