

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 *

Mike

Last name *

Jenks

Email address

mjenks06@hotmail.com

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

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

Organisation (if applicable)

Falmouth Civic Society

Position in organisation (if applicable)

Chairman

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 type="checkbox"/>
Town Council	<input type="checkbox"/>
Parish Council	<input type="checkbox"/>
Community group, including residents' associations	<input checked="" 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	
Health sector	
Prison sector	
None of the above	x

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:

We disagree with this in principle and the 'one size fits all' approach. There will be some cases where large buildings may be left empty, and that are suitable for conversion to residential. But this will depend on context and location, and the services and facilities available in the immediate locality that make for a decent living environment. But we believe there should be no such right in high streets or town centres. In these locations where diversity and vitality are crucial to their life, the conversion to residential (on ground floors) will simply accelerate the death of the high street.

In short, we consider that in high streets and town centres there should be no right to conversion to residential on ground floors. We would not object to the right to convert upper storeys to residential in those locations, provided that the 'right' is subject to the aims and policies set out within a Neighbourhood Plan (Falmouth's in our case), and that any such development will demonstrably be of good design and sustainable in its fullest meaning.

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:

The reasons should be obvious to anyone, and that the question is asked at all, points to how potentially damaging the policy of permitted development rights can be to our environment and heritage, and stated aims on sustainability.

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

Agree	
Disagree	x
Don't know	

Please give your reasons:

Conservation Areas protect locations for their architectural and visual distinctiveness, overall character and historic interest. An important part of the character is the relationship between the architecture and its function. If you allow the function to change significantly, the character and interest can be substantially lost. This will remove so much of the *raison d'être* of a Conservation Area as to seriously harm it. The conversion of a retail frontage to housing, while it may preserve some of the look, merely reinforces the feeling of loss of the function for which it was intended, turning into a dead residential frontage.

Our experience in Falmouth, in reviewing all planning applications, is that the controls in Conservation Areas (and other areas as well) mitigate the worst of poor and insensitive 'design', not just by developers, but by the many unqualified 'plan drawers' who submit plans. The design quality is extremely poor and qualifies for the 'refuse ugliness' category identified in the *Living with Beauty* report. We strongly oppose the extension of permitted development rights in Conservation Areas because of the significant harm it will do.

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:

Of course, there should be a restriction on the conversion of ground floor uses in high streets, and this should apply to all town centres, whether in Conservation Areas or not. We do not support this restriction solely through 'prior approval' as there is no opportunity for MEANINGFUL community representations in this. PDR denies the rights of local communities who know much more than the market as to what is needed and appropriate for the community. Neighbourhood Plans should be the driving force here, and applications and conversions should be treated case by case through the process of planning approval.

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:

For many reasons. Paragraph 21 suggests this will deliver 'quality homes in suitable environments' and provide 'appropriate living conditions'. There is nothing in this proposal to suggest that these aims will be achieved.

The list of safeguards in paragraph 21 is impoverished. Protection from flooding, safe transport/access, contamination and health, of course, are a basic minimum, but that it needs to be said at all points to the fundamental flaws in the proposed PDR policies.

What a poverty of understanding on what constitutes 'appropriate living conditions' It's not just to do with noise from commercial premises, natural light and fire safety (space standards are omitted from this list). Why is air quality, noise insulation from other neighbours between floors

and dwellings, outlook, privacy, outside storage, accessibility for disabled people, *inter alia*, not safeguarded? The same is true for 'suitable locations', again it is more than just heavy industry and waste. What about safeguarding against inaccessibility, lack of green and open and recreation space (shown even more important during COVID-19), other commercial uses (e.g. delivery depots) and so on? In other words, there should be adequate safeguards against the creation of environments in which the authors of these policies would themselves not wish to live.

Nor will this deliver 'quality homes'. The basic safeguards of natural light and minimum space standards may help prevent the very worst (that your own research identified – UCL/University of Liverpool/MHCLG, 2020). But, our experience in Falmouth shows that many of the applications that come forward for residential conversions that just meet minimum space standards, and have windows, are virtually unliveable in. While 'slums of the future' is a bit of a cliché, many we have seen like this (and objected to) start out with unacceptable living conditions.

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

Yes	x
No	
Don't know	

Please specify:

In addition to our answers to questions 1 – 3.1 inclusive, we also add the following matters for consideration.

The requirements of Neighbourhood Plan (NDP) policies should be met, and there should be a presumption in planning to ensure it happens. Design should be in line with NDP policies, and also local design guidance or design codes – these should ensure that minimum space standards are not treated as maximum standards, and that acceptable living conditions are met. Planning should ensure that any conversions are sustainable, with standards and design that accord with policies deriving from Cornwall Council's declaration of a Climate Emergency and Falmouth's intentions in its NDP to achieve sustainable development. Design should be carbon neutral or zero carbon. Design should also be to a standard that the White Paper *Planning for the Future* and *Living with Beauty* reports aspire to. Technical issues of traffic and parking, waste disposal and recycling, and safety and security need to be addressed in planning.

None of these issues can be properly dealt with through prior approval, nor will they be achieved through the extension of permitted development rights. In town centres, high streets and Conservation Areas, the complex matters of place making need to be addressed, properly planned, and on a case by case basis.

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	
Disagree	
Don't know	x

Please give your reasons:

As we note above, there is so much we consider is wrong with the permitted development rights set out, and because it will not deliver significant numbers of quality homes and appropriate

living conditions, the question makes no sense. But if it is imposed, then a fee should be charged at a commercial rate to cover local authority costs on the individual application and include a sum to help support the ongoing costs of dealing with the new system.

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

Yes	
No	x
Don't know	

Please give your reasons:

No, £96 is nowhere near high enough. In town centres, high streets and Conservation Areas, there is no fee high enough to compensate for the losses caused by conversion to residential on ground floors.

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:

We are strongly opposed to the consolidation and simplification of existing permitted development rights as set out in this document. We are particularly concerned at the harm this will do to our town centres and high streets, and precious heritage. We believe, based on considerable experience in Falmouth, that this will result in poor quality development, unlivable 'homes', and be a right that is ruthlessly exploited at the expense of local communities.

We are fully behind the aim in paragraph 3 'to support our town centres and high streets in adapting to these changes to become thriving, vibrant hubs where people live, shop, use services and spend their leisure time.' Our opposition to this permitted development rights (PDR) proposal is because it will achieve precisely the opposite.

Of course, more people and footfall in town centres and high streets will support them, and that goes without saying. But footfall, visitors, tourists and so on come because of the attractions, the diversified uses and vibrancy of public-facing and active frontages in town centres and high streets. But taking away shops and diversified functions and converting them to residential will cumulatively destroy the very things the above aim purports to support. The more shops and other vital functions that are converted, the less the attraction, and the less the footfall. Who on earth would want to come to a town centre that was mostly houses that are private and inwardly facing?

The idea of people living in town centres and high streets, and which could support the aim above and lead to vibrancy, is to make it easier to bring redundant and underused upper storeys into residential use. This would be positive. But allowing ground floors to be converted would simply accelerate the decline of our high streets. This is of particular concern in Falmouth, as our Neighbourhood Plan, Place Shaping initiatives and master-planning could be overridden by this PDR proposal, and do considerable harm to our economy and revitalisation plans.

Falmouth Civic Society's view is that this PDR proposal has a complete lack of vision, and lack of faith in the new and emerging businesses, creative industries and arts and all the things that

make a place exciting to be in and attractive to visit. High streets should be the places where the young and next generation can experiment, and they have so much to offer. In Falmouth we are planning for our town centre and high street to become experiential, with social spaces and uses, with all sorts of unusual retail opportunities and events that can be opened up through our university links, creative and maritime industries, and cultural tourism.

Through our Neighbourhood Plan, Place Shaping and masterplan we have optimism and faith in the younger generation, and are looking towards the spaces, places and opportunities that are being planned for our town centre. We are actively and optimistically looking forward to what can be achieved rather than falling for the trope that high streets will not survive. However, we feel that these PDR proposals would actively muzzle our local democracy and community initiatives and be detrimental to our plans.

The problem is not the creativity or desire to come together in town centres, but the cost of doing so. As long as rents and rates are prohibitive, then opportunities in high streets will be increasingly closed off and decline. This PDR will increasingly turn them into dead residential areas, or with commercial offices that 'privatise' the public space with the most profitable functions for developers and absentee landlords. For example, in Falmouth, this is a rash of student accommodation and luxury second homes. For all these reasons we cannot support this PDR proposal; it is unacceptable.

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:

The impact will be positive for property developers and landlords. It would be negative for small businesses, specialist retail, emerging businesses, craft industries, and all the fine-grain functions and activities that are in rental premises and make for the success and vitality of town centres. Money will rule, and the most profitable uses will be exploited, regardless of location, environment and the wishes of local communities.

The impact will certainly be negative on communities, as the loss of such a wide range of retail and services will reduce opportunities within, and enjoyment of lively town centres. The life of town centres and high streets could be replaced by houses and other commercial 'dead' frontages, benefitting a few private individuals, at the expense of the public realm. Once process starts, it can't be reversed, and cumulatively will accelerate the downward trend, with more 'dead' private frontages, less and less active frontages, and increasingly fewer reasons to visit. Further, if the PDR proposals are carried through, any future commercial development would probably be out of town and therefore not sustainable.

In Falmouth, with a reliance on tourism, this would be a serious threat to its economy, and the vitality of the town. The imposition of PDR would also be a subversion of our Neighbourhood Plan, and a loss of local engagement and democracy.

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	x
No	
Don't know	

If so, please give your reasons:

The changes have inadequate safeguards for disabled people in terms of unsuitable locations, minimum space standards (which fall below those needed for disabled access), smaller and reducing facilities and services in town centres, parking for vehicles for disabled people, access for carers. The loss of ground floor facilities and retail will be a particularly discriminate against the disabled and elderly.

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	x

Please give your reasons:

There should be requirements to assess environmental impact and context, with adequate protection for the rights of neighbours.

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	x
Don't know	

Please give your reasons:

Building heights should respond to the context in which they are placed. There may be circumstances in the location where an increase in height is unacceptable, there may also be circumstances where heights above 6m. are perfectly acceptable. The location and setting should be the driving force behind any such development.

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

Yes	
No	
Don't know	x

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	x
Don't know	

Please give your reasons:

More prison space for additional cells is not the answer. Expansion should only be allowed to provide educational and rehabilitation facilities, or for an upgrade of the prisoner accommodation, but not an increase in capacity.

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

Yes	x
No	

Please specify:

Provided there is a clear public benefit, and there is meaningful community engagement in the process and plans at the start, and where significant changes to original plans are proposed during the process.

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:

Particularly in the generation of additional traffic, loss of open space, and other amenities. There should be a requirement to providing additional infrastructure for any that is lost through expansion.

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:

N/A

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	
No	
Don't know	x

If so, please give your reasons:

But note our answer to Q7.4.

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:

N/A

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	
No	x

Please give your reasons:

The timescale is too short to allow meaningful community consultation and participation. Regarding the example you cite in paragraph 42, it seems perfectly reasonable to take 8 months over the MoJ's prison projects, which are likely to adversely affect local communities and environments, and will probably have been subject to significant changes of design during the process of application and plan making.

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	x

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

As Q11 above, consultation time is too short to have any meaning. The alternative is to properly fund Planning Authorities to give them the ability to function effectively and efficiently and carry out their public duty to consult.

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:

The timescale is too short and repeat again the planning authorities should be properly resourced.

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

Yes	
No	x

Please give your reasons:

This is a ludicrously short time, especially for local communities who have no access to resources and difficulties accessing the necessary information to prepare meaningful and well evidenced responses. There must be a proper period of time for consultation, and also a duty to ensure there is meaningful public involvement in any pre-application engagement. The existing 21-day period is barely adequate, and this timescale should not be eroded any further.

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	x

Please give your reasons:

This overrides local autonomy, Neighbourhood Plans, and things are much better done locally.

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	x
No	

Please give your reasons:

But there should be resources made available to LPAs so they do not to have to shove other applications aside to deal with the 'priority projects'. Also, there should be room for community involvement and meaningful consultation.

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	x

Please specify:

N/A

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

Yes	x
No	

Please specify:

See answer to Q16 above.

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:

N/A

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	x
Don't know	

Please give your reasons:

The potential impacts of the extension of these rights has not been adequately assessed, and so is premature. For example, the right to change from residential (C3) to HMO (C4) means a loss of control over high concentrations of HMOs in local communities. This can be seen, particularly, in towns with Universities where families are increasingly priced out of the areas where they live, and is an acute problem in Falmouth, despite an Article 4 preventing further HMOs. There are many other specific local circumstances that could cause problems for local communities. Again, the Neighbourhood Plan should be the driving force and not be overridden by PDR.

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

Yes	x
No	

Please specify:

The right in town centres and high streets should not apply to ground floor conversions, and the review on 31 July 2021 should ensure this does not happen and that the existing right in this respect is rescinded.

Instead, to bring residential back into town centres, there should be encouragement to use redundant or under-used upper floors.

The current proposals for permitted development rights in high streets and town centres will achieve the reverse of the aims set out in paragraph 3. To support and encourage the vitality and viability of high streets and town centres, the costs of rent and rates and out of town retail needs to be tackled, and this would be a much more useful target for reforms in achieving that goal. So too, at a National level would be the requirement for the all too powerful internet companies to pay a fair tax to provide funds to support town centres.

Regarding Para 78 concerning the removing of conservation area protections – we strongly oppose it and it should be rejected.

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	x
Disagree	
Don't know	

Please give your reasons:

Provided the change is one-way FROM them to other functions. We would like there to be controls to remove any 'right' to convert back into betting shops and pay day loan shops, given the harm these do to communities, especially the disadvantaged ones.

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	x

Please give your reasons:

But repeat our comments about HMOs and residential PDR in town centres and high streets above.

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

Yes	x
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No	
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Please specify:

Please see all our comments in Q5.

Finally, we would add to those comments that these proposals contradict and make a mockery of the government commitment to local democracy and Neighbourhood Development Plans. They also make a mockery of the government proposals in the Planning White Paper *Planning for the Future*, in the *Living with Beauty* report, and the application of Design Guidance and Design Codes.

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.