

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	X
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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	X
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Respondent Details

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

First name *

Sean

Last name *

Walsh

Email address

swalsh2@westminster.gov.uk

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

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

Organisation (if applicable)

Westminster City Council

Position in organisation (if applicable)

Principal Policy Officer

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	
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:

The absence of any proposed size limit on the buildings that would benefit from the proposed new right, particularly in areas where Class E uses traditionally agglomerate, such as Westminster's portion of the Central Activities Zone (CAZ), poses a significant threat to the UK's economic recovery. While nationwide there may be some cases where commercial floorspace can be successfully re-purposed to provide residential accommodation, scale and location of an individual proposal will both be important factors to consider.

Where large scale commercial floorspace becomes vacant, it can offer opportunities to be re-purposed for a variety other economic purposes (as enabled through the recent introduction of Class E), or mixed-use developments that provide for housing growth alongside a retained economic function. By contrast, enabling the wholesale loss of large flagship retail stores from key shopping destinations in the CAZ such as Oxford Street, to 100% residential schemes, would harm rather than enhance the vitality and viability of this internationally important town centre. Similarly, wholesale loss of large office floorplates from parts of the CAZ such as in the West End, Paddington or Victoria to wholly residential schemes, with no re-provision of any commercial floorspace, would undermine their role and function as areas for commercial-led growth of national importance.

Should the proposed new rights be introduced, it is suggested that a size limit of sites that can accommodate less than 10 homes (that meet national space standards) is applied. This would enable the new rights to contribute towards speeding up housing delivery, whilst ensuring it does not compromise the role and function of town centres or other commercial areas, and the needs for housing and economic growth can be properly balanced in accordance with the NPPF. Such an approach would not in itself rule out proposals for larger scale conversions of Class E floorspace coming forward, but instead ensures these are subject to more detailed considerations, including the need to contribute towards much needed affordable housing and supporting infrastructure.

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	
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Please give your reasons:

An exemption should also be made for the Central Activities Zone (CAZ) in Westminster, or as a minimum, the West End Retail and Leisure Special Policy Area (WERLSPA) and Knightsbridge International Centre, as set out in response to Q5 below.

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

Agree	
Disagree	X
Don't know	

Please give your reasons:

Historic retail areas frequently form part of the historic interest and character of a Conservation Area, where the retention of a continuous high street character, and historic design features under the application of heritage and townscape policies, is essential. A strong townscape and heritage value, which needs careful management, is also a key feature of the CAZ in Westminster.

Numerous Conservation Area Character Appraisals in Westminster highlight the vital importance commercial land uses play in defining distinct character areas of heritage value within our highly valued Conservation Areas – some examples include: St Johns Wood, Harley Street, East Marylebone, Pimlico, Soho, Knightsbridge, and Belgravia. Where neighbourhood plans have or are coming forward, the protection of the character of high streets in Conservation Areas has also been identified by neighbourhood forums and the communities they represent as a key priority.

In Conservation Areas, the unmanaged ground floor conversion of commercial premises to residential use would fundamentally harm local character, particularly when done on a piecemeal basis by different landowners. Rather than help create beautiful places, as is the governments stated aims in the recent Planning White Paper, it would do the opposite, and harm beautiful places that are highly valued by local communities and visitors. It is therefore essential should the proposed right be introduced, Conservation Areas are made exempt.

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:

The agglomeration of a range of commercial uses providing active frontages at ground floor, is a defining feature of all successful town centres, and much of the CAZ - not just town centres that fall within Conservation Areas. While the Covid-19 global pandemic has heightened the challenges commercial areas face, the recent merging of several types of commercial use into a single Class E has now provided significant flexibility to enable the diversification of commercial activity, whilst ensuring the core function of town centres as places to work, shop, and spend leisure time is maintained.

The loss of ground floor Class E uses to residential will have negative economic and townscape impacts on any designated town centres and much of the CAZ, not just town centres that fall within Conservation Areas. The piecemeal fragmentation of ground floor uses to residential in any town centre or the CAZ, which under the proposals would be entirely dependent on landowner appetite to put forward such proposals, rather than any overarching policy framework, will compromise the vitality and viability of town centres, making them less attractive to visitors, contrary to the aims of the NPPF.

Well planned new residential development on upper floors of commercial premises, or in peripheral areas of town centres with low footfall, can be beneficial. However, unplanned ground floor residential in key frontages not only harms townscape and the local economy, it also presents challenges in terms of the quality of living accommodation provided - e.g. securing adequate levels of privacy, satisfactory noise levels etc.

It is therefore suggested that if introduced, provisions should be made for proposals to be subject to assessment of the suitability of retaining ground floor commercial premises, and conformity with the NPPF (in particular its requirements to enhance town centre vitality and build a strong, competitive economy). Such an approach will enable the flexibilities offered by new Class E to help town centres diversify and evolve whilst still retaining a commercial function, whilst also increasing opportunities for city centre living in appropriate site-specific circumstances and on upper floors.

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	X
Disagree	
Don't know	

Please give your reasons:

It is important to ensure that any new homes secured through permitted development rights secure appropriate living conditions for future occupiers. The matters set out in paragraph 21 will go some way to helping achieve this and are therefore supported. However, they are by no means exhaustive, and several other important considerations should also apply – particularly to ensure new homes are well designed, located in suitable locations, and the economic impact of the resulting loss of commercial floorspace is properly considered. Full details of other important planning matters that need considering as part of any change of use from Class E to residential are set out in response to Q3.2 below.

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

Yes	X
No	
Don't know	

Please specify:

There are a number of other highly important planning matters that any proposed prior approval process should not seek to bypass – in order to ensure proposals for increasing housing supply through this source do not result in damaging unintended consequences. These are set out below:

- 1. Impact on the role and function of a designated town centre or the CAZ**

Allowance for the loss of any commercial floorspace from designated town centres or the CAZ, regardless of scale, or location at ground floor, poses a major threat to the future success of town centres and much of the CAZ as places to shop, work, visit, and spend leisure time. Rather than enhance town centre vitality, as per section 7 of the NPPF, it would be harmful to their primary role and function.

While introducing new residential uses can help breathe new life into struggling centres, proper consideration is needed of site-specific circumstances. Failure to do so risks unnecessary job losses, the closure of viable businesses that struggle to find alternative space to let, harm to townscape, and a cumulative reduction in the attractiveness of town centres as locations for footfall generating businesses to agglomerate.

These concerns could partially be mitigated by:

- Making clear proposals are subject to assessment of the suitability of retaining ground floor commercial premises;*
- Requiring proposals to have regard to the NPPF (as has been included in other recent alterations to permitted development rights regarding upwards extensions) and;*
- A minimum vacancy period being a requirement as per recent changes to permitted development rights regarding the demolition and replacement of existing office floorspace.*

2. Contribution towards affordable housing

As proposed, any new housing delivered through the proposed new right, regardless of scale, would not be required to make any contribution towards much needed affordable housing - either on-site or in the form of financial contributions towards off-site provision. In areas of a highly commercial character, such as Westminster's portion of the CAZ, a high-take up of the proposed right would severely impede opportunities for the delivery of at least 7,240 new affordable homes (i.e. over 35% of all new homes) by 2040, despite affordable housing delivery being one of the key strategic policies of the NPPF.

As suggested in response to Q1, the inclusion of a sensible size limit on when the right applies would help mitigate against this risk.

3. Contribution towards infrastructure provision

It is unclear how any new housing under the proposed right would contribute towards infrastructure provision needed to support a larger resident population. New housing delivered under the proposed right would not be subject to s106 contributions, and the only reference in the consultation paper to any Infrastructure Levy is in the context of views being sought on if it should be applied to permitted development rights in the recent Planning White Paper.

Funding currently secured through CIL and s106 on planning permissions makes a valuable contribution towards a wide variety of infrastructure needs, including in education and health sectors, transport infrastructure, community facilities, public realm, and carbon off-setting. These are all essential in delivering high quality, sustainable developments in environments where people want to live. This issue is further exacerbated by the fact that some forms of vital infrastructure will also become vulnerable to direct loss through the new right, given they now fall within Class E – e.g. creches, nurseries, medical centres and gyms.

To some extent, these negative consequences could be mitigated if sensible size limits are introduced in terms of when the right applies, as set out in response to Q1. This would ensure the new right can help deliver residential growth, but that larger scale

schemes with a greater need for supporting infrastructure, are assessed in more detail through a planning application.

4. External appearance

As set out in response to Q2.3 above, the conversion of ground floor commercial premises to residential within designated town centres and the CAZ can have a detrimental impact on townscape regardless of if the site in question also falls within a Conservation Area. The ground floor conversion of commercial premises to residential frequently results in dead frontages that are detrimental to the appearance of traditional high street frontages – examples in Westminster can be found along stretches of Harrow Road.

To rectify this issue, it should be made clear that proposals are subject to assessment of the suitability of retaining ground floor commercial premises in town centres or the CAZ. Legislation could also usefully refer to consideration of external appearance as a prior approval matter – as included in recent permitted development rights for upwards extensions.

5. Sustainability credentials

The built environment contributes 86% of Westminster's carbon emissions and represents a key area for reducing emissions in the Council's commitment to achieving net carbon zero status by 2040. Appropriate consideration needs to be given to energy efficiency and sustainability of change of use properties in any planning approval process. Premises converted from commercial use to residential often require significant upgrades in order to meet energy efficiency standards. Retention of more detailed planning approval, or scope to consider such matters through any prior approval process, would ensure accommodation is fit for purpose in this respect. It would also provide an opportunity to enhance energy efficiency in existing building stock. A significant proportion of emissions originate from older commercial buildings which could be subject to change of use under the proposed right. Ensuring these buildings are retrofitted to a high standard would help make a positive contribution towards the City Council's declared climate change emergency, and the emphasis in the NPPF on sustainability.

Furthermore, while new residential converted from commercial premises may be sustainable in terms of access to remaining shops and services in town centres, and public transport, they may not always be sustainable in other terms – e.g. access to public open space, scope for provision of decent levels of amenity space and refuse and recycling storage, and exposure to poor air quality.

6. Size and type of new homes created

In addition to the issues raised above regarding impact on affordable housing delivery, it is also important that where new homes are delivered, they make efficient use of land, in order to conform with paragraphs 122 – 123 of the NPPF. In high value areas such as Westminster's portion of the CAZ, market conditions can incentivise the delivery of supersized homes for private sale at values that are only attainable for a very small proportion of the population. Given the City Council's high targets for housing delivery, and the constrained nature of land supply, new City Plan policies seek to address this issue through introducing maximum dwelling sizes. However, as proposed, the new rights would remove any opportunity to consider such matters.

To make a genuine and meaningful contribution to new housing supply, some controls over the occupiers of any new homes through the proposed right is also needed. Where new homes are delivered, if they are not occupied as primary residences, and are either

left vacant, or predominantly used as short term rentals such as AirBnBs, this will do little to improve the availability of homes for those that need them.

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:

While they may be subject to less considerations than a full planning application, the determination of prior approval proposals still generates a significant amount of work for local planning authorities – work that should be funded by the applicant in the same way a planning application is.

Introducing a fee per dwelling provides a logical way of ensuring fees charged are proportionate to the scale and complexity of the development proposal, and the amount of officer time needed to determine the proposals. Proposals to cap fees at 50 dwellings as set out in the consultation paper is however opposed – as these larger schemes will have more significant impacts on their locality and will require additional officer time to administer and determine than schemes delivering less than 50 dwellings.

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:

Regardless of whether proposals for new homes are addressed through a planning application or prior approval process, they will still require detailed consideration of a number of matters, which involve a significant amount of officer time, and should be funded by the applicant/ developer. As set out in response to Q3.2 above, to avoid unintended negative consequences, any prior approval process should allow for proper consideration of several additional important planning matters that are not addressed in the consultation paper.

The proposed fee of £96 per dwelling is substantially less than that charged to planning applications in Westminster – which are currently charged at £462 per dwelling. Reducing the fees that local planning authorities can collect in a manner that is not proportionate to any reduction in the amount of officer time needed to reach a decision will do little to meet government aims of ensuring planning authorities are properly resourced, as set out in the recent Planning White Paper. The City Council would be happy to work with MHCLG to ensure an evidence-based approach to setting appropriate prior approval 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	X
No	

Please specify:

The rights propose a one size fits all approach that has no regard to the unique role of much of Westminster as an area for commercial agglomeration in economic growth sectors, providing jobs for Londoners and commuters across the south east and beyond, and drawing in visitor spend from domestic and international tourism. In particular it fails to recognise that the scale and mix of mutually supportive commercial uses in the CAZ is unlike anywhere else in the country, and that the West End is a global symbol of London and the UK's success. They also fail to recognise that the shopping, leisure and tourism offer in Knightsbridge (which falls within the CAZ but not the WERLSPA) also plays a significant role in the attractiveness of the capital to visitors – hence its designation as an International Centre in the London Plan and the Westminster City Plan.

The CAZ provides a rich mix of commercial uses that make a vital contribution to the national economy, and central London's wide appeal. It includes over 75 million sqm of commercial floorspace. If harmed by uncontrolled and unmanaged conversion to residential as could be enabled by the proposal, its vibrant mix of uses will never return. It is therefore vital that if the rights are introduced, an exemption is made for Westminster's portion of the CAZ, or as a minimum, the WERLSPA and Knightsbridge International Centre. A temporary 2 year period exemption for these areas would then enable the introduction of targeted, non-immediate Article 4 Directions. Without a temporary exemption, most of the commercial uses in these areas, other than theatres, pubs, bars, cinemas and hotels, would be vulnerable to unmitigated loss to residential without planning permission.

Furthermore, if the proposed rights are introduced, transitional arrangements should ensure that existing well justified protections against the loss of office floorspace from the CAZ, which includes major clusters of office floorspace not just in the West End, but also Opportunity Areas such as Paddington and Victoria, remain in force until superseded by any subsequent targeted Article 4 Directions related to all forms of Class E.

Pre-pandemic, the economic activity in Westminster generated over £63 billion GVA to the national economy (2018), of which over £60 billion can be attributed to the parts falling within the CAZ. Footfall data (CACI, Jan - Feb 2020) also indicates the majority of people in the CAZ generating such high levels of GVA are visitors (82%) and workers (13%) rather than residents (5%). This highlights the different role this area plays to smaller centres elsewhere in the country that have that suffered from long term decline.

Economic activity in Westminster provides vital contributions to HM Treasury in the form of business rates. VOA data (2020) indicates there are 39,310 rateable properties in Westminster, with a rateable value of over £5.1 billion. This represents over 25% of London's rateable value and approximately 8% of all of England's. The WERLSPA alone has over 18,000 rateable properties with a rateable value of over £2.76 billion – higher than any other London borough.

Westminster has a strong track record of housing delivery whilst maintaining and enhancing the city's economic role, and protecting the city's unrivalled townscape and heritage value. Much needed housing growth can continue to be delivered through a balanced approach to growth that properly recognises the need for jobs and services alongside new homes in accessible locations, particularly at the commercial core of Central London. Any proposed new rights must enable this balanced approach to managing growth to continue.

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:

While the proposed new right may have benefits in terms of facilitating much needed new residential development, as proposed, it will also have significant negative impacts on businesses, communities, and local planning authorities.

It will reduce certainty for viable businesses, as where they rent commercial space, landlords may choose to evict them in order to enable residential development that is permissible under the proposed right. As proposed, this could happen regardless of the wider value of the existing use in terms of the provision of important services directly to the local community, supporting wider supply chains of economic activity, and the number of jobs the loss of such a premises would result in.

In terms of communities, the proposals would facilitate the unmitigated loss of essential services that meet local residents needs in accessible locations, wherever there is a financial incentive for the landowner to bring forward residential development. Given the wide range of potential occupiers of Class E uses, this could include the loss of premises that provide for residents shopping, childcare and health needs, provide job opportunities, and opportunities for social interaction. Furthermore, as the consultation requirements for any proposals subject to permitted development are much lower than that for a planning application, the proposals also minimise the opportunity for local residents, amenity societies, and neighbourhood forums to have any influence on proposals that will directly affect them.

In terms of local planning authorities, it will undermine attempts to achieve the objectives set out in the NPPF to build a strong, competitive economy, or ensure the vitality of town centres. Sustainable economic growth cannot be facilitated without certainty over where the clustering of commercial uses should occur and be maintained. It is also impossible to manage the mix of uses within town centres to reflect their character if any commercial use can be converted to residential. As set out in response to Q4.2 above, the proposals will also have a negative impact on the resourcing of local planning authorities, due to a significant reduction in fees being proposed, that is not proportionate to any reduction in officer time needed to issue a prior approval notice rather than planning permission.

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:

Proposals could have a potential negative impact on those with disabilities, as there is often less scope for converted buildings to properly address disabled access requirements in the way a new build development could. There is also a danger that the proposals enable the delivery of new housing in locations that are not traditionally well served by public transport (e.g. at industrial estates or retail parks), which could also minimise suitability for this group.

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:

In dense urban environments such as central London, large public infrastructure sites such as schools and hospitals are frequently surrounded by residential and mixed used neighbourhoods. They can also include significant amounts of existing floorspace distributed over multiple buildings and/ or multiple floors. While the need to support speedy investment in public infrastructure is understood, allowance for 250 square metres or a 25% increase in the cumulative footprint of all existing buildings, whichever is greater, and up to 6 metres in height, could result in new or extended buildings that are disproportionate in scale to the original buildings. This could have significant amenity impacts on surrounding neighbourhoods that need full consideration – either through a planning application, or appropriate provisions in the prior approval process. Potential issues associated with large extensions or new buildings include loss of light, sense of enclosure, and increased levels of noise and transport demands. Furthermore, it is not clear from the consultation paper if the right would apply in Conservation Areas, on Listed Buildings, or within the curtilage of them, where it could result in poor design outcomes that do not respond properly to their setting or heritage value.

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:

See response to Q7.1.

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

Yes	
No	X
Don't know	

Please specify:

Further increased height limits above 6 metres will have an increased impact on townscape, neighbouring properties and potentially heritage assets, in dense urban environments. Any proposals for height increases beyond 6 metres should therefore remain subject to a planning application, where such proposals are subject to public consultation, and balanced judgements

that consider both the benefits of such investment in public infrastructure, and its potential negative impacts on the surrounding area, can be made.

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:

N/A.

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

Yes	
No	X

Please specify:

N/A.

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:

The absence of any proposals for a prior approval process within the consultation paper means that currently no scope is provided for local communities to voice their opinions on any proposals that would come under the new rights – even though residents amenity and businesses operational requirements could be impacted by such proposals. Furthermore, as set out in response to Q7.1, the proposals also reduce the ability for local planning authorities to properly consider and seek to mitigate the potential impacts of proposals on their surrounding neighbourhoods, in response to site specific circumstances.

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:

N/A.

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:

See responses to Q13 and 14 below.

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:

See response to Q13 and 14 below.

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:

While the intent to speed up decisions on important investment in public infrastructure is understood, any reductions in timescales for determining planning applications needs to be accompanied by better resourcing of local planning authorities to ensure they have capacity to meet such targets. Without proper resourcing, any prioritisation of public infrastructure applications may reduce the speed within which other planning applications, for example, for much needed housing growth, can be determined.

Proposals elsewhere within the consultation paper to streamline what needs planning permission are not sufficient to alleviate resourcing issues, as prior approval schemes generate lower fees than planning applications, yet can still be costly in terms of officer time.

Reducing target timescales for the determinations of applications by 3 weeks will only have a marginal overall impact on the delivery of these types of infrastructure.

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

Yes	
No	X

Please give your reasons:

Reducing minimum publicity and consultation periods could significantly reduce the ability of local communities to engage with and respond to major planning applications that affect them. The ability of statutory consultees to provide responses within a shorter timeframe is also unclear. Reducing the scope for proper input into development proposals by key stakeholders will do little to enhance the quality of decisions on planning applications, which is as important as the speed within which they are determined.

From the wording provided, it is currently unclear if the proposed reduction in consultation periods relates to all major developments, or just those that are subject to a modified process as set out in the consultation paper.

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:

Additional administrative burdens on under-resourced local planning authorities does little to improve the quality of planning decisions, nor the speed within which they are made. Furthermore, it should be noted that where decisions are not made within target timeframes, this can be due to delays in receiving complete information from the applicant that is needed in response to negotiations on the proposal after it was first submitted.

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:

Pre-application discussions are an effective tool in ensuring key planning issues are resolved early in the development process, helping ensure that once submitted, planning applications can be determined in a timely manner. However, productive engagement at an early stage is dependent on two parties – both the local planning authority and the applicant. Any update to paragraph 94 of the NPPF should therefore make clear that public service infrastructure providers are also required to engage proactively in these discussions for public service infrastructure projects.

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	
No	X

Please specify:

N/A.

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:

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	X
Disagree	
Don't know	

Please give your reasons:

N/A.

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

Yes	X
No	

Please specify:

See responses to section 1 regarding concerns with the proposed new right for Class E to residential.

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:

Uses such as betting shops and pay day loan shops are frequently located in high streets and designated town centres, occupying ground floor shop type premises. They can contribute to the provision of continuous active frontages in such locations, but also raise concerns in terms of negative impacts on more vulnerable sectors of society; e.g. contributing to gambling addictions. Their conversion to a variety of other Class E uses that do not raise such concerns can therefore help support the evolution and diversification of town centres and high streets as important hubs of commercial activity where people shop, work, and spend leisure time. Any revisions to the GPDO should however ensure planning permission is still required for the reverse – i.e. conversion of any Class E uses to betting shops or pay day loan shops.

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	<input checked="" type="checkbox"/>
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Please give your reasons:

It is understood that there may be several rights that need further detailed consideration. However, if in the interests of providing increased flexibility, this includes any proposals to expand the scope of existing rights (e.g. removing any size limits, or altering/ removing any exemptions to existing rights), this should be subject to further public consultation on the detail of the proposals. Such consultation will ensure key stakeholders including local planning authorities can consider and advise of their likely impacts at a local level, and ensure they do not result in damaging unintended consequences.

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.