

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 *

Graham

Last name *

Davis

Email address

info@southgatedistrictcivicvoice.org

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

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

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Organisation (if applicable)

Southgate District Civic Voice

Position in organisation (if applicable)

Chair

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

Developer	
Planning consultant	
Construction company or builder	
Local authority	
Statutory consultee	
Professional organisation	
Lawyer	
Charity or voluntary organisation	
Town Council	
Parish Council	
Community group, including residents' associations	X
Private individual	
Other (please specify):	

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

Education section	
Health sector	
Prison sector	
None of the above	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:

Southgate District Civic Voice (SDCV) Response to the Government Consultation: Supporting housing delivery and public service infrastructure (through permitted development) December 2020

Part 1 of the consultation: Permitted Development to residential (C3)

Background

Southgate District Civic Voice is an amenity group concerned with the environment of the former borough of Southgate, now part of the London Borough of Enfield.

This reflection is in response to the Permitted Development Right (PDR) consultation which opened on 3rd December and closes on 28th January 2021. In Part 1 of the consultation the proposed PDR will allow existing class E, business, commercial and service properties to change to residential class C3 use without planning consent, subject to certain limited controls. This widens the current PDR which permits a change from office and retail use to residential excluding conservation areas. The earlier PDR permitting changes from class B1(c) light industrial and class B8 (storage and distribution) to residential use has ceased. The primary aim of this currently proposed change is to quickly create more residential units without planning controls or public consultation.

Historic Context

Town Centres have developed organically over a period of time as nodes at transport interchanges or crossroads, satisfying local needs for marketing and purchasing goods and services. Generally the accommodation has been flexible and has responded to local needs, responding to change and redevelopment over a period of time.

Methods of marketing and purchasing goods and services has changed dramatically in the short term due to the evolution of online services. This has resulted in a stuttering change to bricks and mortar commercial centres which because of their built form and rigid leasing structure have been unable to catch up.

The Covid pandemic has further accelerated changes to the way we live, work and play, in particular the way we shop which has adversely affected vacancy

rates. Vacancy rates have reached a six year high impacting London in particular, which is due to a quickening move towards online shopping, home deliveries, click and collect and localized shopping.

The make-up of the high street has been changing for some time; many national chains have been forced to re-evaluate their position. Recently there has been a move towards local services and local shops. Post offices have experienced a renaissance and with more time spent at home there is an expectation to experience and access local goods and services within a ten/ fifteen minute walk or cycle ride.

Value and Evolution of Commercial Centres

Commercial activities provide active street frontages day and night and a unique sense of place defined by the traders and the activities on show, be it a green grocers, a bakery, a butchers, a dry cleaners, jewellers or newsagent. These activities when interspersed with banks, opticians, and estate agents provide the vital heart to a community.

We have experienced the widespread closure of our high streets and commercial centres before; most recently during the 1990s recession and we have seen these centres regenerate organically and repurpose again during the recovery through introducing new occupiers, specialist shops, patisseries, gyms, and restaurants. Following the Covid pandemic we will see the re-use and re-invention of empty floor space through the re-purposing of vacant units. This is key to maintaining active city centres, high streets and out of town retail spaces.

Effects of the PDR introduction

An open remit to convert from commercial to residential use through the removal of planning control is a retrograde step removing legislative controls introduced for good reason under the 1947 Town and Country Planning Act. The effect of the PDR would be to remove the rights of members of the local community to object or comment on any fundamental changes to commercial centres. The PDR would not be limited to vacant commercial premises but would apply to all premises and would possibly hasten an exit or ejection of viable commercial occupiers in favour of residential occupiers. The number of residential units created through this process would fail to meet projected housing requirements but could upset the balance of activity on commercial streets in town and city centres. The scattergun approach to uncontrolled conversion of commercial centers into residential would produce a gap toothed appearance harming future commercial viability and appearance. SDCV is particularly concerned that the proposed PDR would adversely affect the appearance of conservation areas.

Recommendation

SDCV recommend that commercial centres should be fostered by local communities, assisted by local authorities. Resources should be allocated towards planning the future regeneration of commercial centres with sufficient funding applied to over stretched planning departments to enable the preparation of local plans and to encourage innovative development solutions. Local communities should be involved in identifying what is needed and to decide how their commercial centres should evolve. Areas where there is an obvious oversupply of commercial space could be converted to other uses through a considered and controlled application of planning measures. A programme to support the social and economic regeneration of commercial centres should be launched as a partnership between landlords, local authorities and the community. This could be achieved through participatory community charrettes and masterplanning, identifying opportunities for creating high quality places working towards a renaissance of commercial activity at the heart of the community.

Part 2a of the consultation: Proposed PDR for Public Service Infrastructure

SDCV opposes the proposal to allow schools, colleges and other public service infrastructure to expand their facilities by 25% of the footprint of the current buildings instead of the floorspace of the original buildings.. Such a change could have a profound adverse effect on the surrounding local environment, particularly in and around conservation areas. The consultation states that:

An assessment of impact will be completed prior to any legislation being laid.

This process is the wrong way round. An impact assessment should have been included as part of the consultation so that the potential effect of the proposal was clear to all consultees.

Part 2b of the consultation: Faster Planning Process for public service developments

SDCV opposes the proposed reduction in the period for public consultation from 21 to 14 days. There should be sufficient time and scope for real engagement with local communities about major developments. Our experience is that meaningful consultation rarely happens. There needs to be enhanced consultation. There also needs to be real pre-application engagement where both the local authority and applicant have to demonstrate that the views of local communities have been taken into account. We would like to see mandatory pre-application consultation.

Overall conclusion by SDCV

Overall conclusion by SDCV

There is little evidence that the existing permitted development rights are working as intended. The relaxation of planning controls for residential accommodation and the conversion of offices to residential accommodation is resulting in poor quality housing units that fail to meet any reasonable standards of accommodation, design or amenity space. It is difficult to see that the present proposal will be different.

SDCV considers that at a time of profound social and economic change there is a need for more careful consideration of proposed changes to the planning system. To give one example, how should city and town centres be used after the pandemic? It is becoming clear that the areas of towns and cities given over to major office development are unlikely to be occupied by offices to the extent that they were before the pandemic. Employers are highly likely to allow their staff to continue to work from home. Consequently the demand for current office buildings will decrease substantially. There may well be a demand for former office buildings to be used for residential purposes. However, such changes of use should occur as part of overall strategic planning of areas. In such local areas new communities, complete with all necessary community facilities, should be planned and developed.

The need now is not for deregulation. The need is rather for enhanced strategic and local planning rather like what happened in the period after the end of the Second World War. In 1947 the Government enacted the Town and Country Planning Act. A comparable vision is needed now.

Southgate District Civic Voice
January 2021

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:

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

Agree	
Disagree	X
Don't know	

Please give your reasons:

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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:

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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:

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

Yes	X
No	
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	
Disagree	X
Don't know	

Please give your reasons:

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

Yes	
No	
Don't know	

Please give your reasons:

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:

It is fundamentally misconceived as we have explained in our submission at Q1 above.

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:

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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:

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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:

SDCV opposes the proposal to allow schools, colleges and other public service infrastructure to expand their facilities by 25% of the footprint of the current buildings instead of the floorspace of the original buildings.. Such a change could have a profound adverse effect on the surrounding local environment, particularly in and around conservation areas. The consultation states that:

An assessment of impact will be completed prior to any legislation being laid.

This process is the wrong way round. An impact assessment should have been included as part of the consultation so that the potential effect of the proposal was clear to all consultees.

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:

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

Yes	
No	X
Don't know	

Please specify:

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

Agree	
Disagree	X
Don't know	

Please give your reasons:

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

Yes	
No	

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:

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	X
No	

Don't know	
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If so, please give your reasons:

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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	X
No	
Don't know	

If so, please give your reasons:

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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	X
No	
Don't know	

If so, please give your reasons:

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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:

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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:

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:

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

Yes	
No	X

Please give your reasons:

SDCV opposes the proposed reduction in the period for public consultation from 21 to 14 days. There should be sufficient time and scope for real engagement with local communities about major developments. Our experience is that meaningful consultation rarely happens. There needs to be enhanced consultation. There also needs to be real pre-application engagement where both the local authority and applicant have to demonstrate that the views of local communities have been taken into account. We would like to see mandatory pre-application consultation.

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:

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:

Q17.1 Do you have any comments on the other matters set out in the consultation document, including post-permission matters, guidance and planning fees?

Yes	
No	

Please specify:

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

Yes	
No	

Please specify:

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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	X
No	

If so, please give your reasons:

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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:

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

Yes	
No	

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	X
Don't know	

Please give your reasons:

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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	
Disagree	X
Don't know	

Please give your reasons:

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

Yes	X
No	

Please specify:

There is little evidence that the existing permitted development rights are working as intended. The relaxation of planning controls for residential accommodation and the conversion of offices to residential accommodation is resulting in poor quality housing units that fail to meet any reasonable standards of accommodation, design or amenity space. It is difficult to see that the present proposal will be different.

SDCV considers that at a time of profound social and economic change there is a need for more careful consideration of proposed changes to the planning system. To give one example, how should city and town centres be used after the pandemic? It is becoming clear that the areas of towns and cities given over to major office development are unlikely to be occupied by offices to the extent that they were before the pandemic. Employers are highly likely to allow their staff to continue to work from home. Consequently the demand for current office buildings will decrease substantially. There may well be a demand for former office buildings to be used for residential purposes. However, such changes of use should occur as part of overall strategic planning of areas. In such local areas new communities, complete with all necessary community facilities, should be planned and developed.

The need now is not for deregulation. The need is rather for enhanced strategic and local planning rather like what happened in the period after the end of the Second World War. In 1947 the Government enacted the Town and Country Planning Act. A comparable vision is needed now.

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.