

# 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](mailto:dataprotection@communities.gov.uk).

## **2. Why we are collecting your personal data**

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

## **3. Our legal basis for processing your personal data**

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

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

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

## **4. With whom we will be sharing your personal data**

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

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

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

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

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

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

## **7. Storage of your personal data**

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

If your submit information to this consultation using our third-party survey provider, it will be

moved to our secure government IT systems within six months of the consultation closing date (28 January 2021).

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

**Please confirm you have read this page. \***

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

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

**First name \***

Valerie

**Last name \***

Hepworth

**Email address**

conservation@yorkshiregardenstrust.org.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)**

Yorkshire Gardens Trust

**Position in organisation (if applicable)**

Trustee

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

Developer	<input type="checkbox"/>
Planning consultant	<input type="checkbox"/>
Construction company or builder	<input type="checkbox"/>
Local authority	<input type="checkbox"/>
Statutory consultee	<input type="checkbox"/>
Professional organisation	<input type="checkbox"/>
Lawyer	<input type="checkbox"/>
Charity or voluntary organisation	<input checked="" type="checkbox"/>
Town Council	<input type="checkbox"/>
Parish Council	<input type="checkbox"/>
Community group, including residents' associations	<input 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	✓

# Supporting housing delivery through a new national permitted development right for the change of use from the Commercial, Business and Service use class to residential

**Q1 Do you agree that there should be no size limit on the buildings that could benefit from the new permitted development right to change use from Commercial, Business and Service (Class E) to residential (C3)?**

Agree	
Disagree	
Don't know	✓

Please give your reasons:

Depends on the location eg if the building is in a Conservation Area or within or in the setting of a Registered Historic Park and Garden (RPG) then these factors need to be taken into account and planning permission should be applied for to the Local Planning Authority with the opportunity for Statutory Consultation.

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

Agree	✓
Disagree	
Don't know	

Please give your reasons:

These are significant environmental and cultural resources that are irreplaceable and could easily be damaged by permitted development rights as in Q1. See National Planning Policy Framework, Feb 2019 (NPPF) Chapt 16. Conserving and enhancing the historic environment.

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

Agree	
Disagree	✓
Don't know	

Please give your reasons:

These are significant cultural resources that are irreplaceable and could easily be damaged by permitted development rights as in Q1. Also if the proposed right affects a location within an RPG, or the setting of an RPG, then the Yorkshire Gardens Trust (YGT) believes any change must continue to go through a full planning process. See NPPF Chapt 16. Conserving and enhancing the historic environment.

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

Agree	
Disagree	✓
Don't know	

Please give your reasons:

In Conservation Areas it is not just the ground floor that is important. Conservation Areas are significant cultural resources that are irreplaceable and could easily be damaged by permitted development rights as in Q1. Also if it affects a location within an RPG, or the setting of an RPG, then YGT believes any change must continue to go through a full planning process. See NPPF Chapt 16. Conserving and enhancing the historic environment.

**Q3.1 Do you agree that in managing the impact of the proposal, the matters set out in paragraph 21 of the consultation document should be considered in a prior approval?**

Agree	✓
Disagree	
Don't know	

Please give your reasons:

Need to address the impact on RPG, and also Parks and Gardens that are regionally significant or on Local Lists agreed by the Local Planning Authority.

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

Yes	✓
No	
Don't know	

Please specify:

Impact on RPG, and also Parks and Gardens that are regionally significant or on Local Lists agreed by the Local Planning Authority.

**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	

Please give your reasons:

Proviso - the funds raised are used for the public good and are subject to scrutiny.

**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	✓
No	

Please specify:

There needs to be provision for green space and this may require loss of buildings in order to provide green space for residents.

See *Building Better, Building Beautiful Commission*.



**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	
No	
Don't know	✓

If so, please give your reasons:

**Q6.2 Do you think that the proposed right for the change of use from the Commercial, Business and Service use class to residential could give rise to any impacts on people who share a protected characteristic?**

Yes	
No	
Don't know	✓

If so, please give your reasons:

# 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	

Please give your reasons:

Yorkshire Gardens Trust disagrees with this proposal, in the absence of developments within Registered Historic Parks and Gardens or their settings being excluded from such rights there is a significant concern that such developments could occur and harm the significance of these heritage assets.

Nationally there a significant number of Registered Historic Parks and Gardens (RPG) that could be adversely affected by further piecemeal development and in Yorkshire RPG's include: **East Yorks** – Thwaite, Cottingham, RPG grade II, University of Hull former Halls of Residence.

**North Yorks** – Baldersby Park, Thirsk, Unregistered at the moment, House listed grade I, School

Gilling Castle, Ryedale, RPG grade II, Main building Grade I, School.

**South Yorks** – Sheffield Botanical Gardens, RPG grade II, Main building grade II\*, Schools nearby;

Wentworth Castle, Barnsley, RPG grade I, House grade I, college.

**West Yorks** – Bretton Hall, Wakefield, RPG grade II, Hall grade II\*, College from c.1949, now including proposed Offices.

Roundhay Park, Leeds, RPG grade II, House grade II, School on boundary;

Thornes Park, Wakefield, RPG grade II, College building in park

Currently planning law and regulations provide protection for heritage assets such as historic parks and gardens. See National Planning Policy Framework, Feb 2019 ( NPPF) Chapt 16. Conserving and enhancing the historic environment.

If implemented as described, the proposed changes would significantly erode existing protections. Historic parks and gardens are valuable, irreplaceable and significant assets and green space for the whole community and should be protected from permitted development rights. Any changes to the heritage assets or their setting must continue to go through the full planning process.

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

Agree	
Disagree	✓
Don't know	

Please give your reasons:

Yorkshire Gardens Trust does not agree if the height limit harmfully impacts on RPG or local listed parks and gardens eg proposals for 4 storey block on the boundary of Sheffield General Cemetery which is a RPG at grade II\* with many listed structures would be very damaging to the heritage and to the environment for the community in this part of Sheffield.

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

Yes	
No	✓
Don't know	

Please specify:

A change above 6m without going through planning should be resisted. The pandemic has shown people value trees and 'green' views; to allow random development, including by public bodies, above tree height would see green views replaced by views of concrete with the public and Statutory Consultees deprived of the opportunity to comment on, or contribute to, the decision. See Q7.2

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

Agree	
Disagree	
Don't know	✓

Please give your reasons:

The proviso should be whether the expansion or addition has a significant effect on RPG and local heritage assets.

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

Yes	✓
No	

Please specify:

See answer to Q 7.1 above.

**Q9.1 Do you think that the proposed amendments to the right in relation to schools, colleges and universities, and hospitals could impact on businesses, communities, or local planning authorities?**

Yes	✓
No	
Don't know	

If so, please give your reasons:

The proposed amendments would place outside the scope of planning controls a significant amount of development which could have a potential adverse impact upon heritage assets. See answer to Q7.1 above.

**Q9.2 Do you think that the proposed amendments to the right in relation to schools, colleges and universities, and hospitals, could give rise to any impacts on people who share a protected characteristic?**

Yes	
No	
Don't know	✓

If so, please give your reasons:

See answer to Q7.1 above.

Impacts are potentially on all those who live, work or visit – therefore by definition also people who share a protected characteristic.

**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	✓

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	
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	✓

Please give your reasons:

YGT does not agree with the contention that secondary legislation as proposed in paras 43 and 44 is either a democratic or necessarily effective way of short-cutting current delays in substantive public sector developments getting underway, particularly those requiring new sites. We ask that, rather than using secondary legislation, the government itemises specific proposals to make the overall system work better and consults on these.

**Q12 Do you agree the modified process should apply to hospitals, schools and further education colleges, and prisons, young offenders' institutions, and other criminal justice accommodation?**

Yes	
No	✓

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

See answer to Q 7.1 above.
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**Q13 Do you agree the determination period for applications falling within the scope of the modified process should be reduced to 10 weeks?**

Yes	
No	

Please give your reasons:

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

Yes	
No	✓

Please give your reasons:

**Yorkshire Gardens Trust (YGT) strongly opposes this proposed change** – this goes against the criterion of consultation. We are a charity run by volunteers not paid staff, and by definition are making this contribution for the national good in our spare time. YGT works with the Statutory Consultee the Gardens Trust also largely run by volunteers. 14 days would not allow time for notification from GT, a YGT volunteer to undertake a desk-based assessment, possible site visit, agree the advice with trustees and submit a response. Reducing the consultation period would make it impossible to adequately scrutinise and advise on planning applications. The 7 days is little to ask in the great scheme of ensuring knowledgeable skilled advice from volunteers is used for the public good.

We strongly advise that funding is required to assist Local Planning Authorities employ skilled planning and conservation staff. We consider that the loss of this expertise over the past 10 years has had a dramatic effect on time-scales and knowledgeable decision-making.

**Q15 Do you agree the Secretary of State should be notified when a valid planning application is first submitted to a local planning authority and when the authority anticipates making a decision? (We propose that this notification should take place no later than 8 weeks after the application is validated by the planning authority.)**

Yes	
No	

Please give your reasons:

**Q16 Do you agree that the policy in paragraph 94 of the NPPF should be extended to require local planning authorities to engage proactively to resolve key planning issues of other public service infrastructure projects before applications are submitted?**

Yes	✓
No	

Please give your reasons:

YGT could advise proactively as long as we have sufficient voluntary capacity. This should reduce the time-scale and we suggest produce a better built and green environment.

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

Yes	
No	✓

Please specify:

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

Yes	
No	✓

Please specify:

**Q18 Do you think that the proposed amendments to the planning applications process for public service infrastructure projects could give rise to any impacts on people who share a protected characteristic?**

Yes	✓
No	

If so, please give your reasons:

Impacts are potentially on all those who live, work or visit – therefore by definition also people who share a protected characteristic.

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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	
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	
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	
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	
No	

Please specify:

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## **End of survey**

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

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