

Response from the RTW Town Forum to the UK government consultation “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	*
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Formed in 2005, the Town Forum is the voice of the 50,000 residents of Royal Tunbridge Wells on issues of common interest

Town Forum Management Group

Adrian Berendt (Chair); Alastair Tod (Deputy Chair); Don Sloan (Deputy Chair); Carolyn Gray (Culture, Leisure & Tourism); David Wakefield (Finance); Jane Fenwick (Transport); Marianne MacDonald (Wellbeing); Mark Booker (Strategic Planning); Michael Holman (Water in the Wells)

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	*
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Respondent Details

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

First name *

Mark

Last name *

Booker


Email address

rtwtownforum@gmail.com

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

Organisation	*
Individual	

Organisation (if applicable)



ROYAL TUNBRIDGE WELLS TOWN FORUM

The voice of the residents of Royal Tunbridge Wells

Formed in 2005, the Town Forum is the voice of the 50,000 residents of Royal Tunbridge Wells on issues of common interest

Town Forum Management Group

Adrian Berendt (Chair); Alastair Tod (Deputy Chair); Don Sloan (Deputy Chair); Carolyn Gray (Culture, Leisure & Tourism); David Wakefield (Finance); Jane Fenwick (Transport); Marianne MacDonald (Wellbeing); Mark Booker (Strategic Planning); Michael Holman (Water in the Wells)

www.townforum.org.uk

Position in organisation (if applicable)

Leader, Strategic Planning Working Group

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	In the absence of a town council for Royal Tunbridge Wells, which the local government reform of 1973 omitted, the Town Forum speaks on behalf of the residents of the unparished area of the Borough.
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	*

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:

We do not agree that there should be no size limit on permitted development rights as this could allow the conversion of very large commercial units in a town centre, such as a shopping mall. This could completely change the balance of development within a town centre and it seems inappropriate to allow major development to escape normal planning controls.

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:

To continue planning protection for these categories. This should also apply within the Green Belt.

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

Agree	
Disagree	*
Don't know	

Please give your reasons:

We disagree because of the risk of inappropriate development. So we support the proposed exemption for listed buildings but this is not enough.

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:

Approval should be required more widely than just in conservation areas.

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:

We think that ordinary planning rules should apply to ground floor conversions within town centres to maintain the continuity of retail and service space. There will be circumstances where ordinary planning rules might be used to re-designate a part of a street or an area for residential not retail at ground level.

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

Yes	*
No	
Don't know	

Please specify:

We are concerned that Sec 106 contributions would be lost and that in particular this would lead to a reduction in new affordable housing which represents the greatest need in our town. We strongly support our local planning authority, Tunbridge Wells Borough Council's endeavours in securing Sec 106 moneys for affordable housing in our town.

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:

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:

We cannot judge the appropriate figure but £96 seems low compared with normal application 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	*
No	

Please specify:

We are concerned at the possible fragmentation of the inner town centre from unregulated development rights. This could have damaging economic results.

Also the character of parts of a town which are not conservation areas but nonetheless are attractive could be adversely affected. This is particularly the case in Royal Tunbridge Wells and we strongly support the continuation of overall oversight by the excellent Planning Policy team at Tunbridge Wells Borough Council who are currently working on a long term allocation plan for our inner town centre as part of the revision of the Local Plan.

We also fear that the PDRs would lessen the already inadequate provision of affordable housing in our town.

There seems a very real danger that the balance achieved from Local Plans after detailed consultation with the public would be adversely affected, leading to something of a free for all in town centres. We fear the loss of local input to the planning process. The PDR proposals appear to be in contradiction with Government aspirations expressed in the August 2020 White Paper "Planning for the future" to "give

Local Authorities the ability to ensure that new homes conform to local residents' ideas of beauty through the planning process".

These proposals appear likely in practice to be in contradiction with expressed aspirations for use of design guides, better design and beautiful place making.

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:

We are concerned that the proposed PDRs could cumulatively adversely affect the character of town centres such as ours in spite of its having an established Local Plan.

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:

The unregulated conversion of upper office/retail space to residential could have serious consequences for those with restricted mobility whose potential needs should be considered as part of the planning process. We are concerned that developers would seek to avoid the cost of making such accommodation properly accessible for the mobility impaired. This is without prejudice to our general support for the better use of derelict upper floor spaces in the town centre.

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:

We are very opposed to this proposal for 25% increase in school size without planning control as this town already suffers acutely from traffic problems in local streets and in the town as a whole from the "school run". In our experience, existing schools already take a very casual approach towards their responsibilities for access by their pupils and this could only worsen if they have a virtually free hand with expansion projects.

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:

A number of our schools are on the edge of the town and the height limit on their buildings should continue to be subject to ordinary planning control to protect visual impact on AONB and Green Belt in particular.

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

Yes	
No	
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	*
Don't know	

Please give your reasons:

We do not think prisons should have similar rights because they can affect the amenity of local populations and also impact on the landscape and these matters should continue to be subject to planning control.

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

Yes	*
No	

Please specify:

Based on recent local experience, we believe school expansion should be subject to increased planning controls and not to any relaxation. Expansion of school numbers should take primarily into account provision of places adjacent to local populations and not convenient expansion of existing sites where that expansion is liable to worsen the "school run".

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:

For the reasons stated above, and based on local experience, we are concerned that relaxation of planning rules for schools would adversely affect local residents.

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	
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No	
Don't know	*

If so, please give your reasons:

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:

We have no direct experience but believe PDRs for prisons would have the same adverse effects as PDRs for schools.

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:

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:

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:

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:

We see no reason to prioritise the handling of planning applications under PDRs.

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

Yes	
No	*

Please give your reasons:

We are strongly opposed to any reduction in the consultation period to 14 days as 21 days is already a difficult target for representative organisations like ours.

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:

We support a holistic approach to infrastructure issues in general.

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:

We do not know

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:

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

Yes	
No	*

Please specify:

We do not feel qualified to comment on these technical questions

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:

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:

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

Yes	
No	*

Please specify:

We do not feel qualified to comment on these technical questions

End of survey