

VERNMENT CONSULTATION ON FURTHER PLAN REFORMS

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July 2014, the Government published the document Technical Information on Planning.

Substantial consultation on additional reforms to the planning covers a wide range of topics. The consultation divides the reforms into sections:

- Neighbourhood planning

- Permitted development rights

- Planning conditions

- Planning applications

- Environmental impact assessments

- Nationally significant infrastructure projects.

The consultation extends to 98 pages and includes 76 questions.

The deadline for responses is 26 September 2014.

presentation focuses on the three aspects of the consultation pertinent to the remit of this Committee:

- Extending Permitted Development Rights
- Planning Conditions
- Planning Applications

Information on the neighbourhood planning aspect of the consultation was given to the Local Plan Members Working Group in September 2014.

The purpose of this presentation is to invite a discussion on the issues and inform the Council's response to this consultation.

n for proposed changes

Proposals which are being consulted on under this part of the consultation relate to further relaxations of the controls contained in the General Permitted Development Order.

The stated purpose of these changes are to further simplify the planning system, reduce bureaucracy and developer costs.

of proposed relaxation

This consultation sets out 13 areas for relaxations of planning controls. In some areas, the changes remove some developments from any need for planning permission and in other areas it extends prior

position

permitted development rights allow for certain changes of use within Class B buildings up to 500 square metres. A separate permitted development right allows for a change of use from office (B1(a)) to dwelling houses (C3).

position under the consultation

The Government proposed a permitted development right to allow light industrial buildings (B1(c)), storage and distribution buildings (B8), which were in that use at the time of the 2014 Budget, to change use to residential.

These changes would require a prior approval application which would require the local authority to consider flooding, transport, contamination and noise. Under the Prior Approval regime it is not possible for the principle of the change being proposed to be considered.

The Government are also considering whether it would be beneficial to allow the prior approval to be able to take account of the impact of a residential use being introduced into an existing industrial/employment area.

position under the consultation.

a new permitted development right to allow some sui generis uses to be converted to residential (C3) use, namely launderettes, amusement arcades/centres, casinos and nightclubs will be introduced;

These changes of use will require a prior approval submission which will not only consider transport and highways impacts, contamination risks and flooding risks;

It is proposed to permit external modifications that are sufficient to allow the conversion to residential use and consideration is being given to the design and external appearance of the building in the matter to be assessed under the prior approval;

Also consideration is being given to whether the amount of floor space that can be converted to residential use should be limited.

Under the Prior Approval regime it is not possible for the principle of the change to be challenged.

Current position

Development rights for change of use from offices (B1(a)) and business premises (C3) were introduced for a period of three years from 30 May 2016. This meant prior approval applications are treated as not planning applications so the principle of the change of use does not need to be considered.

Proposed position under the consultation

Prior approval will continue to consider the impact of the proposed development in relation to highways and transport, flooding and noise and vibration.

It is proposed that prior approval will now consider the potential for a significant loss of the most strategically important office space as a result of the proposed development.

The period for completion for developments with prior approval to be considered will be from 30 May 2016 to 30 May 2019.

t position

2013 a Prior Approval arrangement for extensions to dwellings was introduced for a 3 year temporary period. If adjoining neighbours objected to a proposed extension the local authority then had to consider whether the impact on the amenity of the neighbours was acceptable before granting prior approval. The prior approval had to be determined within 42 days. If determined in that time then the extension could proceed, these extensions attracted no fee.

ed position

These permitted development rights permanent.

ed Changes

orporation of the majority of financial and professional services currently found in A2 into a revised wider A1 use class.

mitted development rights will change to enable the change of the wider retail (A1) class from betting shops and pay day loans, restaurants and cafés (A3), drinking establishments (A4), and takeaways (A5).

existing permitted development right to allow the change of A1 and A2 to a flexible use for a period of two years will remain the right to allow for up to two flats above a shop, and the change of use from A1 to residential (C3).

move the existing permitted development rights to the now narrower A2 use class

proposal is to introduce a new permitted development right for the change of use from A1 and A2 use classes, and some sui generis uses such as restaurants and cafés (A3). The right will:

apply to any premises in A1 or A2 use and apply to laundrettes, amusement arcades/centres, casinos and nightclubs;

have a size threshold of 150 square metres so as to focus on larger premises;

have a prior approval in the form of a neighbour notification scheme, which will allow those immediately adjacent to the premises (next to, above and at the rear) to make representations to the local planning authority in respect of the impact of the proposed change of use on local amenity, covering issues such as noise, odour, traffic and hours of opening. The local planning authority will not be able to consider such matters under prior approval when the premises are objected to by neighbours.

This proposed relaxation uses which are currently A1 or A2, cafes, amusement arcades/centres and nightclubs will be able to assemble and leisure (D2); without the need for a planning application. However, prior approval will be required respect of transport, parking, and noise which would allow the local planning authority to consider the impacts of the change of use on local amenity.

al

s will be able to erect ancillary buildings within the curtilage premises, including their car parks subject to the following conditions:

the buildings should not exceed four metres in height and a cumulative gross floor space of up to 20 square metres;

the buildings cannot be erected within two metres of a boundary of the curtilage of the shop;

if the building is erected between the shop front and a highway, the distance from the new building to the boundary must be more than five metres;

there will be a prior approval to consider the design, siting and external appearance of any new structure.

Mezzanine floors

Current regulations allow most retailers to build an internal mezzanine floor in their premises up to 200 square metres without needing a planning application. It is proposed to increase the maximum area that retailers can build a mezzanine floor and views are sought on what size would be appropriate.

ion Industries

posed to introduce a new permitted development right to all commercial filming and the associated physical development on local authority land. The new permitted development right will grant permission for:

location filming inside existing buildings and outside on single plots of up to one hectare, which can be split between buildings and land, and the construction and removal of associated sets. The right will be for a maximum period of nine months in any rolling 12-month period and will include a requirement to obtain prior approval.

Government proposes to introduce a new permitted development right to support the installation of photovoltaic (solar PV) on non-domestic buildings with a capacity of up to 20 megawatt (20y times the current capacity) without the need for a planning application. This right would:

apply to all non-domestic buildings, as with the existing permitted development rights for installation of solar panels.

Any application for prior approval would consider the siting and design of the solar array in order to minimise the impact of glare on neighbouring properties overlooking properties from the larger array of solar panels.

The right would apply only to the roof of non-domestic buildings.

permitted development rights for businesses introduced in 2013, increasing the size limits allowed for extensions to financial and professional services, offices, warehouses and industrial premises are to be made permanent and the time to complete an extension using the existing permitted development rights by May 2016 will be removed.

Relaxations are also proposed for waste management facilities (relaxation L) and sewerage works (relaxation

for proposed changes


ers and Government are concerned that planning permissions
ly contain overly restrictive and unnecessary conditions with
given to the additional costs and delays this brings.

ed change


overnment proposes tackling this by:

ntroducing 'deemed discharge' for certain types of conditions
where the LPA does not make a timely decision.


LPAs will be required to justify any pre-commencement cond
his is beyond the current reason for the condition.



the local planning authority has not given notice to the applicant of their decision on the application and at least six weeks has passed from the day after the application was received by the authority



the applicant has served notice on the local planning authority that after the expiry of a further two weeks (or such other longer period as may be specified) that the consent, agreement or approval required by the condition will be deemed to have been given by the local planning authority and the local planning authority has not responded within the timeframe set out in the notice



for proposed changes

Government believes that the existing duty for statutory consultees to provide a 'substantive response' to an LPA even when they have no objection to the proposal results in 'unnecessary bureaucracy for local authorities and reduces the efficiency and effectiveness of the planning process'.

The consultation proposes several relaxations on requirements for local authorities to consult with Natural England, Highways Agency and English Heritage.

A particular change would remove the need for local authorities to consult the Secretary of State for Listed Building Consent to undertake works to listed buildings, other than where demolition is proposed and the consent is made by English Heritage or National Amenity Societies.

By all local authority applications for Listed Building Consent