

REPORT TO SHEVINGTON PARISH COUNCIL POLICY COMMITTEE APRIL 7TH 2016

TECHNICAL CONSULTATION ON IMPLEMENTATION OF PLANNING CHANGES -HOUSING AND PLANNING BILL.

Introduction

This consultation seeks views on the proposed approach to implementing the planning provisions in the Housing and Planning Bill, and some other planning measures. The full text and questions can be found at https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/507019/160310_planning_consultation.pdf

1.Changes to planning application fees

Fees for making planning applications are set nationally at present, and make an important contribution to meeting the costs of development management services. They were last revised, in line with inflation, in 2012. This consultation sets out proposals for amending fees to reflect changes since 2012, but in ways which link more effectively to the service which is provided.

Proposals

- that national fees are increased by a proportionate amount, in a way which is linked to both inflation and performance.
- any changes in fees should go hand-in-hand with the provision of an effective service.
- any increase in national fees would apply only to those authorities that are performing well
- One approach would be to not apply an increase where an authority is designated as under-performing in its handling of applications for major development (or, in future, applications for non-major development)

Comments

No comments(Questions 1.1-1.5)

2.Permission in principle

Proposals

The Housing and Planning Bill, introduces a new ‘permission in principle’ route for obtaining planning permission. This is designed to separate decision making on ‘in principle’ issues (such as land use, location and amount of development) from matters of technical detail (such as what the buildings will look like). The Bill provides for permission in principle to be granted on sites in plans and registers, and for minor sites on application to the local planning authority.

The Bill sets the overarching framework for permission in principle to be granted in two ways: on allocation in a locally supported qualifying document that identifies sites as having permission in principle; and, on application to the local planning authority.

The primary decisions about when to grant permission in principle will be locally driven, taking account of national and local policy. Permission in principle must be followed by an application for technical details consent to agree the details of the scheme before the applicant obtains full planning permission and can start work on site.

Comments

Question 2.1: Do you agree that the following should be qualifying documents capable of granting permission in principle?

- a) future local plans;
- b) future neighbourhood plans
- c) brownfield registers

No

Question 2.2: Do you agree that permission in principle on application should be available to minor development?

No Most minor development applications are full applications.

Question 2.3: Do you agree that location, uses and amount of residential development should constitute 'in principle matters' that must be included in a permission in principle? Do you think any other matter should be included?

Access

No further comments(Questions 2.4-2.10)

3.Brownfield register

Proposals

.Through brownfield registers, a standard set of information will be kept up-to date and made publicly available to help provide certainty for developers and communities and encourage investment in local areas.

To be regarded as suitable for housing our proposed criteria are that sites must be:

- Available. This means that sites should be either deliverable or developable.
- Capable of supporting five or more dwellings or more than 0.25 hectare
- Capable of development. Local authorities should ensure that sites are suitable for residential use and free from constraints that cannot be mitigated.

Comments

Question 3.2: Do you agree with our proposed criteria for assessing suitable sites? Are there other factors which you think should be considered?

Yes but should also include access.

No further comments(Questions 3.1 and 3.3-3.10):

4.Small sites register

Proposals

A published list of small sites will make it easier for developers and individuals interested in self-build and custom housebuilding to identify suitable sites for development, and will also encourage more land owners to come forward and offer their land for development.

Comments

Question 4.1: Do you agree that for the small sites register, small sites should be between one and four plots in size?

Yes

Question 4.2: Do you agree that sites should just be entered on the small sites register when a local authority is aware of them without any need for a suitability assessment?

No

Question 4.3: Are there any categories of land which we should automatically exclude from the register? If so what are they?

Green Belt, sites of biological interest.

Question 4.4 Do you think that location, size and contact details will be sufficient to make the small sites register useful? If not what additional information should be required?

Access

5. Neighbourhood planning

Proposals

We are proposing to set the various time periods for local planning authority decisions on neighbourhood planning; to set the procedure to be followed where the Secretary of State chooses to intervene in sending a plan or Order to a referendum; and to introduce a new way for neighbourhood forums to better engage in local planning.

Comments

No comments (Questions 5.1-5.9) except that this seems to be micro-management by the Government.

Question 5.10: Do you agree that local planning authorities must notify and invite representations from designated neighbourhood forums where they consider they may have an interest in the preparation of a local plan

Yes.

6. Local plans

Proposals

To prioritise intervention where:

- the least progress in plan-making has been made;
- policies in plans have not been kept up-to-date;
- there is higher housing pressure;
- intervention will have the greatest impact in accelerating local plan production

Decisions will also be informed by the wider planning context of an area. We propose to publish information on each authority which shows the age of the existing local plan, and measures of local plan-making progress, on a six monthly basis.

Comments

No comments (Questions 6.1-6.6) but it seems like micro-management by the

Government.?

7.Expanding the approach to planning performance

Proposals

- Extending this approach to include applications for non-major development, to ensure that all applicants can have certainty in the level of service to be provided.
- The assessment of applications for non-major development would run alongside the existing performance approach to assessing applications for major development. Autumn Statement published on 25 November also set out a proposal
- To reduce the threshold for assessing the quality of local planning authorities' decisions to 10 per cent of applications for major development overturned at appeal, subject to considering an authority's appeal decisions prior to confirming designation on the basis of this measure.

Comments

No comments (Questions 7.1-7.4) but also seems to be micro-management by the Government.

8.Testing competition in the processing of planning applications

Proposals

- The Housing and Planning Bill contains powers to enable the testing of competition in the processing of planning applications.
- In a number of specific geographic areas across the country, for a limited period of time, a planning applicant would be able to apply to either the local planning authority for the area or an 'approved provider' (a person who is considered to have the expertise to manage the processing of a planning application) to have their planning application processed.
- It would be for the local planning authority to consider the recommendation and make the final decision, ensuring no loss of democratic oversight of local planning decisions.

Comments

No comments(Questions 8.1-8.5).

Question 8.6: Do you have any other comments on these proposals, including the impact on business and other users of the system?

A lot of applications are currently delegated to officers for decision. Any applications dealt with by approved providers would take more time because of the need for democratic approval.

9.Information about financial benefits

Proposals

The Housing and Planning Bill proposes to place a duty on local planning authorities to ensure that planning reports, setting out a recommendation on how an application should be decided, record details of financial benefits that are likely to accrue to the area as a result of the proposed development. It also explicitly requires that planning reports list

those benefits that are “local finance considerations” (sums payable under Community Infrastructure Levy and grants from central government, such as the New Homes Bonus)

Comments

Question 9.1: Do you agree with these proposals for the range of benefits to be listed in planning reports?

Yes

Question 9.2: Do you agree with these proposals for the information to be recorded, and are there any other matters that we should consider when preparing regulations to implement this measure?

Yes. No further comments.

10. Section 106 dispute resolution

Proposals

We are introducing a dispute resolution mechanism for section 106 agreements

Comments

No Comments (Questions 10.1-10.14)

11: Permitted development rights for state-funded schools

Proposals

- To ensure that where there is an identified need for school places, schools can open quickly on temporary sites and in temporary buildings while permanent sites are secured and developed. It is also the intention
- To allow larger extensions to be made to school buildings in certain cases without the need for a planning application.
- To extend from one to two academic years the existing temporary right to use any property within the use classes for a state-funded school;
- Increase from 100 m² to 250 m² the threshold for extensions to existing school buildings (but not exceeding 25% of the gross floorspace of the original building); and,
- Allow temporary buildings to be erected for up to three years on cleared sites where, had a building not been demolished, the existing permitted development right for permanent change of use of a building to a state funded school would have applied.

Comments

Question 11.1: Do you have any views on our proposals to extend permitted development rights for state-funded schools, or whether other changes should be made? For example, should changes be made to the thresholds within which school buildings can be extended?

No reduction in thresholds.

Question 11.2: Do you consider that the existing prior approval provisions are adequate? Do you consider that other local impacts arise which should be considered in designing the right?

No comment.

12: Changes to statutory consultation on planning applications

Proposals

To address this issue, the government is interested in hearing views on the benefits and risks of setting a maximum period that a statutory consultee can request when seeking an extension of time. The performance data indicates that the average extension period is between 7 and 14 days and therefore a period of 14 days may be an appropriate maximum period to set for any extension sought.

Comments

No comments(Questions 12.1-12.2)

13: Public Sector Equality Duty

No comments

RECOMMENDATION

That the comments set out in this report are conveyed to the Department of Communities and Local Government.