

WEST SWINDON PARISH COUNCIL

Full Council

Planning Consultations

1. New Rules to Planning & Development

1.1 Across a number of legislative proposals, the Government is launching changes across a significant range of permissions, processes and thresholds that impact on local planning and development. As a formal consultee to planning applications, these changes are relevant to the Parish Council. This report will detail the key proposals of Planning for the Future – White Paper August 2020 but will also highlight some of the wider proposals:

1.2 The Government has introduced two further Statutory Instruments amending the Town and Country Planning (General Permitted Development) (England) Order 2015 (“the General Permitted Development Order”), together with a Statutory Instrument amending the Town and County Planning (Use Classes) Order 1987 (“the Use Classes Order”). This follows the introduction of new permitted development rights for upwards extensions to purpose-built blocks of flats and forms part of the Government’s promised package of radical planning reform to support economic recovery and housing delivery.

1.3 A snapshot of some of these changes includes

- More types of commercial premises having total flexibility i.e. retail to cafes/offices. Pubs, libraries, village shops and other types of uses essential to the lifeblood of communities will not be covered by these flexibilities.
- Wider range of commercial buildings change to residential use without the need for a planning application.
- Builders no longer need a normal planning application to demolish and rebuild vacant and redundant residential and commercial buildings if they are rebuilt as homes.
- Additional storey on flats and houses allowed under permitted development• Certain planning permission and listed building consents which have lapsed or due to lapse during 2020 to be extended automatically.

1.3 New Permitted Development Rights June 2020

- New temporary right allows a local authority to hold a market for an unlimited number of days without the requirement for planning permission (from 25 June 2020 to 23 March 2021). It also allows the erection of moveable structures, such as stalls or awnings. The right is time-limited and will cease to have effect from 23 March 2021.
- From 1 August, changes to several of the current prior approval procedures for the creation of dwellings to ensure that “provision of

adequate natural light to all habitable rooms” is considered by Local Authorities, and that they should refuse proposals that do not meet requirements.

- **Permitted Development Rights for Additional Storeys to Dwelling Houses**

The Town and County Planning (General Permitted Development) (England) (Amendment) (No. 2) Order 2020 confers permanent permitted development rights to allow existing houses to be extended by way of the addition of up to 2 storeys. The rights apply to existing houses which are detached, semi-detached or in a terrace. They are subject to a maximum height limit of 18m, and where the house is in a terrace its height cannot be more than 3.5m higher than the next tallest house in the terrace. The rights only apply to houses built between 1 July 1948 and 28 October 2018 and do not apply in Conservation Areas. There is a requirement to obtain prior approval in relation to the impact on the amenity of neighbouring premises, and the external appearance.

- **Permitted Development Rights for Additional Storeys to Create Dwellings**

The above Order will also introduce a new Class AA and AB to Part 20 of the General Permitted Development Order to allow the construction of up to 2 additional storeys on free standing blocks and on buildings in a terrace that are in certain commercial uses (including A1, A2, A3 and B1(a)), and in mixed uses with an element of housing, to create additional self-contained homes. The rights are subject to a maximum height limit of 30m for detached buildings and 18m for terraces.

A new Class AC and AD to Part 20 to the General Permitted Development Order will allow up to 2 additional storeys to be constructed on existing houses which are detached or in a terrace to create new self-contained homes. The rights are subject to a maximum height limit for the newly extended building of 18m and it cannot be more than 3.5m higher than the next tallest house in the terrace.

These rights apply to houses and buildings built between 1 July 1948 and 5 March 2018 and they have to have been in one of the relevant uses or mixed uses on 5 March 2018.

2. Government White Paper

2.1 Two consultations are underway – short term change and fundamental change to the planning system. These are seen as radical changes to streamline and modernise the system.

Key dates:

- Short term proposals consultation paper closes 1st October
- Planning system white paper closes 29th October

Link to <https://www.gov.uk/government/consultations/planning-for-the-future>

2.2 **Short-term changes** to the current planning system summary:

Consultation on four interim changes to the planning system, including:

1. Changes to the standard method for assessing local housing need (to apply from November 2021)
2. The temporarily lifting of the small sites threshold below which developers do not need to contribute to affordable housing in urban areas from 10 to 40 or 50 dwellings
3. Securing of First Homes as part of affordable housing requirements through developer contributions in the short term until the transition to a new system
4. Extending the current Permission in Principle to major development All to be put in place until the new planning system is brought into force

2.3 **Planning for the Future** – main proposals

Identifies 3 'pillars' –

- *Planning for the development* – to simplify and speed up plan- making and planning decisions
- *Planning for beautiful and sustainable places* –design and master planning given greater importance
- *Planning for infrastructure* – new nationally set levy replacing current S106 and CIL

2.4 **Pillar one – planning for development summary**

- Development Management planning policies will be set nationally
- Local plan will allocate sites and set out only site specific design requirements
- Design codes and standards produced alongside communities for local plans and neighbourhood plans
- A new nationally set housing requirement
- Planning decisions must be made within statutory time periods – automatic fee refunds if deadlines not met or appeal allowed
- Greater digitisation of plans (all online) and interactive mapping for proposals

2.5 **Pillar two – Planning for beautiful and sustainable places**

- Design and master planning given greater importance
- Creation of a body to support local design codes and a 'chief officer for design' in each local authority
- Fast-track planning approval process for sites which accord with local design codes and masterplans
- Quicker environmental assessment process, more use of national data and fewer site-specific surveys (detail subject to consultation in Autumn)
- Local Plans identify locations of internationally, nationally and locally designated heritage assets – Listed Buildings and Conservation Act to be

- reviewed separately
- Climate change – net zero by 2050 - Reviewing and implementing the Future Homes standard and setting national standards through building regulations

2.6 **Pillar three – planning for infrastructure and connected places**

- S.106 and Community Infrastructure Levy to be replaced with a single infrastructure levy to charge a nationally-set rate based on fixed proportion of development value above a threshold
- Extended scope for Infrastructure Levy to capture changes of use through permitted development rights
- More freedom for local authorities over how they spend the Infrastructure Levy and authorities could borrow against the levy fund
- Infrastructure Levy should deliver affordable housing provision
- Develop a comprehensive resource and skills strategy for the planning sector
- Strengthen enforcement powers and sanctions

3. **Recommendations**

- 3.1 That Parish Councillors consider the impact of the changes for those that have recently come into force such as those set out in 1.3
- 3.2 That this Council considers whether to make a consultation response as an individual organisation and/or through NALC
- 3.3 That Parish Councillors consider making a formal response to the papers that are currently out for consultation either through a Working Party or the Planning & Environment Committee

For Information:

Links to proposals and official consultation documents:

- Business and Planning Act 2020
- Town & Country (General Permitted Development)(England)(Amendment)(No 2) Order 2020
- Permitted Development – demolition of buildings to replace with dwellings: Town & Country (General Permitted Development)(England)(Amendment)(No 3) Order 2020
- Town & Country Planning (Use Classes)(Amendment)(England) Regulations 2020
- Planning for the Future – Government White Paper