

CONSULTATION ON FUTURE PLANNING REFORMS

Introduction

On 31 July 2014 the Department for Communities and Local Government (DCLG) and its newly appointed Planning Minister Brandon Lewis, launched a public consultation on a wide range of proposals to further reform the planning system. This consultation closes on 26 September 2014.

DCLG has issued a technical paper setting out its proposals, which is divided into six sections discussing the following aspects of the planning system:

- neighbourhood planning
- permitted development rights
- the use of planning conditions
- statutory consultees for planning applications
- environmental impact assessment screening thresholds
- the nationally significant infrastructure planning regime

We discuss below some of these reforms which we consider to be of particular importance to landowners and developers.

Permitted development rights

New rights allowing a change to residential use

The Government continues to seek ways to increase housing supply by proposing changes to permitted development rights.

Two new permitted development rights are proposed which would allow a change to residential (C3) use from the following uses:

Light industrial (B1(c)) and storage and distribution (B8)

This right is subject to prior approval for flooding, transport, contamination and noise.

Launderettes, amusement arcades/centres, casinos and night clubs (sui generis)

This right is subject to prior approval for transport/highways, contamination and flooding and potentially in respect of the design and external appearance of the building. There will also potentially be a limit on the floorspace that can change to residential use. Limited physical works for conversion will also be allowed.



Change from office to residential use

The Government proposes to amend the existing permitted development right allowing a change from office (B1(a)) to residential (C3) use.

An amended right will be available from 30 May 2016 which will replace the existing right, and the exemptions for the 17 local authorities which currently apply will not be extended.

Prior approval would still be required in relation to highways/transport, flooding and contamination. However, prior approval would also consider the impact of the significant loss of the most strategically important office accommodation (which the Government intends to tightly define!).

Further, the Government proposes to amend the existing right to extend the time for completion for developments with prior approval from 30 May 2016 to 30 May 2019.

New rights allowing a change to restaurant/cafe use and assembly/leisure use

The Government is proposing a new permitted development right to allow existing shop (A1) and financial and professional services (A2) uses and launderettes, amusement arcade centres, casinos and nightclubs (sui generis) to change to restaurant/cafe (A3) use.

This right would have a size threshold of 150 sqm, so as to confine it to smaller premises and would be subject to prior approval in the form of a neighbour notification scheme allowing neighbours to make representations in respect of the impact of the change of use on local amenity, covering issues such as noise, odours, traffic and hours of opening.

It is also proposed to introduce a new permitted development right to enable a change of use from A1 and A2 use and the sui generis uses discussed above to D2 assembly and leisure use. This would be subject to prior approval in respect of transport/highways, parking and noise.

Retail development

The Government wishes to support existing retailers to expand their facilities and is proposing new permitted development rights to allow:

the erection of ancillary buildings (up to 4m height and gross floorspace of 20 sqm) within the curtilage of existing premises (this would

- be subject to prior approval for design, siting and external appearance)
- the installation of new loading bay doors and new loading ramps in existing premises

There is also a proposal to increase the current threshold of 200 sqm for the installation of mezzanine floors, and the Government has invited public comment on what should be the appropriate threshold size.

Extensions to business premises

Back in May 2013 the Government introduced temporary permitted development rights allowing

extensions to business premises which were to last for a three year period. It is now proposed to make these rights permanent.

Businesses which are shops (A1) and financial professional services (A2) can extend their premises by up to 100 sqm provided that the gross floorspace of the building is not increased by more than 50%. These same rights will apply to businesses which fall within office (B1(a)) use.

New industrial or warehouse buildings of up to 200 sqm can be built within the curtilage of an existing industrial or warehouse building and the gross floorspace of the existing building can be increased by 50%.

Improving the use of planning conditions

The Government's paper contains the following proposals to improve the use of planning conditions by Local Planning Authorities (LPAs).

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

This will mean that where an applicant has made an application for the LPA's determination of a matter required by a condition and the LPA has not notified the applicant of the decision within a specified time period, the applicant will be able to regard that matter as approved by the LPA.

LPAs will be required to share a draft of proposed planning conditions with an applicant before making a decision for all major developments

In practice this already occurs in some cases, however this will become a statutory requirement on LPAs.

Conclusion

The Government continues its reforms to the planning system, maintaining the theme of increasing housing supply and streamlining the system. Although these reforms are not yet 'set in stone', they provide a good indication of the development opportunities available to landowners and developers in the future. The reforms will also reduce delays to development.

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