

PLANNING LEGISLATION UPDATE May 2018

GPDO AMENDMENT 2017 NO 2

Change to GPDO as added by Neighbourhood Planning Act –

- To require planning permission for changes from pub - drinking establishments (A4) to A1 retail, A2 financial offices or A3 restaurants.
- Planning permission now required for demolition of A4 pub
- Creates new AA use class for drinking establishments with enhanced food offer, same rules as A4, and can move between A4 and AA.

SEPT 2017 CONSULATATION ON “PLANNING FOR THE RIGHT HOMES IN THE RIGHT PLACES” AND AUTUMN BUDGET STATEMENT

Most measures now in draft NPPF and recent consults

2017 BROWNFIELD LAND REGISTER REGULATIONS AND PERMISSION IN PRINCIPLE ORDER

- ERYC complied and issued brownfield register.
- Approved 3 sites under Brownfield Permission in Principle
- Annual process for ERYC to assess whether wish to put any sites forward (no appeal)

New process for PIP for small sites from June 2018

- housing or housing led devt.
- Only applies for “minor” schemes ie less than 10 dwellings and less than 1,000 sq m non residential (unclear how combined restriction will apply)
- Have to give range of dwellings ie 1-9 - can't exceed 9 in PIP
- PIP is essential red edge outline – only need location plan, no requirements for supporting documents, but if issues not covered LPA will have to refuse PIP and suggest planning application route
- No conditions on PIP but can add notes on what will be needed at next stage
- Followed by Technical Details application, which is same as full application, and requires same fee
- Gives unreasonable timescales for determination – 5 weeks with only 2 weeks consultation – so will likely need to agree extensions of time if supportable
- If considering this route ensure upper level of range is achievable – provide illustrative layout to prove this ?

FEB 2018 – CONSULTATION ON RESTRICTIONS ON USE OF PRE-COMMENCEMENT CONDITIONS

If not already agreed pre-commencement condition required to consult applicant before issue decision -

- Have 10 days to respond – if agree can issue , if disagree LPA can refuse application
- If no response within 10 days free to issue as proposed.
- Govt considers will not cause delays in determination as agreement already “good practice”.

2018 PROPOSED NPPF CHANGES AND ASSOCIATED TECHNICAL CONSULTS

- Draft NPPF Consultation and Text (not tracked changes !)
- Developer Contributions consultation – concludes CIL still preferred option, lifts pooling restrictions if adopt CIL or CIL unviable
- Draft Planning Practice for Viability – suggested national approach to assessing viability
- Housing Delivery test – national approach to be applied to calculate
- Draft Planning Practice Guidance on changes proposed

Main changes are –

- Revisions to Local Plan process to secure co-operation
- 5 year review required
- Standard methodology for housing need – will reduce ERYC housing need
- 20% of allocated housing sites to be small sites under 0.5Ha
- Office devt outside town centres no longer to require sequential test (impact test still needed)
- Minimum densities suggested
- Once viability agreed at policy level should not normally be reconsidered in an application (is this realistic !)
- Viability assessments to be published
- LPAs to publish annual infrastructure funding statement to explain what collected and how spent

Consultation is still open to 10 May

2018 GPDO AMENDMENTS

2 main changes –

- AGRNOT - agricultural buildings to dwellings -Prior Approval process increased to permit up to 5 dwellings. But no more than 3 “larger” dwellings can total 465 sq m with up to 2 further “smaller” buildings” of up to 100 sq m
- PD limit for AGNOTs – agricultural buildings – increased to 1,000sq m

BUT remember has to be reasonably necessary for the agricultural holding, so larger structures need to be justified.

REMEMBER PPG IS CHANGED REGULARLY – read on line if using it !