

## Summary of proposed changes to the planning system outlined in Chief Planning Officer letter on 'Technical Consultation'

Section 1: Neighbourhood Planning
A statutory time limit of 10 weeks (70 days) within which a local planning authority must make a decision on whether to designate a neighbourhood area...
... but the consultation period for applications to designate neighbourhood areas is maintained at six weeks.
The current statutory requirement for a minimum six weeks consultation on a neighbourhood plan is removed...
...but a new statutory test setting out basic consultation requirements is introduced.
Require the provision of information alongside a submitted neighbourhood plan which allows obligations under the Strategic Environmental Directive to be assessed.
Section 2: Reducing planning regulation to support housing, high streets and growth
<p>Prior approval for B1(c) and B8 to C3 residential. Prior approval matters are listed as:</p> <ul style="list-style-type: none"> <li>• Flooding</li> <li>• Transport</li> <li>• Contamination</li> <li>• Noise</li> </ul> <p>Views are sought on whether it would be beneficial to be able to take account of the impact of a residential use being introduced into an existing employment area.</p>
<p>Prior approval for town centre <i>Sui Generis</i> uses (laundrettes, amusement arcades, casinos and nightclubs) to C3 residential.</p> <p>Prior approval matters are listed as:</p> <ul style="list-style-type: none"> <li>• Transport and highways</li> <li>• Contamination</li> <li>• Flooding</li> </ul> <p>Potential prior approval matters include:</p> <ul style="list-style-type: none"> <li>• Design and external appearance</li> <li>• Floorspace limitations</li> </ul>
<p>Permanent retention of prior approval for B1(a) offices to C3 residential. An additional prior approval matter is proposed:</p> <ul style="list-style-type: none"> <li>• Impact of significant loss of strategically important office accommodation.</li> </ul>
Extension of completion date for B1(a) office to C3 residential prior approvals presently permitted to 30 <sup>th</sup> May 2019.
Neighbour notification prior approval for larger residential extensions made permanent.
The deadline for completing residential extensions approved under the prior approval scheme will be removed.
Most uses falling within use class A2 will be moved into use class A1 (with the exception of Betting Shops and Pay Day Loan Shops)
The new use Class A2 (Betting Shops and Pay Day Loan Shops) will have its permitted development rights removed so applications must be made for such establishments.

Neighbour notification prior approval for A1, A2, laundrettes, amusement arcades, casinos and nightclubs to A3 Restaurants and Cafes.

- Limited to premises of 150m<sup>2</sup> in size or smaller.
- Prior approvals matters that may be considered if raised by a neighbour are:
  - Noise
  - Traffic
  - Odour
  - Opening hours
- It is proposed that safeguards are put in place to avoid:
  - Loss of shops that are considered essential local services.
  - Adverse impacts on a shopping area.

Prior approval for A1, A2, laundrettes, amusement arcades, casinos and nightclubs to D2 Assembly and Leisure.

Prior approvals matters are listed as:

- Traffic and highways
- Parking
- Noise

New PD rights for A1 to allow for the provision of small (up to 20m<sup>2</sup> floor area and 4m in height) ancillary buildings to be erected within the curtilage of the building to facilitate click and collect services.

New PD right for A1 to allow for the installation of loading bay doors and loading ramps. A limit of 20% increase in size is proposed.

Increase the PD threshold for mezzanine floors in A1 units above 200m<sup>2</sup>.

Prevent maximum parking standards impacting on parking provision within town centres.

Prior approval allowing the use of land and/or buildings for commercial filming and associated physical development.

- Limited to 9 months in any 27 month period;
- Limited to sites of 1ha in size;
- Conditional upon:
  - no demolition, excavation or alteration of existing buildings;
  - no overnight sleeping accommodation;
  - reinstatement of land to original condition;
  - 10m maximum height of outside sets
- Prior approval matters listed as:
  - Transport and highways
  - Travel Plan
  - Noise
  - Light

Prior approval for Solar PV up to 1MW on non-domestic buildings.

Prior approval matters are listed as:

- Siting and design (with a focus on minimising glare)

Revised permitted development rights for business premises issues in May 2013 to be made permanent.

The deadline for completing extensions under the revised permitted development rights for business premises will be removed.

New permitted development rights for waste management facilities to allow for the replacement of plant, machinery and buildings. Limits on the size of any replacement plant, machinery and buildings is proposed.

New permitted development rights are proposed for equipment housing for sewerage undertakers. These would allow for the installation of a pumping station, valve house, control panel or switchgear house into a sewerage system.

### Section 3: Improving the use of Planning Conditions

Introduction of a 'deemed discharge' for certain types of planning conditions where they have not been decided in an appropriate time limit.

Deemed discharge would not apply to:

- development which is subject to an Environmental Impact Assessment;
- development which is likely to have a significant effect on a qualifying European site;
- development in areas of high flood risk (e.g. where development is in flood zones 2 & 3 or where there are reported critical drainage issues);
- conditions that have the effect of requiring that an agreement under Section 106 of the Town and Country Planning Act 1990 (as amended), Section 278 of the Highways Act 1980 to be entered into before an aspect of the development can go ahead;
- any conditions requiring the approval of details for outline planning permissions required by reserved matters.

A deemed discharge would only be activated by the applicant serving a notice on the local planning authority.

A deemed discharge notice can be served 6 weeks from the day after the discharge of conditions application was received by the local planning authority.

Deemed discharge would apply to Full and Outline conditions, not to matters attached to a reserved matter application.

The fee for a non-determined condition discharge application should be returned after 8 weeks as opposed to the current 12 weeks.

Draft planning conditions for major applications should be shared with the applicant 10 days before the decision is issued.

Require written justification for the use of a pre-commencement condition.

### Section 4: Planning application process improvements

Remove the requirement to consult Natural England on all applications for development within 2 km of a SSSI.

Change the requirement to consult the Highway Agency on development likely to affect a trunk road to read as follows:  
*Development, other than minor development, likely to result in an adverse impact on the safety of, or queuing on a trunk road.*

Various changes to the requirement to consult English Heritage with the aim of reducing the number of consultations arising from small scale development proposals.

Requirement to notify the railway manager of applications within 10m of a railway line.

Consolidation of amendments to the Town and Country Planning (Development Management Procedure) Order 2010 into a single order.

### Section 5: Environmental Impact Assessment Thresholds

All proposals falling within, or partially within sensitive areas will continue to need to be screened for environmental impacts.

The screening threshold for industrial proposals outside sensitive areas will be increased from 0.5ha to 5ha.

The current screening threshold for urban development outside sensitive areas, which includes residential development, means that all sites over 5ha are screened. At 30dph this results in all schemes over 150 units being screened. It is proposed that residential developments are only screened when they would comprise 1,000 units or more.