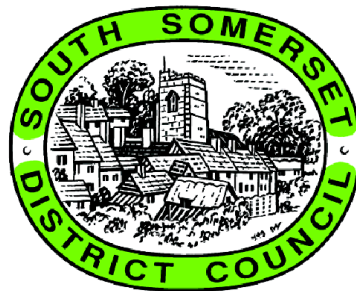


ROOM

Planning Update

June 2010

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Circular 05/10: Changes to Planning Regulations for Dwelling Houses and Houses in Multiple Occupation

- Published 1 April 2010 comes into effect 6th April.
- This circular gives guidance on the planning regulations for dwelling houses and houses in Multiple occupation (HMO's), as amended by the Town and County Planning (Use Classes) (Amendment) (England) Order 2010
- effectively splits the old C3: Dwellinghouses class into two classes C3: Dwellinghouses and C4: Houses in multiple occupation.
- Planning permission will be needed for any material change of use from C3 to C4.
- Each case will always be a matter of fact and degree
- C3 now 3 sub sections
 - C3(a): those living together as a single household (basically a 'family')
 - C3(b): those living together as a single household and receiving care, and
 - C3(c): those living together as a single household who don't fall into C4

Use Class Amendments/Clarification

- Also clarifies situation re Use class C2A for secure residential institutions, which enables changes between similar types of premises as PD
- A new C2A development such as a prison, secure hospital or immigration detention centre will require a planning application
- institutions within the C2A class include secure facilities for criminal justice and immigration estates, secure local authority accommodation and secure hospitals and Military barracks
- The new C4 class covers small shared dwelling houses occupied by between 3 and 6 unrelated individuals who share basic amenities.
 - Small bed-sits will be classified as C4
 - Social housing is excluded from C4 as are care homes, children's homes and bail hostels, properties occupied by students which are managed by the education establishment, those occupied for the purposes of a religious community
- Class D1 (non-residential institutions) also includes use as a law court. Law courts have similar planning impacts to other D1 uses, such as art galleries, museums and exhibition halls, where people come and go throughout the day.

Planning Policy Statement 5: Planning for the Historic Environment

- sets out the Government's planning policies on the conservation of the historic environment.
- replaces *Planning Policy Guidance 15: Planning and the Historic Environment* and *Planning Policy Guidance 16: Archaeology and Planning*
- PPS5 is supported by a Practice Guide as usual which is longer and more complex than the actual document.

Objectives of PPS 5

- deliver sustainable development by ensuring that policies and decisions concerning the historic environment:
- to conserve England's heritage assets in an appropriate way
- to contribute to our knowledge and understanding of the past

Major issue raised is about dealing with climate change and heritage where conflict could easily occur.

- Emphasis on finding solutions to allow for energy efficiency wherever possible as finding new uses and keeping buildings in use is better and more efficient than demolition and rebuild

Changes to applications for heritage assets.

Information for applications affecting historic assets

- change in emphasis...applicants have to demonstrate fully the impact
- to provide a description of the significance of the heritage assets affected and their contribution within their setting; in proportion to the importance of the asset and using appropriate expertise for whatever works are proposed (within D & A statements)
- For archaeology this should include desk based assessment up front and field evaluation if necessary (no longer by condition where known)
- Should not validate if the extent of the impact is not clear
- Emphasis again that heritage assets (archaeology) should be identified at pre app stage if possible or as soon thereafter.
- Usual presumption in favour of preservation
- Any heritage assets not yet known about are given equal protection once found!

Information to accompany heritage asset applications

- Advice given on this in Practice Guide
- Attention drawn to 3 issues
 - *nature of the significance*
 - *extent of the fabric*
 - *level of importance*
- an applicant will need to undertake an assessment of significance , no limit on what can be requested but only ask where necessary
- Suggested list of what could be required but 3 steps considered the 'norm'
 - Check all relevant records including development plan for history and value asset is within society
 - Examine the asset and its setting.
 - Consider whether expert assessment needed to gain the necessary level of understanding.

Planning Policy Statement 4: Planning for Sustainable Economic Growth

Aim is to achieve sustainable economic growth through improving economic performance in towns and cities, reduce the gap in economic growth between regions and tackling deprivation – town centres first, reducing need to travel, promote vitality and viability of all centre and promoting thriving, inclusive and locally distinctive rural communities whilst continuing to protect the open countryside for the benefit of all

Again emphasis on evidence base with advice given on what to include and how to do it, particularly looking at evidence of need for differing uses.

Far less change to previous PPS6 than consultation indicated would happen.....but likely to be reviewed swiftly given new Government views

Summary

- retains the important 'sequential test'
- creates a new 'impact test' requires lpa's to make markets an integral part of the vision for their town centres
- allows rural authorities to plan for economic development in rural areas subject to the need to protect the countryside
- Main Town Centre Uses include:
 - Retail development (warehouse clubs & factory outlets)
 - Leisure & entertainment facilities and more intensive sport & recreation uses (including cinemas, restaurants, drive-through restaurants, bars & pubs, night clubs, casinos, health & fitness centers & bingo halls)
 - Offices (presumably B1)
 - Arts, culture & tourism development (including theatres, museums, galleries & concert halls, hotels and conference facilities)

NB Also applies when increases in floorspace proposed or changes to range of goods sold.

Town Centres

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Document contains a good range of DM policies.

Indicated as one of the first PPS's the coalition want to review!

CIL – to be or not to be – that is the question?

What is CIL?

- Introduced in the Planning Act 2008, local planning authorities will be able to levy a new charge, CIL, to raise funds for local and sub-regional infrastructure. Local planning authorities will not be forced to adopt CIL (but you will probably have to do so to be able to deliver infrastructure)

HOWEVER.....

.....The Conservatives have stated that they will abolish CIL. But their proposed replacement, which is referred to in their planning green paper as a “local tariff”, does not appear to be fundamentally different to CIL; both are new charges intended to partially supplant S.106 contributions.

Basically it is the requirement of development to contribute to the provision of infrastructure on an equitable basis as opposed to the variable ability of S106 to capture resources

Brief background to CIL and why this will happen

- Land has a value
- Gaining planning permission adds value to that land
- development has infrastructure needs
- These need to be paid for
- Public purse can't pay so developer should pay
- A CIL or LUC (Conservative term I think) introduces certainty in costs for developer

- Been trying to implement some form of charge on land ever since 1948 Act and CIL was the latest iteration, now watch this space.

- Principle already adopted in some areas by way of tariff or roof tax – blindingly simple and effective but open to challenge.
- E.g. Milton Keynes, Purbeck, Ashford

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