

## WATERBEACH PARISH COUNCIL

### Government Planning for the Future White paper

Briefing note from Tim Slater

Comments in red from Cllr Kate Grant, WPC Planning Committee Chair

Below are my thoughts in relation to the current and planned changes to the planning system.

It is clear to me that the changes are motivated by a desire to free up development and planning is seen not as a protector of the built and natural environment – but simply as an impediment to development. It is difficult in commenting on them to avoid making what will appear to be either explicit or implicit political comments; it is my intention to offer a professional planning assessment of the proposal- geared to the issues and concerns of WPC.

I do not aim to offer a political assessment / judgement in relation to motivation for or political aims of the changes, however I have found it difficult to separate politics from planning in this instance. I trust that members will indulge me in this respect.

### **The changes to the planning system are essentially in 2 parts**

Changes to the Use Classes Order and General Permitted Development Order.

Varying building uses have historically been grouped into what are called ‘use classes’ – retail was A1, light industrial and office use was mostly B1, housing C3 etc. the idea of this was to group like uses in the same class.

The General Permitted Development order (GPDO) enabled changes of use within the same use class without permission and changes between certain use classes without permission or via an expedited prior notification procedure.

**The new changes to the Use Classes Order came into operation on the 1 Sept 2020 and introduce a more wider ranging categorisation revoking the former A classes and B1 classes and introducing E class with is nominally called - Commercial, Business and Service.**

The General permitted development order has yet to be updated and still refers to the use classes prior to Sept 2020- this will be updated in Sept 2021.

**The Town and Country Planning (General Permitted Development) (England) (Amendment) (No. 2) Order 2020** Introduces Permitted Development rights to add additional residential storeys on top of houses, flats and commercial buildings, and came into force on 31st August.

**On existing dwellings: You can add up to 2 storeys to a house, and 1 storey to a bungalow, be used as part of the same house. (Accommodation in the roof isn't counted as an existing storey).**

- Restriction **Not in conservation Area**
- Extension has to be to the main dwelling not to an extension

- The original dwelling has to have been constructed between 1/7/1948 and 28/10/2018
- Original dwelling must not have already been extended upwards
- On detached houses, the upwards extension cannot in itself be greater than 7m
- On semi-detached houses, the upwards extension cannot in itself be more than 3.5m higher than the adjoining property.

In all cases, the overall height of the resulting dwelling cannot exceed 18m.5m.

Conditions – if you can comply with all of the above, then the materials have to be similar to the existing house, there can be no windows in the side elevation or side roof slope, the roof pitch must be the same as the existing one. You then need to make an application for prior approval. The only issues that the Council can consider **are impact on amenity of neighbours (overlooking, privacy, loss of light), external appearance, air traffic and defence assets, and protected views.**

The prior approval process allows for planners to control some aspects of the development. **However, I'm not clear if SCDC consult parish councils in relation to prior notifications.**

#### **Comment**

It is my view that this could have significant implication in relation to poorly designed or unattractive / out of character extensions.

**The Town and Country Planning (General Permitted Development) (England) (Amendment) (No. 3) Order 2020 Introduces Permitted Development rights to demolish flats or Class B1 buildings and replace them with flats or one house on the same footprint, and came into force on 31<sup>st</sup> August.**

#### **Comment on GPDO amendments**

The changes to the use classes order and GPDO are to be noted by the council (for information only) as these changes do not form part of the wider consultation and either have been or will be implemented without further consultation.

In practice, it is considered that this will have little impact on concerns to the Parish Council- essentially it is putting uses in different use class boxes and ultimately when the GPDO is revised for July 2021 will allow some different changes between uses.

**Copy of summary use classes table is appended.**

#### **White paper reform of the planning system**

In his speech in respect to the economy on the 30 June the Prime Minister announced fundamental reforms to the planning system.

Singling the planning system out as a significant drag on the country's economy.

Generally the changes are seen **as being pro development**, and as such – and as expected opinion in relation to the proposals have been mixed- with the development industry welcoming the proposal and pretty much everyone else voicing concerns in terms of erosion of democratic process, erosion of environmental and ecological protection.

Below is a summary extract (slightly edited) from Bidwell's which is a fair assessment (in my view).

## **1. The role of land use plans will be simplified.**

It is not zoning but Local Plans will be required to identify all areas of land into one of three categories:

- Growth areas – where outline planning permission for the allocated sites is a given.
- Renewal areas – which benefit from a strong presumption in favour of development; and
- Protected areas – including the Green Belt which appears to operate in a similar way to the current system.

## **2. Local plans remain but the scope to be reduced.**

Removing the test of ‘soundness’ and ‘the duty to co-operate’, to be replaced with a single standard of ‘sustainable development’ are stand out changes as is reducing the burden of Plan evidence and streamlining the EIA process. These are areas which often take up lots of time at Examination, become ground for challenge and Local Plan failure, but ultimately add little to the positive impact on the quality of a Local Plan.

## **3. Local authorities and the Planning Inspectorate will be required to meet a statutory timetable for key stages of the process - with sanctions for those who fail to do so.**

Much of the current Local Plan process has been about debating what the housing requirement is, which slows down the process, adds another point that can be challenged and does little to speed up the delivery of homes.

A standard method for setting housing requirements is to be established to reduce the time it takes to establish the amount of land to release in each area. The standard requirement would differ from the current system of local housing need in that it would be binding and require greater land release. Are we moving away from Localism?

## **4. They will also be required through legislation to meet a statutory timetable for key stages of the process. Again, sanctions for those who don't.**

A proposed five stages plan make process with ‘meaningful’ public engagement at two stages. The challenge of planning for significant growth and balancing views of the community remains. If there is to be a focus on local consultation, the system needs to attract the voices of all and to balance local and national priorities.

## **5. There's a greater emphasis on design codes, which would be set locally with the intention of speeding up decisions.**

They will need to contain detail and will take a long time to prepare – and there remains uncertainty who prepares them, and how, can they be appealed or challenged.

## **6. The time limits of eight or 13 weeks for determining an application from validation to decision is to be a firm deadline.**

You would expect there will be a need to increase the role of delegated powers for professional planning officers, revisit the role of planning committees and incentives authorities to determine within statutory deadlines.

## **7. We still have a plan-led system.**

There is some familiarity in the rhetoric from the last rounds of reforms to the planning system however this time there are tangible ideas that could make a difference. The proposals for Local Plan changes could very well be successful. It is difficult to see currently how the proposals will speed up development management as Design Codes will still take time to prepare property.

### **Comments in relation to WPC**

The process appears to me far more top down- which in my view brings into focus a tension with localism- it seems similar in impact to the regional planning system we had about 15 years ago whereby housing figures were dropped down (from then regional govt) and the councils were required to meet this target in their local plans.

It appears to me that increased pressure on time and the introduction of set deadlines means that opportunities for consultation with the PC will be limited as will opportunities to refer matters to ctte.

In conjunction with the permitted development changes outlined above it seems to me that the 2 key strands of Government planning pre 2020 are being unravelled, that of localism and a focus on good design.

I would suggest that WPC will be most concerned in relation to the imposition of strict time limits on applications (otherwise deemed prmission) and the consequent impact on consultation times and outputs;

It is clear that these changes will take some time to come into force and as such these are unlikely to have any impact on RLW proposal which will have been determined by then. Also give that the UC proposal already has permission this again will be unaffected.

In relation to 'good design' the permitted development proposals are unlikely to be subject to consultation and as such WPC will not have opportunity to comment.

The limited input for local plans again undermines localism as they will largely be an implementation tool to facilitate development levels in a top down framework.

On planning applications, the white paper proposes each area to have a design code which will be binding. For the Waterbeach new town these will be part of the permission anyway- however someone will have to produce a design code for each village or part of the district to guide new development.

It seems to me that the above- rather than easing the burden on planning depts will significantly increase pressure and that this can only be managed through proper resourcing of the planning function- which in the light of the current strains on the public purse seems very unlikely.

Summary

### **forgive the indulgence**

The proposal is a significant change to the planning system that appears to me to be almost entirely geared to facilitation of development. In my view it undermines the local input into the planning process, that lies and the heart of localism at both district and parish levels. It is a change that appears to have been driven entirely by the lobbying of development industry.

It also dilutes environmental protection.

It is my view that Local planning authorities are neither resourced or skilled enough to deal with the changes in the time allotted and that the new system will quickly overload planning authorities without significant additional resources.

| Use  | Use Class up to 31 August 2020 | Use Class from 1 September 2020 | Use   | Use Class up to 31 August 2020 | Use Class from 1 September 2020 |
|--|--------------------------------|---------------------------------|---|--------------------------------|---------------------------------|
| Shop not more than 280sqm mostly selling essential goods, including food and at least 1km from another similar shop                | A1                             | F2                              | Hotels, boarding and guest houses   | C1                             | C1                              |
| Shop   | A1                             | E                               | Residential institutions  | C2                             | C2                              |
| Financial and professional services (not medical)  | A2                             | E                               | Secure residential institutions   | C2a                            | C2a                             |
| Cafe or restaurant   | A3                             | E                               | Dwelling houses   | C3                             | C3                              |
| Pub or drinking establishment  | A4                             | <b>Sui generis</b>              | Use of a dwellinghouse by 2-6 residents as a house in multiple occupation'  | C4                             | C4                              |
| Take away  | A5                             | <b>Sui generis</b>              | Clinics, health centres, creches, day nurseries, day centre   | D1                             | E                               |
| Office other than a use within Class A2  | B1a                            | E                               | Schools, non-residential education and training centres, museums, public libraries, public halls, exhibition halls, places of worship, law courts | D1                             | F1                              |
| Research and development of products or processes  | B1b                            | E                               | Cinemas, concert halls, bingo halls and dance halls   | D2                             | <b>Sui generis</b>              |
| For any industrial process (which can be carried out in any residential area without causing detriment to the amenity of the area) | B1c                            | E                               | Gymnasiums, indoor recreations not involving motorised vehicles or firearms   | D2                             | E                               |
| Industrial   | B2                             | B2                              | Hall or meeting place for the principal use of the local community  | D2                             | F2                              |
| Storage or distribution  | B8                             | B8                              | Indoor or outdoor swimming baths, skating rinks, and outdoor sports or recreations not involving motorised vehicles or firearms                   | D2                             | F2                              |

Changes of use within the same class are not development. Use classes prior to 1 September 2020 will remain relevant for certain change of use permitted development rights, until 31 July 2021. The new use classes comprise:

| Class E (Commercial, business and service uses), | Class F1 (Learning and non-residential institutions) | Class F2 (Local community uses) |
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