

Item for Information

Report to Planning Committee

Subject: The Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013.

Date: 13th May 2013

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Wards Affected

Borough-wide

Purpose

To advise members of the Planning Committee of the changes brought in through the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013

Proposals

1. The Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013, introduces a number of changes in relation to enable:
 - larger house extensions through the Larger Extension: Neighbour Consultation Scheme;
 - the height of enclosures (fences/walls) around schools adjacent to the highway to be erected without planning permission to be increased from 1m to 2m;
 - increases to the floor space allowance for change of use from B1 (Business) to B8 (Storage and Distribution) from 235 square metres to 500 square metres;
 - the change of use from B1 (a) (offices) and land within its curtilage to C3 (dwelling house), but a prior notification procedure must be followed;
 - the change of use of a building and any of its land within its curtilage from Classes B1 (business), C1 (hotel), C2 (residential institution), D2 (assembly and Leisure) to a state-funded school (excludes any other D1 (non-residential institutions) unless these are ancillary), but a prior notification procedure must be followed;
 - the change of use from state funded school (if followed change of use route explained in bullet point above) back to its previous use;
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- the change of use of a building and any land in its curtilage as a state funded school for a single academic year;
 - the change of use of agricultural buildings to A1 (shops), Class A2 (financial and professional services), Class A3 (restaurants and café), Class B1 (business), Class B8 (storage and distribution), Class C1 (hotels), Class D2 (assembly), but a prior notification procedure must be followed;
 - the change of use to Class A1 (retail), A2 (financial and professional services), A3 (restaurants and cafes), B1(offices) from A1, A2, A3, A4 (drinking establishment), A5 (hot food takeaway), B1, D1, D2 for a two year period, but a prior notification procedure must be followed;
 - the introduction of percentage increase allowances as an alternative to floor space allowance for extensions to warehouse developments;
 - minor amendments to enable telecommunications development within Article 1 (5) Land (conservation areas etc), must follow a prior approval route;
 - minor amendments to the floor space allowances in relation to offices, shops, catering, financial or professional services;
2. A table outlining the key aspects of the changes is set out at the end of this report. It is unclear at the time of writing this report whether there would be associated fees in relation to the prior notification processes set out in regarding the change of use of dwellings to offices, change of use to state funded school, change of use of agricultural buildings, temporary changes of use and changes to the permitted development rights in relation to telecommunication development.
 3. Local Authorities have been advised that there will be no fee associated with the Larger Extension: Neighbour Consultation Scheme.
 4. The changes will become effective from the 30th May 2013. Some of the changes such as the Larger Extension: Neighbour Consultation Scheme will be introduced for a temporary period of three years.

Implications

5. There are number of implications in relation to the proposed changes outlined above relating to:
 - the costs of processing the new Larger Extension: Neighbour Consultation Scheme and the other prior notification procedures to be introduced;
 - the need to change a number of processes and procedures to determine prior notification applications and applications under the Larger Extension: Neighbour Consultation Scheme;
 - the need to consider the new notification processes in light of the Councils

Scheme of Delegation;

- the need to consider whether article 4 directions may be required in certain parts of the Borough in order to safeguard the wider amenity.

Conclusions

6. The Development Management Team will be putting in place the processes and procedures required to determine the notifications that are received. The Team will further consider the implications of the changes to the permitted development rights outlined above. Members of the Planning Committee will be kept informed of issues that arise and of mechanisms proposed to address them.

Recommendation

That members note the content of the report.

The Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013

	Permitted Development Change	Provision this replaces/amends	Developer Requirements	LPA Requirements
Larger single storey rear householder extensions	<p>The size limits will double from 4 metres to 8 metres for detached houses, and from 3 metres to 6 metres for all other houses. Excludes Article 1(5) land.</p> <p>Date Effective: 30 May 2013 – 30 May 2016</p>	<p>Class A Part 1 The Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008</p>	<p>Larger Extensions: Neighbour Consultation Scheme –</p> <p>A homeowner wishing to build a larger single-storey rear extension must notify the LPA and provide:</p> <ul style="list-style-type: none"> (a) A written description of the proposal which includes the projection, eaves height and max. height of the extension; (b) A plan of the site showing the proposed extension; (c) The addresses of any adjoining properties; (d) A contact address and email for the developer. <p><u>No fee required.</u></p>	<ol style="list-style-type: none"> 1. The LPA can request further information it needs to make a decision about the impact of the development on the amenity of adjoining properties; 2. The LPA will serve notice on adjoining occupiers. This will include the address, its projection, eaves high and max. height, date application was received, end date of the 21 day consultation period and end date of the 42-day determination period; 3. A copy of this notice must be sent to the developer; 4. If any adjoining neighbour raises an objection within the 21-day period, the LPA will take this into account and make a decision about whether the impact on the amenity of all adjoining properties is acceptable. No other issues will be considered. 5. The development can go ahead if the LPA notifies the developer in writing that whether no objections have been received or it has been decided that the effect on amenity is acceptable. 6. If the LPA does not notify the developer of its decision within the 42-day determination period, the development may go ahead. 7. If approval is refused, the developer may appeal; 8. The extension must be built in accordance with the details submitted /approved, unless the LPA agrees any changes in writing; 9. The development must comply with all other Class A conditions; 10. The extension must be completed on or before 30 May 2016 to benefit from

	Permitted Development Change	Provision this replaces/amends	Developer Requirements	LPA Requirements
				these permitted development rights; 11. The developer must notify the LPA on completion.
Means of Enclosure for Schools	For a school, any means of enclosure erected adjacent a highway increases from 1 metres to two metres above ground level provided that this does not create an obstruction to the view of persons using the highway as to be likely to cause danger to such persons.	Class A Part 2 of Schedule 2 (minor Operations) The Town and Country Planning (General Permitted Development) Order 1995	N/A	N/A
Change of use from B1 (business) to B2 (General Industrial) or B8 (Storage & Distribution)	The floor space allowance for a change of use from B1 to B8 under PD increases from 235m ² to 500m ² .	Class B Part 3 of Schedule 2 (Changes of Use) The Town and Country Planning (General Permitted Development) Order 1995	N/A	N/A
Class J – Change of use of offices to dwelling	Change of use from B1(a) (offices) and land within its curtilage to C3 (Dwelling house) Development not permitted if on article 1(6A) land); if the building is not in use immediately before 30 May 2013; if the C3 use was begun after 30 th May 2016; if the site forms a safety hazard area, military explosives area or is a listed building or a scheduled	Part 3 of Schedule 2 (Changes of Use) The Town and Country Planning (General Permitted Development) Order 1995	Prior notification under Part N: The developer must notify the LPA and provide: (a) A written description of the proposed development; (b) A plan of the site showing the proposed development; (c) A contact address and email	1. When development is likely to result in a material increase/change in traffic in the vicinity of the site, the LPA is required to consult (for 21 days) the S of S for transport (if impacting upon a trunk road or level crossing), the local highway authority and the operator of any railway network. 2. When the development is likely to result in any increased flood risk, the LPA is required to consult (for 21 days) the Environment Agency for development in Flood Zone 2/3 or Flood Zone 1 if the area has critical drainage problems and notified under paragraph. (ze)(ii) in the table of Schedule 5 to the 2010 Order. 3. The LPA is required to display a site notice (for 21 days) and to serve a notice on any adjoining owner or occupier (for 21 days).

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	monument.		for the developer. Unclear whether a fee will be chargeable	<p>4. The LPA will take into account:</p> <ul style="list-style-type: none"> (a) Transport and highways impacts of the development; (b) Contamination risks on the site; and (c) Flooding risks on site. <p>5. The LPA can request further information it needs to make a decision about the impact of the development from the developer</p> <p>6. When determining the application, the LPA must consider consultation responses and have regard to the NPPF (as if it were a planning application).</p> <p>7. If the site is contaminated, prior approval should be refused.</p> <p>8. The development can go ahead if the LPA notifies the developer in writing that prior approval is not required or prior approval is given.</p> <p>9. If the LPA does not notify the developer of its decision within the 56-day determination period, the development may go ahead.</p> <p>10. The development must be carried out in accordance with the details submitted /approved, unless the LPA agrees any changes in writing.</p>
Class K – Change of use to state funded school	<p>Change of Use of a building and any land within its curtilage from Classes B1 (business), C1 (hotel), C2 (residential institution), C2A (secure residential institutions) & D2 (assembly and leisure) to use as a state-funded school (excludes any other use inc. D1 unless ancillary).</p> <p>Development not permitted if the site forms part of a military</p>	Part 3 of Schedule 2 (Changes of Use) The Town and Country Planning (General Permitted Development) Order 1995	<p>Prior notification under Part N:</p> <p>The developer must notify the LPA and provide:</p> <ul style="list-style-type: none"> (a) A written description of the proposed development; (b) A plan of the site showing the proposed development; (c) A contact address and email 	<p>1. When development is likely to result in a material increase/change in traffic in the vicinity of the site, the LPA is required to consult (for 21 days) the SofS for transport (if impacting upon a trunk road or level crossing), the local highway authority and the operator of any railway network.</p> <p>2. The LPA is required to display a site notice (for 21 days) and to serve a notice on any adjoining owner or occupier (for 21 days) .</p> <p>3. The LPA will take into account:</p> <ul style="list-style-type: none"> a) Transport and highways impacts of the development;

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	explosives storage area; a safety hazard area; or a listed building or a scheduled monument.		for the developer. Unclear whether a fee will be chargeable	<p>b) Noise impacts of the development;</p> <p>c) Contamination risks on the site.</p> <p>4. The LPA can request further information it needs to make a decision about the impact of the development from the developer</p> <p>5. When determining the application, the LPA must consider consultation responses and have regard to the NPPF (as if it were a planning application).</p> <p>6. If the site is contaminated, prior approval should be refused.</p> <p>7. The development can go ahead if the LPA notifies the developer in writing that prior approval is not required or prior approval is given.</p> <p>8. If the LPA does not notify the developer of its decision within the 56-day determination period, the development may go ahead.</p> <p>9. The development must be carried out in accordance with the details submitted /approved, unless the LPA agrees any changes in writing.</p>
Class L – Change of use of state funded school	Change of use of land from use permitted by Class K (state-funded school) to its previous lawful use.	Part 3 of Schedule 2 (Changes of Use) The Town and Country Planning (General Permitted Development) Order 1995	N/A	N/A
Class M – Change of use of agricultural buildings	Change of use of agricultural buildings to a use Class A1 (shops), Class A2 (financial and professional services), Class A3 (restaurants and cafes), Class B1 (business), Class B8 (storage or distribution), Class C1	Part 3 of Schedule 2 (Changes of Use) The Town and Country Planning (General Permitted Development)	Prior Notification Process- 1). If the floor space of building changed use does not exceed 150m ² , the developer must inform the LPA of the following:	<p>1. When development is likely to result in a material increase/change in traffic in the vicinity of the site, the LPA is required to consult (for 21 days) the S of S for transport (if impacting upon a trunk road or level crossing), the local highway authority and the operator of any railway network.</p> <p>2. When the development is likely to result in any increased flood risk, the LPA is required to consult (for 21 days) the Environment Agency for development in</p>

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	<p>(hotels) or Class D2 (assembly and leisure).</p> <p>Development is not permitted if the building has not been in agricultural used since 3rd July 2012 or for a period of 10 years; the change of use exceeds 500m² ; the site forms part of a military explosives storage area; a safety hazard area; or a listed building or a scheduled monument.</p>	Order 1995	<p>(i) The date change of use will commence;</p> <p>(ii) The nature of the use(s);</p> <p>(iii) A plan indicating the site and which buildings have changed use.</p> <p>2). If the floor space of the building changed use is between 151m² - 500m², the developer must notify the LPA and provide:</p> <p>(a)A written description of the proposed development;</p> <p>(b) A plan of the site showing the proposed development;</p> <p>(c) A contact address and email for the developer.</p> <p>Unclear whether a fee will be chargeable</p>	<p>Flood Zone 2/3 or Flood Zone 1 if the area has critical drainage problems and notified under para. (ze)(ii) in the table of Schedule 5 to the 2010 Order.</p> <p>3. The LPA is required to display a site notice (for 21 days) and to serve a notice on any adjoining owner or occupier (for 21 days).</p> <p>4. The LPA will take into account:</p> <p>(a) Transport and highways impacts of the development;</p> <p>(b) Noise impacts of the development;</p> <p>(c) Contamination risks on the site; and</p> <p>(d) Flooding risks on site.</p> <p>5. The LPA can request further information it needs to make a decision about the impact of the development from the developer</p> <p>6. When determining the application, the LPA must consider consultation responses and have regard to the NPPF (as if it were a planning application).</p> <p>7. If the site is contaminated, prior approval should be refused.</p> <p>8. The development can go ahead if the LPA notifies the developer in writing that prior approval is not required or prior approval is given.</p> <p>9. If the LPA does not notify the developer of its decision within the 56-day determination period, the development may go ahead.</p> <p>10. The development must be carried out in accordance with the details submitted /approved, unless the LPA agrees any changes in writing.</p>
Class C – temporary use as a state-funded school	Change of use of a building and any land within its curtilage as a state-funded school for a single academic year.	Part 4 of Schedule 2 (Temporary Buildings and Uses) The Town and Country	N/A	N/A

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	Development not permitted if the not an existing use specified in the schedule; site forms part of a military explosives storage area; a safety hazard area; or a listed building or a scheduled monument	Planning (General Permitted Development) Order 1995		
Class D – Temporary changes of use	<p>Change of use to Class A1 , A2, A3, B1 from A1, A2, A3, A4, A5, B1, D1, D2 for a two year period.</p> <p>Development is not permitted if the change of use relates to floor space exceeding 150m²; the site has had a previous Class D permission; site forms part of a military explosives storage area; a safety hazard area; or a listed building or a scheduled monument</p>	Part 4 of Schedule 2 (Temporary Buildings and Uses) The Town and Country Planning (General Permitted Development) Order 1995	<p>The developer must inform the LPA of the following:</p> <p>(iv) The date change of use will commence;</p> <p>(v) The nature of the use.</p>	n/a
Amendments to industrial and warehouse development	Introduction of percentage increase allowance as an alternative to floor space allowance for extensions	Part 8 of Schedule 2 (Industrial and Warehouse Development) The Town and Country Planning (General Permitted Development) Order 1995	N/A	N/A

	Permitted Development Change	Provision this replaces/amends	Developer Requirements	LPA Requirements
Amendments to electronic communications code operators	Minor amendments to requirement for prior approval on Article 1(5) land.	Part 24 of Schedule 2 (Development by Telecommunications Code System Operators) The Town and Country Planning (General Permitted Development) Order 1995	Prior Notification process to be followed	
Amendments in relation to office buildings	Minor amendments to floor space allowances	Part 41 The Town and Country Planning (General Permitted Development) (Amendment) Order 2010	N/A	N/A
Amendments in relation to shops or catering. Financial Or professional services	Minor amendments to floor space allowances	Part 42 The Town and Country Planning (General Permitted Development) (Amendment) Order 2010	N/A	N/A