

CHANGES TO THE DEVELOPMENT CONTROL SYSTEM - SECOND CONSULTATION PAPER

1 SUMMARY

- 1.1 This report seeks Members' views on further proposed changes to the Development Control system. Responses to the paper are required by 28th June 2005.

2 BACKGROUND

- 2.1 The Government is consulting in two phases on the Development Control measures contained in Part 4 of the Planning & Compulsory Purchase Act 2004. This second paper covers:

- Local Development Orders.
- Outline applications, Reserved Matters and Design and Access Statements.
- Electronic payment of Planning fees.
- Decision periods for major applications.
- Validity.

3 THE PROPOSALS EXPLAINED

Local Development Orders

- 3.1 A Local Development Order (LDO) would, in effect, grant permission for the type of development specified in the LDO and, by doing so, negate the need for a planning application to be made by the developer. A precondition of an LDO is that it could only be made to implement policy contained in a Local Planning Document.
- 3.2 An LDO is thus an extension of Permitted Development, but decided upon locally in response to local circumstances.
- 3.3 Suggestions for the use of an LDO include further small-scale permitted changes for householder development provision for certain types of development to aid the rejuvenation of an area, or site specific relaxations to bring forward the development of a site. LDO's could not be made to allow changes to Listed Buildings or in Conservation Areas.

Comment

- 3.4 At face value, there does seem to be some attraction to this change. However, it is not immediately clear where an LDO might be beneficially used. The Permitted Development rights available for householder development are already significant and do, on occasions, already cause problems for neighbours. Any extension in rights would only serve to exacerbate such problems.
- 3.5 On a site specific basis, it is considered that any wholesale removal of the need for a planning application would not be conducive to proper planning, although it may be that the preparation of a detailed design framework for housing sites could provide sufficient safeguards.
- 3.6 On an industrial site, planning considerations are just as important, although it may be that a Design Brief/Framework prepared as part of the Local Development Framework (LDF) would be sufficient to allow scope for relaxations.
- 3.7 In either case though, detailed studies are often required on traffic, environmental issues, etc, and the LDO process should not be seen as subverting this requirement.
- 3.8 The proposal for LDO's has some merit, but would need to be carefully considered as an option during the preparation of Development Plan Documents.

Outline Applications, Reserved Matters and Design & Access Statements

- 3.9 For Outline applications, developers have very often adopted a practice of 'red-lining', that is indicating where a development would occur with little supporting detail. The Government is proposing that in future Outline applications should include information on: use; quantum of development (amount); indicative layout; scale parameters and indicative access points.
- 3.10 It is proposed that in future the matters that can be reserved on an Outline application would be: layout; scale; appearance; access and landscaping.
- 3.11 There will be a new requirement for a "Design and Access" statement to accompany an Outline application that explains how the applicant has considered the proposal and understands what is appropriate and feasible for the site. The statements are intended to ensure that good design and access are achieved and will be a material consideration in the determination of applications.
- 3.12 Design and Access Statements will also be required for detailed permissions, but more as a focus to justify past design decisions. No statement will be

required for development in the curtilage of a dwelling house, or for the change in the use of land or buildings.

Comments

- 3.13 The preparation of a Design and Access Statement should be a positive improvement to Outline applications in particular. In part, the requirements of Policy HP6 on Design & Layout of Housing is reflected in and supported by the Design and Access Statement.
- 3.14 The other changes proposed should ensure that Outline applications are no longer considered as a leap into the dark, as can often be the case under the present arrangements when so little information is required.

Electronic Payment of Planning Fees

- 3.15 The Government wishes facilities to be available to enable on-line payment of fees.

Comment

- 3.16 Rochford has offered this facility for some considerable time.

Decision Periods for Major Applications

- 3.17 The target date for the determination of major applications is 13 weeks. The Government proposes that the period an applicant must wait before appealing a major application be extended from 8 to 13 weeks.

Comment

- 3.18 This change is sensible.

Validity

- 3.19 The relevant date for beginning an application determination period (start date) is the first day following the date on which a valid application is received by a Local Authority.
- 3.20 In addition, it is proposed to provide a specific list of the information that must be provided to ensure an application is valid. This may include additional information required by a Local Planning Authority. Further information can also be requested within 5 days of the receipt of an application.

Comments

- 3.21 The lengthening of the period before which applicants can appeal major applications is certainly to be welcomed.

- 3.22 The basic information to be provided with an application is clear and this can be expanded, provided a Local Planning Authority publishes their additional requirements. The Authority can also request information within 5 days of the receipt of an application; this is a helpful arrangement, although should only be required in a small number of cases.

4 RECOMMENDATION

- 4.1 It is proposed that the Committee **RESOLVES**

That, subject to comments from Members, this report forms the basis of the Council's response to the Second Consultation Paper on Changes to the Development Control System.

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Background Papers:-

Changes to the Development Control System - Second Consultation Paper. ODPM.

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