

# TEWKESBURY BOROUGH COUNCIL

<b>Report to:</b>	Executive Committee
<b>Date of Meeting:</b>	6 April 2016
<b>Subject:</b>	Draft Response to Technical Consultation on the Implementation of Planning Changes contained in the Housing and Planning Bill
<b>Report of:</b>	Julie Wood, Development Services Group Manager
<b>Corporate Lead:</b>	Rachel North, Deputy Chief Executive
<b>Lead Member:</b>	Councillor D M M Davies
<b>Number of Appendices:</b>	Two

## **Executive Summary:**

The Department for Communities and Local Government are consulting on views on the proposed approach to implementing the planning provisions in the Housing and Planning Bill (the Bill) and some other planning measures.

The proposals contained in the Housing and Planning Bill contain several proposed changes to the way planning is delivered which, if adopted in their current form, could fundamentally change the way that the planning service in local government is delivered. It is therefore important that the Council responds to these proposals at this stage in the process of the Bill.

## **Recommendation:**

**To APPROVE the response to the consultation, as set out in Appendix 1, for submission to the Department of Communities and Local Government.**

## **Reasons for Recommendation:**

It is important that Tewkesbury Borough Council responds to the consultation to set out both comments in support of the proposed changes and those raising concerns to the proposed changes.

## **Resource Implications:**

As contained within the response document.

## **Legal Implications:**

None directly related to this report.

## **Risk Management Implications:**

None directly in relation to this report.

**Performance Management Follow-up:**

None.

**Environmental Implications:**

None in relation to this report.

**1.0 INTRODUCTION/BACKGROUND**

**1.1** The Department for Communities and Local Government issued a consultation on the planning provisions contained in the Housing and Planning Bill and some other planning measures on 18 February 2016. The closing date for responses is 15 April 2016. This consultation relates only to those planning provisions and measures and not to other provisions contained in the Housing and Planning Bill

**2.0 CONSULTATION TO THE PROPOSED PROVISIONS**

**2.1** The provisions contained in the Housing and Planning Bill include some proposals for major changes to the way planning is delivered. The consultation covers the following areas:

- Changes to planning application fees.
- Permission in principle.
- Brownfield Register.
- Small Sites Register.
- Neighbourhood planning.
- Local plans.
- Expanding the planning performance regime.
- Testing competition in the processing of planning applications.
- Information about financial benefits.
- Section 106 dispute resolution.
- Permitted development rights for state-funded schools.
- Changes to statutory consultation on planning applications.

**2.2** Some of the main proposals are highlighted below:

**Changes to planning application fees**

- Planning fees to adjust in line with inflation but only in areas where the local planning authority is performing well.

**Permission in principle**

- The introduction of a new 'permission in principle' route for obtaining planning permission. This is designed to separate decision making on 'in principle' issues (such as land use, location and amount of development) from matters of technical detail (such as what the buildings will look like). The Bill provides for permission in principle to be granted on sites in plans (local plans and neighbourhood plans) and Brownfield Registers, and for minor sites on application to the local planning authority.

### **Brownfield Register**

- The introduction of a Brownfield Register where Brownfield Registers become a qualifying document to grant permission in principle. Authorities will be expected to take a positive, proactive approach when including sites in their Registers, rejecting potential sites only if they can demonstrate that there is no realistic prospect of sites being suitable for new housing. There is an expectation that the large majority of sites on Registers that do not already have an extant planning permission will be granted permission in principle, and technical details consent subsequently, for housing.

### **Small Sites Register**

- The requirement to publish a Small Sites Register has particular utility in areas of high demand for self-build and custom housebuilding, as Councils will be required to permit sufficient serviced land to match demand.

### **Neighbourhood Planning**

- Proposals to set the various time periods for local planning authority decisions on neighbourhood planning; to set the procedure to be followed where the Secretary of State chooses to intervene in sending a plan or Order to a referendum; and to introduce a new way for neighbourhood forums to better engage in local planning.

### **Local Plans**

- Proposals to prioritise intervention in local plans where:
  - the least progress in plan-making has been made;
  - there is under delivery of housing in areas of high housing pressure;
  - policies in plans have not been kept up-to-date;
  - there is higher housing pressure; and
  - intervention will have the greatest impact in accelerating local plan production.

### **Expanding the Approach to Planning Performance**

- Extending the approach to planning performance to include applications for non-major development, to ensure that all applicants can have certainty in the level of service to be provided. The consultation includes revised thresholds for assessing the quality of performance on applications for major development and new thresholds for non-major development for both speed and quality; the approach to designation and de-designation for non-major development; and, which applications may be submitted to the Secretary of State in areas that are designated for their handling of non-major development.

## **Testing Competition in the Processing of Planning Applications**

- Introducing powers to enable the testing of competition in the processing of planning applications. The consultation proposes that, in a number of specific geographic areas across the country, for a limited period of time, a planning applicant would be able to apply to either the local planning authority for the area or an ‘approved provider’ (a person who is considered to have the expertise to manage the processing of a planning application) to have their planning application processed. This does not prevent local planning authorities from continuing to process planning applications nor does it force them to outsource their development management service – it means that other approved providers will be able to compete to process planning applications in their area. A number of companies already provide outsourced processing services for local planning authorities. Local planning authorities, in addition to processing planning applications in relation to land in their area, would also be able to apply to process planning applications in other local authorities’ areas. Decisions on applications, however, would remain the responsibility of the local planning authority. An approved provider would be able to process the application, having regard to the relevant statutory requirements for notification, consultation and decision making, and make a recommendation to the planning authority giving their view on how the application should be decided. It would be for the local planning authority to consider the recommendation and make the final decision, ensuring no loss of democratic oversight in planning decisions.

## **Information about Financial Benefits**

- The Bill proposes to place a duty on local planning authorities to ensure that planning reports, setting out a recommendation on how an application should be decided, record details of financial benefits that are likely to accrue to the area as a result of the proposed development. It also explicitly requires that planning reports list those benefits that are “local finance considerations” (sums payable under Community Infrastructure Levy and grants from central government, such as the New Homes Bonus). The Bill also provides for the Secretary of State to prescribe, through regulations:
  - other financial benefits beyond “local finance considerations”, that must be listed in planning reports if they are likely to be obtained as a result of the proposed development;
  - information about a financial benefit that must be recorded in a planning report; and
  - a financial benefit to be listed in the planning report where it is payable to another person or body other than to the authority making the planning decision.

The following should also be listed in planning reports where it is considered likely they will be payable if development proceeds:

- Council tax revenue.
- Business rate revenue.
- Section 106 payments.

## **Section 106 Dispute Resolution**

- Introduction of a dispute resolution mechanism for Section 106 Agreements. It is intended that this will be provided by a body on behalf of the Secretary of State, concluded within prescribed timescales and to provide a binding report setting out the appropriate terms where these had not previously been agreed by the local planning authority and the developer.

## **Permitted Development Rights for State-Funded Schools**

- The government is committed to ensuring that there is sufficient provision to meet growing school places and, therefore, where there is an identified need for school places, schools can open quickly on temporary sites and in temporary buildings while permanent sites are secured and developed. The intention is also to allow larger extensions to be made to school buildings in certain cases without the need for planning permission.

### **3.0 OTHER OPTIONS CONSIDERED**

3.1 None.

### **4.0 CONSULTATION**

4.1 None.

### **5.0 RELEVANT COUNCIL POLICIES/STRATEGIES**

5.1 None directly as a result of this report.

### **6.0 RELEVANT GOVERNMENT POLICIES**

6.1 This is a consultation on proposed changes to government policy.

### **7.0 RESOURCE IMPLICATIONS (Human/Property)**

7.1 None.

### **8.0 SUSTAINABILITY IMPLICATIONS (Social/Community Safety/Cultural/ Economic/ Environment)**

8.1 None.

### **9.0 IMPACT UPON (Value For Money/Equalities/E-Government/Human Rights/Health And Safety)**

9.1 None.

### **10.0 RELATED DECISIONS AND ANY OTHER RELEVANT FACTS**

10.1 None.

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**Appendices:**

1. Consultation Response.
2. Consultation Document.