

Then along comes another... planning bill

We have held back this issue by a few days to report the announcements from No 10, the minister and DCLG which herald more big changes to the planning system

Government publishes landmark Housing and Planning bill

The Government published its landmark Housing and Planning bill on Tuesday when the 119-page legislation had its introduction in the House of Commons without debate.

'Starter Homes' scheme

Among the provisions in this wide-ranging bill is the statutory framework for the Government's 'Starter Homes' scheme which includes a new legal duty to be placed on councils to guarantee the provision of 200,000 starter homes on all reasonably sized new development sites. These will be offered to first-time buyers at a 20 per cent discount on market price.

Another key measure provides ministers with powers to intervene to ensure that all councils have local plans in place by 2017.

Registers of brownfield land

In addition, the legislation introduces the requirement for local authorities to keep registers of brownfield land, an extension of the right-to-buy discount to some housing association tenants and a duty on local authorities to sell their most expensive vacant homes.

The bill also provides for automatic planning permission in principle on brownfield sites and introduces planning reforms to support small builders by

placing a new duty on councils to help allocate land to people who want to build their own home.

Measures to simplify and speed-up neighbourhood planning

Furthermore the legislation includes measures to simplify and speed-up neighbourhood planning, reform the Compulsory Purchase Order regime, extend the use of the planning performance regime to smaller planning applications and provide the Mayor of London with additional planning and housing powers.

Prescribed financial benefits

Also stipulated is a new requirement that "prescribed financial benefits which might accrue to the local area as a result of granting planning permission" are recorded in reports by planning committees and the planning authority itself.

In a separate but related move the Government has announced that local authorities will be able to bid for a share of a £10m Starter Homes fund (part of a £36m package to accelerate the delivery of starter homes) by helping councils prepare brownfield sites that would otherwise not be built on for starter homes.

— *Planning Portal Content Team*

DCLG on Neighbourhood plans and 'permission in principle'

DCLG laid the Housing and Planning Bill before Parliament on 13th October. This is the first stage of the Parliamentary process. Proposals to simplify and speed up neighbourhood planning feature in the Bill. DCLG will formally consult on the detailed secondary regulations that give effect to the primary powers, including statutory time periods and any related procedures, later in the year. The aim is for these reforms to come into force in 2016.

The Bill includes proposed powers for the Secretary of State to:

- Remove the requirement for Local Planning Authorities (LPAs) to consult on applications for designating certain types of neighbourhood planning areas, so their decision whether to designate is automatic. The types of areas that LPAs must designate will be set in regulations, but we anticipate this will be whole parish applications.
- In other cases where the LPA would still need to consult on designating neighbourhood planning areas, make the LPA decision to designate the neighbourhood areas automatic where the LPA does not issue a decision within existing time periods.
- Introduce statutory time periods for a LPA to decide:
 - o Whether a neighbourhood plan should proceed to referendum;
 - o In the rare cases where the LPA do propose to take a different view to the examiner, time periods to seek further representations, and make their subsequent decision;
 - o And to bring a neighbourhood plan into force following a 'Yes' vote at a referendum.

• Intervene if the LPA fails to decide on sending the plan to referendum within the prescribed time period or when the LPA disagrees with the examiner's report; and the neighbourhood planning group do not share the LPA's view.

• Ensure that neighbourhood forums have the right to be notified of planning applications made in their neighbourhood area as soon as they are designated.

Existing powers in legislation will be used to introduce time periods on LPA decisions, including the decision whether to designate a neighbourhood forum (unless there are competing forum applications) and to set a referendum date.

DCLG consider that these proposals will help groups maintain momentum through the neighbourhood planning process, and help reduce burdens on LPAs, particularly through no longer needing to consult on designating whole parishes. Around 90 per cent of applications for a neighbourhood planning area to be designated come from parish councils, with 90 per cent of those applying for their whole parish area.

Also provided for in the Bill are starter homes and 'permission in principle'. The Bill will enable LPAs or neighbourhood groups to grant permission in principle for suitable housing sites at the point when a site is allocated in an adopted local or neighbourhood plan document or a brownfield register. The Bill also provides a statutory framework for the delivery of starter homes.



Department for
Communities and
Local Government

From Generation Rent to Generation Buy

Extracts from the PM's speech to the Tory party conference:

"..When a generation of hardworking men and women in their 20s and 30s are waking up each morning in their childhood bedrooms – that should be a wakeup call for us.

We need a national crusade to get homes built..."

That is the Starter Homes bit - and then...

"....Increasing home ownership means something else.

For years, politicians have been talking about building what they call "affordable homes" – but the phrase was deceptive.

It basically meant homes that were only available to rent. What people want are homes they can actually own.

After all, the officials who prepare the plans for the new homes, the developers who build them, the politicians who talk about them...

...most of these people own the homes they live in.

Don't they realise other people want what they've got – a home of their own?

So today, I can announce a dramatic shift in housing policy in our country.

Those old rules which said to developers: you can build on this site, but only if you build affordable homes for rent...

...we're replacing them with new rules...

...you can build here, and those affordable homes can be available to buy.

Yes, from Generation Rent to Generation Buy..."

CLIPBOARD
extra

Permitted Development – Office to Residential

A press release issued on 13th October 2015 announced changes to the existing permitted development rights and the addition of new rights:

- The current permitted development rights for the conversion of offices to residential, which were due to expire in April 2016, will be made permanent
- Those who already have permission for a change of use from office to residential under these permitted development rights will benefit from a time extension to complete the change
- A new permitted development right is to be introduced, allowing for the demolition of office buildings and construction of new buildings for residential use
- A new permitted development right is to be introduced, allowing changes of use from light industrial buildings (Class B1c) and laundrettes (Class A1) to residential (Class C3).

The Government also stated that the areas in which 'office to residential' permitted development rights do not currently apply will have to make an Article 4 Direction before May 2019 if they wish to continue to determine applications for the change of use. Further details are expected on when these rights will come into force and the precise details of how they will be implemented.

The Housing & Planning Bill 2015

The Bill aims to assist the government in meeting its ambition of delivering one million houses by 2020.

The following planning highlights from the Bill have been identified

- Local Planning Authorities will need to prepare, maintain and publish a register of brownfield sites, with automatic 'permission in principle' granted for sites identified on these registers
- Local Planning Authorities must facilitate and promote the delivery of 200,000 new 'starter homes'
- There will be a legal duty for Local Planning Authorities to facilitate the delivery of starter homes
- Development Consent Orders for significant infrastructure projects can, for the first time, include an element of housing development
- Under-performing Planning Authorities must produce local plans by 2017, with the threat of Government intervention if this is not achieved. — *CgMs*

Back Down to earth...

Major schemes in London taking 34 weeks to get to a decision

The average length of time for major schemes to find out whether they get planning permission or not is taking more than double the government has said it should.

Whitehall has recommended that applications take 13 weeks to determine but a new survey out today has said the average figure in some parts of the country has now ballooned to 32 weeks. It said the worst affected areas were London, Greater Manchester along with Bristol and the surrounding area. The survey by the British Property Federation and property consultant GL Hearn found that lack of resources in planning departments was the single biggest reason for local authorities busting their deadlines.

BPF chief executive Melanie Leech comments: "This report shows quite clearly that local authority planning departments are struggling to cope as a result of the efforts to find savings across the public sector and that this is having a negative impact on local authorities' ability to deliver a timely and efficient service."

While the headline average wait was 32 weeks, in London this has now gone up to 34 weeks – up from last year's 28 weeks. The survey found that the volume of major planning applications determined in the capital had fallen by a quarter. — *David Rogers writing in BDonline*

And coming out of it...

Essential Living and Assael Architecture have won the Sunday Times housing project award for Creekside Wharf in Greenwich.

The 249-apartment scheme will encompass London's first family focused block specifically for long term rent. The development's two buildings with 189 and 60 units respectively will prioritise locals and encourage residents to socialise together in a top floor entertainment deck and in a coffee-house style lobby.

