

# Last fling for Pickles?

On 25 March, immediately before Parliament's pre-election break-up, Uncle Eric delivered a lengthy DCLG written statement to the House. Importantly for those involved with planning applications at the sharp end, this begins the removal of technical standards from planning departments and their transfer to building regulations



ERIC'S PLANNING PICKLES UPDATE

Entitled *Planning Update*, it summarised the Coalition Government's "achievements" in respect of planning policy – and (reading between the lines) could be taken as the swan song of our weighty Secretary of State, writes Andrew Rogers.

Thirteen subjects were covered, ranging from Solar Energy to Decision Taking. The statement was accompanied by a raft of changes and Ministerial edicts that included a completely refurbished Permitted Development Order\*, a consolidated Development Management Procedure Order (DMPO), publication of a new set of streamlined national technical standards for housing to be implemented through the planning system, and guidance on starter home design (with pictures!).

## The planning update in detail

For **solar energy** ("protecting the local and global environment") the new permitted development rules "encourage the take up of much larger scale solar power generation (solar voltaic) on non-domestic buildings and complement the existing flexibilities for home-owners". It follows the comprehensive solar photovoltaic strategy that was published by the government last year.

Funding has been agreed for local authorities to help deliver **200,000 new homes on brownfield land** across the country; and the challenge is for local authorities to have Local Development Orders in place on more than 90 per cent of brownfield sites suitable for new homes by 2020.

It is proposed that "a new evidence-based **planning and recovery policy for the green belt**" will be introduced early in the next Parliament to mitigate harm that takes place when there is unauthorised development in advance of planning permission.

In conjunction with the Home Office and Ministry of Justice, updated guidance has been published on **unauthorised encampments** and the powers that public bodies have; at the same time guidance from May 2007 relating to Gypsies and Travellers has been revoked.

**Parking policies and standards** have again shifted in emphasis. Following the government's abolition of national maximum parking standards in 2011, paragraph 39 of the NPPF has been amended to include this text: "Local planning authorities

should only impose local parking standards for residential and non-residential development where there is clear and compelling justification that it is necessary to manage their local network." At the same time, after previous guidance to help householders rent out under-used car parking spaces, local authorities are advised that non-residential parking space could also be rented out.

The processing of planning applications continues to be streamlined, with new measures in the **revised DMPO** to include changes that improve the process of statutory consultation and the introduction of a new 'deemed discharge' of conditions to ensure that planning conditions are cleared on time "so that homes and other development granted planning permission can start on site without delay".

The Deregulation Act 2015 has provisions that allow much more flexibility for **short term lets** ("championing the shared economy"), subject only to specific and localised restrictions.

Several revisions and clarifications are being made to **planning guidance**. These include: better pre-application and examination procedures for nationally significant infrastructure projects; updated guidance on hazardous substances and environmental impact assessment screening thresholds; tackling delays associated with section 106 planning obligation negotiations, with relaxed thresholds designed to encourage empty buildings to be brought back into use; new social housing relief rules under the amended Community Infrastructure Levy regulations to help increase the delivery of affordable housing; support for the provision of dedicated student accommodation and the Build to Rent sector; improved awareness of the New Homes Bonus; and clearer rules for the assessment of housing need.

New **flexibilities for change of use** to support brownfield regeneration have been introduced including: wider scope for changes between shops and financial and professional services; change from more business uses to residential and extension of the period for bigger domestic additions (extension of the office to residential use period to be considered later); longer periods for commercial filming; making permanent the allowance for larg-

er business extensions and like-for-like replacements within waste management facilities; and a new requirement for planning permission for any change of use to a betting or pay day loan shop.

An exemption from the proposed **Zero Carbon Homes** standard due to be implemented in 2016 for housing sites of ten or fewer units, but with powers in the Infrastructure Act 2015 to enable off-site carbon abatement measures (Allowable Solutions) and proposals to strengthen minimum on-site energy performance requirements in the future.

A new approach to the setting of **housing standards**, especially as related to paragraphs 95, 174 and 177 of the NPPF, new national space standards, and new additional optional Building Regulations on water and access.

New **plan making procedures** require the removal in from emerging Local Plans, neighbourhood plans or supplementary planning documents of any additional local technical standards or requirements relating to the construction, internal layout or performance of new dwellings – including the withdrawal of the **Code for Sustainable Homes**. Thus the new national technical standards should only be required through new Local Plan policies if they address a clearly evidenced need (and where their impact on viability has been considered). Planning authorities should review their local information requirements to ensure that technical detail that is no longer necessary is not requested to support planning applications.

For the purposes of decision taking, transition and compliance, between the end of March, when the Deregulation Act 2015 came into force, and 30th September 2015 "planning permissions should not be granted requiring, or subject to conditions requiring, compliance with any technical housing standards other than for those areas where authorities have existing policies on access, internal space, or water efficiency", and from 1st October 2015 "decision takers should only require compliance with the new national technical standards where there is a relevant current Local Plan policy". ■

\*The Town and Country Planning (General Permitted Development) (England) Order 2015