

PLANNING BRIEFING NOTE

March 2015

FURTHER PLANNING REFORM

OVERVIEW

The last full week of March saw the Government lay before Parliament a number of pieces of secondary legislation, which will bring into effect a range of changes upon which it had consulted in 2014. New housing standards and other guidance have also been published.

INTRODUCTION

In July 2014, the Government consulted on a wide range of changes to the planning system. In late March 2015, with the dissolution of Parliament fast approaching, legislation was laid before Parliament which will bring into effect a number of the changes, albeit in slightly revised form in some cases. We take a look at the key changes below.

NEW PERMITTED DEVELOPMENT RIGHTS AND CHANGES TO USE CLASSES

The changes will:

- Allow the change of use of an A1 use to A2 use (including banks) without the need for planning permission or prior approval (and without the need to notify the local authority after the change has been made)
- Allow the change of use of amusement arcades/centres and casinos to C3 residential, subject to prior approval (effectively a 'light touch' planning permission) and provided that, among other things, the floorspace does not exceed 150 sq m
- Allow the change of use of A1 and A2 uses to D2 assembly and leisure, subject to prior approval and provided that, among other things, the floorspace does not exceed 200 sq m
- Allow the change of use of A1 and A2 uses, betting offices, pay day loan shops and casinos to A3 restaurants and cafés, subject to prior approval and provided that, among other things, the floorspace does not exceed 150 sq m
- Make betting offices and pay day loan shops 'sui generis' (in a class of their own) rather than A2, so that planning permission will be required to change to either of these uses
- Allow 'click and collect' facilities to be provided within the curtilage of a shop, subject to prior approval and meeting various conditions
- Allow loading bays for shops to be increased in size, subject to meeting various conditions
- Allow the change of use of B8 storage/distribution floorspace to C3 residential, subject to prior approval and provided that, among other things, the floorspace does not exceed 500 sq m

These changes will take effect on 15 April 2015. They apply only to England.

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'DEEMED DISCHARGE' OF CONDITIONS

New legislation also allows applicants to assume that a planning condition is 'deemed discharged'. In order to take advantage of this arrangement, the legislation says that:

- The applicant must have first applied to the local planning authority for the consent, agreement or approval required by the condition
- Deemed discharge may only take effect where the local planning authority has failed to determine that application within the determination period

The new arrangement comes into force on 15 April 2015. It applies only to England.

NEW HOUSING SPACE STANDARDS

The Government has published a new 'Nationally Described Space Standard' for housing.

The standard deals with internal space within new dwellings and is intended for use across all tenures. It sets out requirements for the Gross Internal Area of new dwellings at a defined level of occupancy as well as floor areas and dimensions for key parts of the home: notably bedrooms, storage and floor to ceiling height.

Local planning authorities can choose to apply the new standard if they wish, although the Government has said that it does not expect them to apply it in decision-making until October 2015. The new standard applies only to England.

NEW GUIDANCE ON SECTION 106 NEGOTIATIONS

Updated planning guidance says that negotiations on section 106 planning obligations should be concluded within the statutory timescales for making decisions on planning application. The updated guidance also promotes the use of standard forms and templates to assist with the process of agreeing planning obligations. The guidance applies only to England.

NEW ADVICE ON PARKING

Parking standards are already covered in paragraph 39 of the National Planning Policy Framework. It says that if setting local parking standards for residential and non-residential development, local planning authorities should take into account a range of factors, including the accessibility of the development, the type of development, the availability of public transport and local car ownership levels;

The Government has gone further and is now seeking to restrict the circumstances in which local planning authorities should impose local parking standards. It says parking standards should only be imposed 'where there is clear and compelling justification that it is necessary to manage their local road network'. The guidance applies only to England.

COMMENTARY

The new measures are many and varied. Some are more welcome than others, but in most cases they should help to speed up the planning process and ensure that planning is more responsive to market demands. But what is most notable is that the Government did not extend the existing 'office to residential' permitted development right. A decision on whether that right should be extended will be left to the next Government.

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