



Changes to permitted development rights...panacea, placebo or simply more problems!

As reported in RCA Regeneration's January bulletin, the Government has made significant changes to permitted development rights including their flagship project of allowing the conversion of offices to residential use without the need for planning permission. The Secretary of State for Communities and Local Government announced at the time that "We're also providing a great opportunity for outdated, redundant or underused offices to be brought back to life by converting them into homes"

However such a move has not been without objection. Currently both the London Borough of Richmond upon Thames and Brighton and Hove City Council have indicated their intention to revoke these permitted development rights using an Article 4 designation. In taking this one step further, the London Borough of Islington has submitted papers seeking a judicial review of this Government initiative with the backing of Richmond Council as well as the London Borough of Tower Hamlets. Considering the judicial review process of other Government 'flagship' planning initiatives then this issue may well run and run. Those seeking to take advantage of these permitted development rights still must adhere to the amended prior approval process and through our detailed understanding of permitted development rights, RCA Regeneration are well placed to advise and provide support on this matter.

Have the requirements for a Design and Access Statements really been simplified?

The Government has amended the requirements for when Design and Access Statements are required. Previously all planning applications were required to be accompanied with a Design and Access Statement except for changes of use where no structural development was proposed. However just over a month ago the Government adopted new regulations that mean Design and Access Statements are only required for major developments (10 or more dwellings or non-residential development in excess of 1,000 square metres). However for development within Conservation Areas or on buildings within the World Heritage List then the thresholds are reduced with a Design and Access Statement being required for development comprising of 1 or more dwellings or non-residential development of 100 square metres.

Upon the announcement of these changes, the Government said "Reducing the

number of applications that require a design and access statement would remove statutory burdens on applicants”. However this may not be the case. The national validation list of planning applications states that a Design and Access statement must be submitted where required. However Local Planning Authorities have the ability to prescribe their local list of planning application requirements. Within these lists a number of Local Planning Authorities merely transposed the previous thresholds for supporting information. As such Local Planning Authorities can still request a Design and Access Statement for development below Government thresholds. Until such time as local lists are updated, the requirements for supporting information may well vary dramatically between different Council’s. As a result, those seeking to submit a planning application should pay close attention to the content of the local lists.

Money is the route of all permissions?

As previously highlighted in RCA Regeneration bulletins, Government amendments to planning guidance has emphasised the importance of viability. Examining a number of recent appeals shows the variation in decisions on viability challenges. Back in May two appeal decisions were published; one an Inspector decided an affordable housing requirement of 35% was viable but in a separate decision another Inspector concluded that an affordable housing quote of 25% was not viable.

This variation is perhaps not too surprising. Firstly viability is often subject to site specific issues (e.g. land contamination, property values and build costs). Secondly the emphasis on viability is still emerging and, while many Local Planning Authorities are proactively engaging in discussions with developers, not all Council planners have a complete understanding of development economics.

RCA Regeneration has extensive experience in this area having conducted around 35 appraisals in the last 4 years on behalf of local authorities. In addition, RCA Regeneration has prepared a number viability cases for private sector developers and has been successful in saving clients substantial costs, as well as reducing obligations in order to make schemes viable. Potential clients should be aware that not only are both Directors Chartered Surveyors but also the Company as a whole is regulated by the Royal Institution of Chartered Surveyors (RICS).

Local Authority round-up:

As part of our RCA Regeneration bulletin, we have now included a section highlighting important issues in certain Local Planning Authority administrative boundaries where our clients operate.

A number of Local Planning Authorities are advancing their statutory development plans. In the upcoming weeks the South Worcestershire Development Plan (Worcester, Malvern and Wychavon Council’s) Examination in Public will begin for which RCA Regeneration has been instructed by a number of clients to make representations. Alongside this Herefordshire Council’s Core Strategy is to be subject to pre-submission consultation starting in August / September. Again, RCA Regeneration will be making representations on behalf of clients during this time.

In terms of development management issues, a developer has just received permission at appeal for a residential development on a site within Malvern Hills District Council’s administrative boundary. While the Council acknowledged that they could not demonstrate a 5 year housing land supply, their argument centred on the principle that “regardless of the housing land supply position, the appeal proposals fail to accord with The Framework because they propose poor design”. However the Inspector concluded “that the moderate extent of this harm would not significantly or demonstrably outweigh the clear benefits of providing sustainable

mixes of market and affordable homes". This appeal is a prime example of the importance of 5 year housing land supply in the decision making process.

RCA Regeneration are well placed to advise on these and other matters; please feel free to give us a call or pop in for a chat: www.rcaregeneration.co.uk

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