1. **Purpose of Report**

1.1 To advise the Committee of the main proposals contained in the above consultation published by the DCLG, their implications for Cannock Chase District, and to seek agreement for the Council’s formal response to be delegated to the Corporate Director subject to consultation with the Chairman of this Committee, the Chairman of the Planning Control Committee and the Cabinet Leader for Economic Development & Planning.

2. **Background**

2.1 On 31 July 2014, the DCLG published an extensive consultation document covering numerous aspects of the planning system. The thrust of most of the proposals is one of deregulation and streamlining, but a small number of the provisions seek to provide local planning authorities with greater controls. Many of the proposals are intended to make permanent a number of temporary arrangements which were introduced in order to stimulate development during the recession, whilst others were announced during the most recent Budget. The deadline for comments to be received by the DCLG is 26 September 2014.

2.2 As noted above, the scope of the consultation document is very extensive, covering six different subject areas in 98 pages. Therefore, this note provides only a brief summary of the main elements and an initial assessment of their implications. The six elements in the consultation are:-

- Speeding up Neighbourhood Planning.
- Expansion of permitted development rights.
- Improvements to the use of planning conditions.
- Improved engagement with statutory consultees.
- Raising the screening thresholds for environmental impact assessments.
- Widening the range of consents within the Development Consent Orders which nationally significant infrastructure works are enabled.

3. **The Technical Consultation on Planning**

**Section 1: Neighbourhood Planning**

3.1 This section of the consultation is about proposed regulatory changes to the neighbourhood planning system introduced via the Localism Act 2011. The most significant aspect is a proposal to introduce a 70 day time limit within which local planning authorities must take decisions on certain applications to be designated. It
also seeks views on changes to the pre-submission consultation and publicity process for
neighbourhood plans and neighbourhood development orders, and the
documentation that must accompany a neighbourhood plan when submitted to a local
planning authority.

3.2 The absence of any clearly defined timescales to support the process to designate a
neighbourhood area is probably an anomaly which Central Government would need to
address at some point. However, it is questionable if a 70 day timescale is adequate
bearing in mind the requirement for a minimum six week consultation and subsequent
publication of a notice outlining the details of the designation or the reasons for non-
designation. The remaining proposals are largely procedural and will have limited
implications. The District already has one designated neighbourhood area in Brereton
& Ravenhill, whilst a second area, covering the Hednesford Town Council area, is
currently the subject of consultation.

Section 2: Reducing Planning Regulations

3.3 The most extensive proposals are contained within Section 2 of the consultation and
are aimed at reducing planning regulations on businesses, creating flexibility to adapt
existing premises for new uses and widening the range of uses which can be
converted into housing through permitted development rights. There are also
proposals to support growth and diversification within the high street. These changes
will be achieved via revisions to the Town and Country Planning (General Permitted
Development) Order 1995 (as amended) and the Town & Country Planning (Use
Classes) Order 1987 (as amended). Specific proposals include the widening of
permitted development rights to allow change of use from B1 light industrial units, B8
warehouses and storage units, offices and some other uses into residential to
increase the housing supply. A further proposal involves a requirement for premises to
be used as a betting shop or by a pay day loans company to secure planning
permission for such a change of use. Currently a premises with an A2 Use Class can
become a betting shop or pay day loan shop without the need for planning permission.

3.4 The proposal which is likely to have most implications locally is the proposal to make
currently time-limited permitted development rights for the extension and alteration of
most residential premises, permanent. Members will be aware that in May 2013
temporary increased limits were introduced to allow for single storey rear extensions
on dwelling houses via a neighbour notification process rather than a planning
application. Extensions progressed under such rights would need to be completed by
May 2016 under the current temporary regulations. The proposals would remove this
time limitation. Previous deregulation to allow offices to be converted into residential
accommodation has generated some interest in the District. Crown House opposite
the Civic Centre in Cannock, now has residential consent for the upper floors and a
second application is pending on the ground floor. The introduction of an additional
range of uses deemed appropriate for such conversions is unlikely to result in much
additional local interest by virtue of the physical characteristics of such buildings, their
location and the high cost of conversion. The proposal to require betting shops and
pay day loan outlets to secure a change of use planning permission should be
welcomed and will support the Council’s efforts to improve the offer in the District’s
three town centres.
Section 3: Improving the Use of Planning Conditions

3.5 The proposals in this Section of the consultation have two elements. Firstly, to ensure that planning conditions are appropriate and do not act as barrier to achieving timely development. Secondly, that they should be discharged within a prescribed timescale and failure to do so will result in a deemed discharge.

3.6 The implications of these proposals need to be fully assessed. An initial view is that the proposals may be justified in certain circumstances, but fail to recognise that there is also a responsibility on the part of applicants to ensure that information also needs to be provided to the local planning authority in a timely manner to ensure that planning applications can be registered without delay and that subsequent discharge of conditions is also a two way process. For instance the consultation does not acknowledge that some pre-commencement conditions are imposed by planning authorities because the details have not been provided by the applicant or their agent. Finally, Members may recall that Cannock Chase Council implemented a ‘Red Carpet’ approach to the progression of planning applications during 2012 which has facilitated a proactive approach and engagement at the pre-application stage to spot potential issues and agree on information required to support an application.

Section 4: Planning Application Process Improvements

3.7 These proposals are aimed at streamlining the consultation process, particularly with statutory consultees, by changing the thresholds for such consultations and introducing a more proportionate approach. Changes are also suggested to the referral of heritage matters to the Secretary of State. Other proposals include a requirement for local planning authorities to ensure that railway infrastructure managers are notified of all planning applications where development is proposed near a railway. The implications of these proposals locally are considered to be minimal.

Section 5: Environmental Impact Assessment (EIA) Thresholds

3.8 The consultation seeks views on proposals to raise thresholds for screening projects which may require an environmental impact assessment. The result of the changes will potentially reduce the number of projects which will need to be screened and in turn those which are likely to require an EIA. As there are comparatively few projects in Cannock Chase which fall into this category, the proposed changes are likely to have minimal impact locally.

Section 6: Improving the Nationally Significant Infrastructure Regime

3.9 Through the Planning Act 2008, a new regime for allowing certain types of nationally significant infrastructure was established. These included major energy projects, railways, ports, major roads, airports, water and waste projects. The aim of the proposals is to simplify and speed up planning consent for such projects by reducing the number of separate applications and permits and enabling faster decisions while ensuring consultation with communities and other interested parties. The nature of these changes is unlikely to have any significant implications locally.
4. **Recommendation**

4.1 That the Economic Development & Planning Policy Development Committee notes the proposals contained within the Technical Consultation on Planning and authorise the Corporate Director to submit the Council’s formal response to the DCLG in consultation with the Chairman of the Committee, the Chairman of the Planning Control Committee and the Cabinet Leader for Economic Development & Planning.