Report to	Sustainable development panel	**Item**
	24 September 2014	
Report of	Head of planning service	5
Subject	Response to the government's technical consultation on planning reforms	

Purpose

This report is about the recent technical consultation by the Department for Communities and Local Government (CLG) which seeks views on further prospective changes to several different aspects of planning regulation and procedure, following on from reforms already introduced over the past two years. The proposed reforms are significantly more wide ranging than previously, covering not only a further round of changes to permitted development rights, but also proposing to streamline procedures relating to neighbourhood planning, environmental assessment, the use of planning conditions and other aspects of the development management process.

Recommendation

To consider the report and comment on the proposed thrust of response before it is formally submitted to the Department for Communities and Local Government by the deadline of 26 September.

Corporate and service priorities

The report helps to meet the corporate priority A prosperous city and the service plan priority to respond appropriately and effectively to ongoing legislative changes.

Financial implications

These cannot be quantified in detail, although the implications of changes to the prior approval regime so far introduced are set out in paragraph 11 and 12 of the report.

Ward/s: All

Cabinet member: Councillor Stonard – Environment and transport

Contact officers

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Background documents

None

Report

Introduction

1. On 31 July 2014 the Department for Communities and Local Government (CLG) published a *Technical Consultation on Planning.* While previous consultations have tended to concentrate on a relatively narrow range of matters – for example extending rights to carry out specific types of development or change the use of premises without planning permission – the proposals in this paper are significantly more detailed and wide-ranging.

2. The paper contains a total of 76 questions seeking views on a number of additional deregulatory and procedural changes the Government wishes to make to the planning system nationally. It not only seeks further deregulation in relation to permitted development rights, but also proposes to streamline the process for neighbourhood plan making, improve the use of planning conditions, change and speed up processes for statutory consultation on planning applications, reduce the need for environmental impact assessment for industrial and other urban development projects and amend aspects of the recently introduced national infrastructure planning regime. All these changes are being presented as part of the general drive to cut "red tape", increase flexibility and facilitate beneficial development and growth.

Context - previous stages of national planning deregulation and the council's response

3. This consultation follows on from a series of changes to planning regulations (principally to the General Permitted Development Order) introduced between October 2012 and April 2014. The government has consulted on several separate rounds of substantive changes to planning regulations since it was elected, as well as issuing a series of ministerial statements on various individual reforms. Key consultations include:

    - *Planning for schools* (October 2010) – consultation on proposed new permitted development rights allowing the change of use of a range of commercial, residential and other premises to schools.
    - *Relaxation of planning rules for commercial to residential changes* (April 2011) – prospective new permitted development rights for office, light industrial and warehouses to change to residential use as well as doubling the permitted number of residential units that could be introduced above shops from one to two.
    - *Renegotiation of s106 planning obligations* (August 2012)
    - *Parliamentary written statement on housing and growth* (September 2012): this was the overarching statement which set out the government's intention to progress a wider package of measures to stimulate investment in housing and reduce administrative burdens, both by increasing the range of development that would no longer need planning permission and reducing the complexity of the planning process itself.
    - *Technical consultation on extending permitted development rights for homeowners and businesses* (October 2012) – measures largely

concerned with increasing the permitted size thresholds for residential and commercial extensions

- *Housing design standards review* (August 2013) – Proposals to rationalise national housing standards by reviewing and consolidating building regulations and code for sustainable homes provisions and reviewing the scope of local design standards to remove overlap and reduce complexity (the government published a further consultation on possible consolidated standards on 12 September 2014).
- *Greater flexibilities for change of use* (August 2013) – a series of proposed reforms introducing new permitted development rights for commercial uses to change to housing, childcare nurseries and state funded schools, and allowing the change of use of shops to banks and building societies within size limits.

4. Whilst recognising that some of these proposals have merit, the city council has maintained opposition to many of new measures which would weaken or otherwise reduce the effectiveness of adopted and emerging planning policy. We have repeatedly expressed concern that reforming the planning system through a series of piecemeal changes is a misconceived approach and the cumulative impact of changes has been poorly thought through. In our view, constantly extending the range of development that no longer needs planning permission can only erode democratic accountability by reducing opportunities for local people to have a meaningful say on development proposals that affect them. This appears directly contrary to the government's stated aim to increase the involvement of local communities in the planning process – to "put communities in the driving seat" as stated by the planning minister in the introduction to this consultation paper.

5. We have also expressed longstanding concerns that continuous planning deregulation of this nature reduces the ability of the planning system to positively shape development, protect amenity and manage change to support sustainable growth. For Norwich, this means that some aspects of adopted planning policy in the *Joint core strategy* – most obviously its requirement to promote and retain office employment in the city centre – are being significantly weakened. At the same time, policies in Norwich's own emerging local plan have had to be repeatedly reviewed even as they are being drafted to keep pace with constant legislative changes and ensure that they remain sound and legally compliant through examination. Given the government's emphasis on the primacy of an up to date local plan it appears perverse to have introduced measures that in some cases would make the policies in that plan virtually unimplementable. This does not make for a stable and effective planning system and will not deliver certainty for developers.

6. Officers have also highlighted deficiencies in the new prior approval regime. This seeks to speed up the planning process by replacing full planning applications for certain kinds of development with a simplified prior approval application requiring only that the proposal should meet basic tests on matters such as flood and contamination risk, economic and highways impacts before it can proceed. While undoubtedly making for a speedier determination process for applicants and case officers, the downside of prior approval is that it often appears little more than a "tick box" exercise which precludes a broader consideration of relevant planning issues and effectively excludes elected members from decision making. Not only do the prior approval tests so far introduced vary according to what form of development is proposed (without

any obvious logic or consistency); but the process fails in many cases to deliver basic safeguards such as securing a satisfactory standard of living accommodation, design and outlook for occupiers or preventing harmful impacts from adjoining uses – matters which should be the proper concern of local planning policies. Overall, the introduction of what is effectively a completely new tier of consent application has sped up the decision-making process in some areas but increased the administrative and technical burden in others and has substantially reduced fee income. In the longer term this will clearly have implications for resources and service delivery. Far from simplifying the system, the government's changes have so far (in our view) made it even more complex and confusing for users and planning practitioners alike.

The current proposals

7. The proposals being consulted on build on previous reforms and are being presented as the culmination of a continuous process of planning deregulation to facilitate and remove barriers to growth, taking forward many of the ideas initially announced in the parliamentary statement of September 2012. Up until now the measures introduced by government have concentrated largely on extending permitted development rights. The proposals in this consultation paper go much further, seeking views in addition on a range of process improvements to both plan making and the planning consent regime. The consultation covers the following matters:

    - Proposals to change the **neighbourhood planning system**;
    - A further significant extension of **permitted development rights** to reduce the number of proposals requiring planning permission and expand the use of the fast track prior approval system;
    - Proposals to improve the use of **planning conditions**;
    - Proposals to improve **engagement with statutory consultees**;
    - Raising the screening threshold for when an **Environmental Impact Assessment (EIA)** is required for industrial estate and urban development projects located outside of defined sensitive areas;
    - Proposals to improve the **nationally significant infrastructure planning regime**, amending regulations for making changes to Development Consent Orders, and expanding the number of non-planning consents which can be included within Development Consent Orders.

    The main proposals, and summarised proposed comments to be submitted on behalf of the city council, are set out below. The consultation document itself can be accessed here:

    https://www.gov.uk/government/consultations/technical-consultation-on-planning

Neighbourhood planning

8. Proposals to reform the neighbourhood planning regime are as follows:

    a) A proposed new 10 week time limit on local planning authorities to determine applications for neighbourhood plan designation, potential reduction of neighbourhood plan funding for councils if a determination is not made within prescribed period; eventual provisions for automatic designation of a

neighbourhood plan area if a local authority fails to determine an application for designation in the prescribed period.

b) Proposed abolition of the current mandatory six week pre-submission consultation period for neighbourhood plans, replaced by a basic test of whether the scope and nature of consultation has been adequate.
c) A new mandatory requirement for neighbourhood planning bodies to consult landowners affected by proposals in neighbourhood plans.
d) Provisions to clarify requirements for the submission of environmental assessments and supporting information with neighbourhood plans.

Comment: Neighbourhood planning provisions don't directly affect Norwich at present since there are no active proposals for such plans in this area. However officers are concerned that the proposed removal of a statutory pre-submission consultation period will give less opportunity for public engagement at the start of the process and reduce transparency and accountability in general, particularly as neighbourhood planning bodies may not be fully representative of community views. A statutory pre-submission consultation remains a requirement for local plan documents prepared by the local authority, which appears discriminatory. We welcome the moves to clarify the circumstances where environmental assessments are necessary for neighbourhood plans and the proposed statutory requirement for a minimum level of environmental information – confusion over this issue has often been a factor in delaying the process where neighbourhood plans have been taken forward.

Further permitted development rights changes

9. An extensive range of proposals to extend permitted development rights beyond those already introduced are now proposed, as follows:

    a) Proposed new permitted development right to change B1(c) **light industrial and** B8 **warehouse premises** to housing. Prior approval tests would be needed on traffic, flood risk and contamination (these are the same as the tests currently required for permitted change of use of B1(a) offices to housing introduced in 2013) plus an additional prior approval test on noise. The permitted development right would not apply to listed buildings, scheduled ancient monuments, SSSIs, notifiable hazard areas or military explosive sites. The consultation is asking for views on whether the right should apply in Article 1(5) land - that is, conservation areas, National Parks, the Broads and World Heritage sites - and whether a size limit is needed. Views are also requested re a possible prior approval test to assess the impact of housing on neighbouring commercial businesses (but not vice versa).

Comment: Officers are opposed to this proposal. Exempting conservation areas may not make any salient difference as many industrial premises targeted for conversion might be outside conservation areas anyway, and the issues around introducing housing in predominantly commercial areas will differ in individual circumstances whether the site concerned has conservation area status or not. The main concern is that these proposals could make it very difficult to secure basic standards of amenity, outlook, design and layout for the occupiers of residential accommodation in former industrial premises. Aside from immediate noise impact there would be no opportunity to influence any of these matters through the planning process. These arguments were also put forward in relation to the office to residential change rights already introduced. In particular we have

highlighted the potential unsuitability of premises in industrial areas, traffic and parking issues, loss of land required for employment purposes (which would undermine adopted and emerging policies seeking to protect a supply of land and suitable premises for business use) and potential conflicts with and wider economics impacts on neighbouring commercial businesses from new residents raising legitimate noise concerns.

b) Proposed new permitted development right to change **amusement centres, casinos, nightclubs and laundrettes** to housing and carry out building work associated with the change of use. Prior approval tests would be needed on traffic, flood risk and contamination (as above) but *not* one on noise. The permitted development right would not apply in Article 1(5) land nor to listed buildings, scheduled ancient monuments, SSSIs, notifiable hazard areas or military explosive sites. The consultation is asking for views on whether a size limit is needed and on a potential prior approval test for design and external appearance.

Comment: Officers are opposed to this proposal. Nightclubs and amusement centres tend to cluster in small areas of town and city centres and are seldom freestanding, therefore it is very likely that occupiers of converted residential accommodation introduced through this route would be exposed to harmful impacts from retained commercial uses in the vicinity. Notwithstanding that these rights would not apply in conservation areas it is likely that reasons for refusal for the conversion of a nightclub to housing in the city centre would need to be based solely on conservation reasons and not on reasons related to amenity or noise. Even with a size limit there would be little to prevent housing being introduced within the same building envelope as a nightclub. There are, consequently, fundamental concerns about the impact of this proposal both on prospective residents and on the economic security of established nightclub operators nearby that could be exposed to legitimate noise nuisance complaints. We consider that the proposal would erode appropriate and necessary planning safeguards within the Late Night Activity Zone and make emerging development management policies to manage uses within that zone largely ineffective.

c) The existing temporary permitted development right to change B1(a) **offices** to housing (introduced in May 2013 and intended to run to 2016) is proposed to be made permanent, also the time limit for implementing office to housing schemes already granted prior approval is proposed to be extended to 2019. The prior approval tests on traffic, flood risk and contamination would remain. The consultation is seeking views on the wording of an additional prior approval test to assess the impact of the loss of the "most strategically important office accommodation". As now, the permitted development right would not apply to listed buildings, scheduled ancient monuments, SSSIs, notifiable hazard areas or military explosive sites, but would apply everywhere else: the current limited area-specific exemptions introduced in 2013 would be abolished.

Comment: Officers welcome the somewhat belated recognition from government that the most strategically important office space in a local authority area might need protecting, but are sceptical about how it could be defined in a "one size fits all" prior approval test applicable in all circumstances. We would argue that protection of an appropriate supply of office space to support business - and deciding where the most strategically significant space is - ought to be a matter for the local authority and relevant business interests to determine through a positively prepared local plan policy that meets the objectively

assessed needs of the area – precisely what the emerging development management policy on office development had been attempting to do. Evidence shows that the temporary office to residential permitted development rights introduced in 2013 have already resulted in some depletion of the office stock and employment base in the city centre. The majority of prior approvals granted in Norwich have been for the conversion of vacant and underused offices of generally poorer quality, however in one instance, more modern, good quality office space has been lost to allow conversion to a free school. Our fear is that introducing these rights on a permanent basis without appropriate local safeguards will continue to threaten prospects for retaining office employment in the city centre, undermining the adopted strategic policy approach of the JCS and emerging local plan policies to protect high quality office accommodation and promote significant floorspace growth. Because the prior approval tests for this category of development are so limited, there would continue to be no mechanism for the council to secure acceptable standards of design, layout, outlook or amenity for the residential occupiers of former office buildings. There would also be no opportunity to deliver much needed affordable housing so long as this category of conversion scheme does not require planning permission, nor could the introduction of housing in former offices in locations such as the Late Night Activity Zone be prevented. Despite offering some benefits to the housing supply in terms of absolute numbers, the continuing availability of an attractive low cost flat conversion option for housing developers (without their needing to provide affordable housing or any other planning obligation) is likely to distort the market and delay the beneficial regeneration of larger and more complex development sites.

d) The existing temporary permitted development right for larger **residential extensions** (introduced in May 2013 and intended to run to 2016) is proposed to be made permanent and the 2016 deadline for completion of extensions already granted prior approval would be abolished. A streamlined neighbour consultation and prior approval process (six weeks as opposed to the normal eight) is proposed.

<u>Comment</u>: The city council had expressed some reservations about the generous permitted size limits for rear extensions to dwellings introduced in 2013 and the effects this deregulation might have on neighbours and on the character of residential areas. There is an argument that retaining these provisions on a permanent basis – intended as a temporary measure to facilitate small building projects during the recession – could undermine strategic and local policies seeking to raise standards of design and safeguard amenity. However local evidence shows that this position is not clear cut. 61 prior approval applications for larger residential extensions have been dealt with in Norwich since the inception of the new prior approval regime (31 May 2013) up until 12 September 2014. Of these, eight were withdrawn or cancelled and 53 were determined under the new procedures. In the majority of cases (43) prior approval was issued automatically because there were no objections, but there were 10 cases where neighbours objected to proposals and a judgement needed to be made as to the degree of harm to amenity. In only two cases a proposed extension was deemed to harm the amenities of neighbours sufficiently to withhold approval. There are no local examples that Officers are aware of of clearly unacceptable development going ahead under the temporary powers officers thus tend to the view that the impact of the process reforms for larger extensions are unlikely to be problematic. Members views on this issue would be welcome.

e) It is proposed to merge and redefine the existing **A1 retail use class** (shops, hairdressers, post offices etc.) with the existing **A2 financial and professional services use class** (banks, building society offices, estate agents, solicitors, accountants, employment agencies etc.) so that changes of use could be freely made between them. Betting shops and pay day loan stores would however remain in a greatly reduced A2 use class, meaning that a planning application would be needed for a change of use from most other uses. There would be largely unchanged permitted development rights for certain changes of use within class A – this would mean, for example that there would be no additional safeguards protecting against the change of use of pubs (A4) to shops or their complete loss compared with the situation at present. Provisions for the temporary change of use of commercial premises for certain purposes for up to two years with prior notification would remain, as would the permitted development rights for the introduction of up to two flats above shops and the change of use of smaller shops to housing in some areas. Views are sought on appropriate definitions for a pay day loan store.

Comment: Officers welcome the proposed restrictions on betting shops and pay day loan stores – a move which has long been supported by this council – but consider it may be difficult to frame an effective definition of the latter. Under certain circumstances it is already possible to change smaller shops to banks and building societies under permitted development rights introduced in April 2014. We would support the inclusion of banks and building societies in an extended A1 use class (this was suggested in previous consultation responses) but would not necessarily support the inclusion of other uses currently in A2, which may have harmful impacts and could undermine the retail function of shopping frontages, undermining the effectiveness of emerging retail policy and SPD. There would be confusion between the "old" and "new" A2 definitions if betting shops remained in A2 – we have suggested it would be better to make them sui generis or create a separate new self-contained use class, for example A6. Should use class definitions change significantly it would be difficult to implement emerging retail frontages policy based on old definitions and draft SPD which has recently been consulted on might not only need a major review but the degree of flexibility inherent in the new proposals might make it virtually unimplementable.

Given the vigorous national campaigning for stronger planning controls to prevent the demolition or unregulated change of use of community public houses – a campaign which this council fully supports – we are disappointed at the lack of any proposals in this consultation to further limit permitted changes of use to public houses in use class A4. The only additional safeguard so far introduced would prevent a two stage permitted change from a pub to a shop or A2 use and then to housing, which the council highlighted as a potential loophole in the regulations when responding to a previous consultation. In late 2013, the then planning minister in response to local lobbying confirmed that regulations would be worded so as to make such a two stage change need full planning permission, and this has proved to be the case. However this is small comfort given the range of other uses that pubs can still be converted to under existing permitted development rights and these would not change under the current proposals. Following the Council resolution last year, officers are currently assembling a formal proposal to government under the Sustainable Communities Act to request a change in the planning regulations to tighten controls on pubs.

f) Proposed new permitted development right to change **A1 retail, A2 financial and professional services, amusement centres, casinos, nightclubs and laundrettes to A3 restaurants and cafés** subject to an upper size limit of 150 sq.m. There would be a new prior approval process in the form of a notification scheme to assess impacts of noise, odours, traffic and hours of opening on immediate neighbours; together with a proposed test to safeguard against loss of most valued local services and assess any impact on the town centre. The permitted development right would not apply to listed buildings, SAMs, SSSIs, hazard areas, military explosive sites or to uses commencing after the date of the Chancellor's autumn statement 2013. *Importantly, the council could not exercise the prior approval tests unless neighbours object*.

Comment: The proposal appears superficially attractive, but a streamlined consultation process has risks and would only work if sufficient information was required to be submitted with an application for an informed objection to be made. The right to be consulted and object only applies to immediate neighbours – but there would be no opportunity for them to assess harm from a prospective change without details of fume and flue, waste management and parking, etc. Even if these details were submitted, the council could not withhold prior approval if no-one objected, but there might still be obvious harm and legitimate concerns raised by others e.g. councillors, amenity societies, chamber of commerce, BID. Under the proposals the views of anyone other than immediate neighbours would be irrelevant and could not be taken into account. We consider that a workable definition of key services and assessment of town centre impact could be problematic. It would be difficult for applicants to understand the different rules applying to uses commencing before or after a date in autumn 2013 and complicated (and time consuming) for the council to assess when a use had actually commenced.

g) Proposed new permitted development rights to change **A1 retail, A2 financial and professional services, amusement centres, casinos, nightclubs and laundrettes** to D2 **assembly and leisure** (cinemas, music and concert halls, gyms, and swimming pools). No size limit is proposed. Prior approval tests would be needed on traffic, flood risk and contamination (these are the same as the tests currently required for permitted change of use of B1(a) offices to housing introduced in 2013) plus an additional prior approval test on noise. The rights would not apply in Article 1 (5) land nor to listed buildings, scheduled ancient monuments, SSSIs, notifiable hazard areas or military explosive sites or to uses commencing after the date of the Chancellor's autumn statement 2013.

Comment: Officers consider that this proposal and the rationale for it is flawed and damaging – with no constraints on size the new change rights would encourage larger out of centre retail units (and retail parks) to accommodate large format leisure uses which may have very different patterns of usage from retail. This is likely to perpetuate unsustainable patterns of development, increase the need to travel and lead to harmful diversification of use in out of town locations, with no opportunity to assess sequential suitability or impact on existing centres. This would critically undermine JCS retail strategy and adopted and emerging local plan policy requiring development to be prioritised in the city centre and a defined hierarchy of centres. More obviously, it directly contradicts national policy in the NPPF which also prioritises leisure uses in town

centres. It would be difficult for applicants to understand the different rules applying to uses commencing before or after a date in autumn 2013 and complicated (and time consuming) for the council to assess when a use had actually commenced.

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h) Proposed new permitted development rights to erect **ancillary buildings** in the curtilage of shops and extend **loading bays**. Limits apply re maximum size (20 sq.m), height (4m) distance from boundary (2m) and distance from highway (5m). A new prior approval test is proposed on design and external appearance. The right would not apply in Article 1(5) land or listed buildings, SAMs, SSSIs, hazard areas or military explosive sites.

Comment: The reforms here are limited, but in some circumstances the proposal could result in harm to immediate residential neighbours from intensification of activity and vehicle movements around shops and retail stores at unsociable hours. On balance officers consider it is more appropriate to keep current controls and require planning permission for these buildings: if a prior approval approach is taken, it should include an additional test re noise.

i) Proposed new permitted development right to allow commercial filming by film/TV companies, subject to prior approval on various matters and size limits on temporary structures.

Comment: No comments – this is not a significant issue in Norwich.

j) Proposed new permitted development right for the installation of photovoltaic panels (solar PV) up to 1MW on the roof of non-domestic building. There would be a prior approval test on siting, design and glare and proposals should not protrude beyond the roof slope. The rights would not apply to installations fronting a highway in Article 1(5) land, or to listed buildings, SAMs, SSSIs, hazard areas or military explosive sites.

Comment: Officers support these proposals subject to the proposed exclusions and size limits.

k) The new permitted development rights introduced for businesses in May 2013, increasing the size limits allowed for extensions to **shops, financial and professional services, offices, warehouses and industrial premises** are proposed to be made permanent.

Comment: The new permitted development allowances for larger commercial extensions introduced in 2013 have not led to significant problems in Norwich. However (as with the permanent removal of the temporary increased size limits on residential extensions) there is an argument that this move might reduce the effectiveness of the strategic policy approach in the JCS seeking to raise standards of design and weaken local policies on design and amenity. On balance officers consider that the proposal should be supported, as it will help to facilitate business expansion and is unlikely to have a significant long term impact on the environment and amenity.

l) Proposed new permitted development rights for waste management facilities, subject to size restrictions.

Comment: No comments – waste management facilities are a county matter.

m) New permitted development rights for equipment for sewerage undertakers, regularising the rules so that rights are the same as those already in place for water undertakers. Limits are proposed on size and cubic capacity of installations.

Comment: Officers support these proposals.

Other deregulatory measures

10. The following proposals relate to a potential further relaxation of planning restrictions on retail mezzanines and local parking standards, which are put forward as changes for discussion rather than firm proposals at this stage.

    Views are sought on a potential relaxation of the current 200 sq.m limit on **internal mezzanine floors within A1 shops**: this is presented as a proposal allowing retailers to "diversify their retail offer to support the town centre".

Comment: It is considered that these proposals would be very damaging – extended rights to install retail mezzanines are far more likely to be taken up on retail parks and larger out of centre stores than in the city centre because it would be significantly more straightforward to install mezzanines in larger single span buildings than in more traditional city centre premises. Consequently (as with the proposals in (g) above on leisure uses) the move is likely to intensify retail use in unsustainable locations and perpetuate an unsustainable pattern of development, with reduced opportunity to assess sequential suitability or impact. The government's argument that this move would support the town centre is frankly baffling. Again it would undermine an adopted JCS retail strategy and policies seeking to prioritise retail development in the city centre and a defined hierarchy of centres, directly contradicting NPPF national policy to support town centres. The proposal would make emerging DM policy DM18 less effective, particularly in relation to its intended restraint of new retail development at Riverside on traffic grounds.

    Views are sought on whether parking policy needs to be strengthened to tackle on-street parking problems by restricting local authority powers to set **maximum parking standards**.

Comment: The city council's maximum parking standards reflect longstanding local policy aims to restrain traffic growth by managing the provision of on and off street parking. The prospect of not being able to impose maximum parking standards on any new development would make current and emerging policies and parking standards in the local plan effectively unenforceable and would undermine the integrated sustainable transport strategy in JCS and NATS promoting a move to non car modes. It would also reduce the effectiveness of ongoing major investment in public transport and cycling. The commentary suggests that developers should be able to meet "market demand" for parking – that would be effectively impossible in Norwich given its limited network capacity - and that aspiration flatly contradicts the government's stated position on sustainable transport in the NPPF. There may however be scope to address this issue selectively in areas where there is no on street parking as the government's aim is to "tackle on-street parking problems". In Norwich effective on street parking controls are in

place in CPZs . Such problems only occur in unrestricted streets so it might be appropriate to support such a change in areas outside CPZs where there are no on-street parking controls. There is anecdotal evidence in new housing estates of garages routinely being used as store rooms (because new houses are so small) and footways and roads being blocked by parked cars. However, a balance needs to be struck between addressing a practical problem and pursuing a longer term policy aim to reduce car use. Members views on this issue would be welcome.

Practical implications of the new prior approval regime for service delivery

11. A significant extension of the prior approval regime (and further reduction of the need for full applications) will have financial implications for the development management service, since fees for a prior approval application would be less than the equivalent planning application fee. The fee proposed for these new categories of application would be £80 for most prior approvals applications but £172 for prior approval for changes of use which include some physical development or changes of use from sui generis uses (nightclubs, launderettes, amusement centres and casinos) to residential.

Comment: The development management service reports that the prior approval regime is having, and will continue to have a significant impact on income. Although there will be a modest reduction in workload this is not as much as was initially envisaged due to procedural aspects - the need for application registration, validation, uploading to website, issuing a decision etc. being largely unchanged in comparison with full applications. Although there would be some reduction in time and complexity in dealing with prior approvals there is also an increased officer time implication in dealing with the complex nature of these consents, interpreting the criteria and the need to explain this already complex and confusing system to the public, councillors and other stakeholders. Overall there would be a modest reduction in time but a larger reduction in income.

12. As a broad indication of the scale of income lost since the introduction of the prior approval process, the following sets out a comparison of fee income generated in the first year of prior approval applications (the twelve month period from 1 June 2013 to 31 May 2014) and what might have been received had full applications been needed.

Prior approval for change of use of B1(a) offices to residential
12 applications totalling 201 units.
Fees received = 12 x £385 = £1,020
Fees that would have been received under planning application process
201 x £385 = £77,385

Prior approval for house extensions
45 received with nil fee
Fees that would have been received under planning applications process.
45 x £172 = £7,740

Prior approval for change of use of B1(a) offices to free school
Fees received 2 x £80 = £160 (Colegate – two applications as first one withdrawn due to inability to agree off-site works in statutory period)
Fees that would have been received under planning applications process 1 x £385 = £385

Total actually received = **£1,180**
Would have been received under old regime = **£85,510**
Net difference = **£84,330**

Proposals to Improve the use of planning conditions

13. The main proposals in this section are:

- Deemed discharge for some conditions if a timely decision not made, together with other technical and procedural changes
- A requirement to consult agents on draft conditions for major applications.

Comments – These proposals are supported in general terms. However officers do not support the proposal to reduce the time limit from 12 weeks to 8 weeks for a fee refund to be made if planning conditions cannot be discharged. Reducing the time available to process condition discharge applications would simply make refusals more common rather than necessarily speeding up the process of issuing an approval. The requirements for consultation with agents on conditions will need to be very carefully drafted to avoid a lot of delay and protracted negotiations on amendments. The principle is supported but could easily result in an increase in workload and time pressure for little real benefit.

Proposals to improve engagement with statutory consultees

14. The main proposals in this section seek to improve engagement with statutory consultees with detailed technical changes relating to consultation with English Heritage, Natural England and Highways Agency

Comments: These proposals are supported. They will speed up the planning application process but will slightly reduce contact with English Heritage and the Secretary of State on conservation area and listed building matters.

Raising the screening threshold for when an Environmental Impact Assessment (EIA) is required

15. It is proposed to raise the threshold for screening the need for an Environmental Impact Assessment (EIA) from 0.5 hectares to 5 hectares for industrial estate and urban development projects located outside of defined sensitive areas.

Comments: Officers support these proposals. The existing size threshold of 0.5ha is too low and 5ha seems more reasonable. The proposals will simplify the administrative process and reduce officer time and costs involved in assessing routine applications for medium scale residential and commercial development. This does not mean that the proposers of such projects would not need to consider local environmental impacts: it means that they would no longer need to be subject to a time consuming exercise to establish the need for a complex formal EIA before applications can be progressed. (In Norwich no applications in this category falling within the present lower screening threshold have ever been assessed as requiring EIA). The safeguards in the EIA

regulations requiring screening for the majority of major developments and those with potentially significant environmental impacts would remain in place.

Improving the nationally significant infrastructure planning regime

16. Proposals to improve the nationally significant infrastructure planning regime amending regulations for making changes to Development Consent Orders, and expanding the number of non-planning consents which can be included within Development Consent Orders.

Comments: None. These are largely technical matters relating to major infrastructure projects such as road and rail schemes. They appear to be sensible changes but with little relevance to Norwich.

Conclusions

17. The council has expressed significant concerns over the potential impacts of the various deregulatory measures so far introduced by the present government. Whilst some of the changes can be supported (including streamlining of certain aspects of the development management process and the welcome move to increase restrictions on betting shops), there is a good case for maintaining opposition to many of the reforms being proposed. Concern over the impacts of continued deregulation on the planning process in general and the inconsistencies in the prior approval regime in particular have certainly not been addressed by this latest round of changes. In fact, the extension of the prior approval regime, a proposed overhaul of the Use Classes Order and the unnecessary complication of having to establish commencement dates for certain permitted changes of use means that it would become still more complex and confusing, with a probable reduction in fee income to support the delivery of services.

18. In many cases the proposals significantly undermine adopted and emerging planning policies for Norwich – implementing effective parking standards, beneficial management of change in city centre shopping areas and the protection of office accommodation and employment land might be increasingly difficult under this regime, potentially requiring an almost immediate review of the emerging local plan and supporting SPD. Given the government's oft-repeated commitment to "put communities in the driving seat" and keep up to date and positively prepared local plans at the heart of the planning process, it appears perverse that many of these measures would in fact reduce the ability of the public to influence development and change in their areas – already limited by measures so far introduced - and would further restrict the council's ability to implement its own up to date local plan. Importantly, proposed deregulation of certain changes of use appears to directly contradict the government's own policies to support town centres by encouraging dispersal and diversification of leisure uses and other main town centre uses to unsustainable peripheral locations. This point is stressed in the response.