

# PLANNING NEWSLETTER

Issue 13 Part I March/April 2006

## LATEST NEWS

### Latest from ODPM

In response to recent Government announcements from the ODPM, CgMs have prepared the following news bulletins:

#### Mezzanines

An update on when the introduction of planning controls for the insertion mezzanine might take place and action clients should be undertaking now to avoid the potential need for planning permission for mezzanine floors.

“The Government has announced that as from the 10 May, planning permission will be required for the development of new internal floorspace of over 200 sq m – for example, by the insertion of mezzanine floors - for the sale of retail goods. See the attached bulletin for details.”

 [View the CgMs Bulletin on mezzanines >>](#)

 [View the recent case law regarding mezzanines >>](#)

For further information please contact Steve Wilson at [steve.wilson@cgms.co.uk](mailto:steve.wilson@cgms.co.uk)

#### The Budget

A bulletin highlighting that the Chancellors budget of 2006 looks set to introduce the planning gain supplement which is a tax on the uplift of land values created by the grant of planning permission.

 [View the CgMs Bulletin on the 2006 Budget >>](#)

For further information contact Mike Straw at [mike.straw@cgms.co.uk](mailto:mike.straw@cgms.co.uk)

#### Barker Review

In addition, we also attach our response to HM Treasury's review of Land Use Planning, led

---

#### LONDON OFFICE

Morley House  
26 Holborn Viaduct  
London  
EC1A 2AT

Tel: 020 7583 6767  
Fax: 020 7583 2231

#### CHELTENHAM OFFICE

Burlington House  
Lypiatt Road  
Cheltenham  
GL50 2SY

Tel: 01242 259290  
Fax: 01242 259299

#### KETTERING OFFICE

Ragsdale  
1 Church Lane  
Great Cransley  
Kettering NN14 1PX

Tel: 01536 790447  
Fax: 01536 799378

by Kate Barker. The Barker Review team has sought evidence from those working with the planning system to highlight their concerns and measures which they consider would improve the planning system in meeting the country's economic needs.

 [View CgMs' response to Barker Review >>](#)

for further information contact Mike Straw at [mike.straw@cgms.co.uk](mailto:mike.straw@cgms.co.uk)

### **How the Dartford Warbler is stopping housing development in the South East**

In recent months, there have been significant delays to the delivery of new housing in parts of the South East due to the designation of the Thames Basin Heaths Special Protection Area (SPA). CgMs has undertaken an appraisal of the situation, which is having effects within the jurisdiction of 11 Local Authorities.

The following document provides advice on submitting a planning application for sites in the vicinity of the SPA.

 [View the CgMs Appraisal >>](#)

[View the report and map on the Planning Inspectorate website >>](#)

For further information please contact Kevin Goodwin at [kevin.goodwin@cgms.co.uk](mailto:kevin.goodwin@cgms.co.uk)

### **Planning System Under Strain**

The Audit Commission has published The planning system – Matching Expectations and Capacity, to help planning authorities and others involved in the planning system address the issue of capacity in planning departments. It seeks to:

- assess current expectations of the planning system;
- evaluate the extent to which the government's expectations have been communicated to stakeholders; and
- identify how councils can increase capacity.

The study notes that one way that councils can reduce the time taken to deal with planning applications is by refusing permission or by asking the applicant to withdraw an application where the council is unlikely to meet the target. The commission found evidence of growth in both practices, again suggesting that, in some councils, the current focus on speed is reducing the level of service to users.

Planners are in short supply. 66% of councils experienced difficulty recruiting planners and 48% had problems retaining them. It notes that, although government has started to redress the shortage, this would not deal with the problem in the short term. Councils should therefore find solutions, one of is the contribution private sector planning consultants can make.

The commission recommends councils should consider contracting out some planning functions to private sector planning consultants, develop effective approaches to pre-application discussions and engage effectively with their local communities at each stage of the planning process.

For further information please contact Mike Straw at [mike.straw@cgms.co.uk](mailto:mike.straw@cgms.co.uk)

## Planning Delivery Agreements

New pilot projects intended to improve and speed up the planning process for large and complex developments will give greater certainty to developers over the handling of the applications, provide a project management framework for local authorities and ensure that local communities are properly consulted early on in the process.

Planning Delivery Agreements are voluntary agreements between local authorities and developers to provide project plans for handling large applications. They aim to provide a certainty of process for developers and a project management framework for local authorities. The project plan will be drawn up at the pre-application stage and propose a timetable for how long it would take to process the application; what is expected of the developer and when; and what they can expect from the local authority.

The pilot scheme is divided in three stages. The first involves introductory workshops run by government to outline the purpose of the project, the function of PDAs, the evaluation process and give practical guidance on establishing a PDA. The second stage involves further commitment from participants and the drawing up of an agreement with the help of the Planning Advisory Service. The third stage onwards will monitor the projects from February to October 2006 and will be followed by an evaluation. About 30 sites have been chosen for the initial project.

The Planning Advisory Service gives planners help in providing faster, fairer, more efficient and better quality services. With funding from the ODPM, PAS supports local planning authorities across England in improving their performance and moving towards excellence.

Also involved is the Advisory Team for Large Applications service which is provided by English Partnerships. Their role is to help unblock the issues holding up large applications; increase the knowledge and expertise of local authorities in handling large applications, sharing good practice across the sector; and to act as partners of local authorities as an independent reviewer of large applications.

For further information please contact Mike Straw at [mike.straw@cgms.co.uk](mailto:mike.straw@cgms.co.uk)

## Casino Changes

From April 2006 casinos are removed from the D2 assembly and leisure class of the Use Classes Order, rendering them sui generis. However, it will be possible to convert gambling premises into alternative D2 uses without needing a planning permission. The alterations are explained in Circular 2/06: Changes to Planning Regulations for Casinos.

For further information please contact Sarah Stevens at [sarah.stevens@cgms.co.uk](mailto:sarah.stevens@cgms.co.uk)

## Conservation Practice and Principles

English Heritage has been busy with several new publications. Heritage Works: The Use of Historic Buildings in Regeneration offers advice to owners and developers refurbishing or converting a listed building for the first time. Endorsed by the British Property Federation and the RICS, it emphasises how re-using historic buildings can help to regenerate a whole area, such as Newcastle's Grainger Town, Nottingham's Lace Market and London's Borough Market.

Responsibility for appeals affecting Grade I and Grade II\* listed buildings could be transferred from the Secretary of State to planning inspectors the ODPM has suggested in a consultation. This is because many of the appeals relate to small scale proposals and account for 20% of all Secretary of State cases where he rarely disagrees with the inspector.

Also under the draft proposals listed building consent applications outside Greater London would not need to be referred to the Secretary of State unless English Heritage objected.

In the first part of a two part public consultation, English Heritage has set out seven points for debate. These are designed to spell out “in one place and in a comprehensive fashion” the fundamental beliefs and policies that should underpin a standard of practice in conservation.

The principles are:

- The historic environment is a shared resource.
- It is essential to understand what is valuable in the historic environment.
- Everyone can make a contribution.
- Understanding the values of places is vital.
- Places should be managed to sustain their significance.
- Decisions about change must be reasonable and transparent.
- It is essential to document and learn from decisions about change must be reasonable and transparent.

For further information please contact Jonathan Edis at [jonathan.edis@cgms.co.uk](mailto:jonathan.edis@cgms.co.uk)

## **CgMs NEWS**

### **CgMs secures planning permission for Major Shopping Centre Extension in Welwyn Garden City**

On behalf of Land Securities, in the name of LS Howard Centre Welwyn Ltd., we successfully negotiated obtaining planning permission for the partial extension of the Howard Centre in Welwyn Garden City. The proposal sees the net increase in total floorspace of 1640 sq m with an increase in retail floorspace of 2940 sq m. The application included the following elements:

- the extension of the retail floor area into the existing 1st Floor car park
- the building of an additional half deck on top of the existing building to replace the lost parking space
- works to replace the existing car park access with a spiral ramp

The application was submitted further to discussions with the Council and the broad scope of the submission was agreed. To support the application CgMs submitted a planning statement and an EIA screening opinion, Betteridge Turner and Partners prepared a transport assessment and Haskoll produced a design statement.

The application was approved under delegated powers, within the statutory time period, subject to conditions including approval of materials and landscaping. The Council was

satisfied that the extension would not cause harm to the Conservation Area.

For further details please contact either Steve Wilson at [steve.wilson@cgms.co.uk](mailto:steve.wilson@cgms.co.uk) or Natalie Morris at [natalie.morris@cgms.co.uk](mailto:natalie.morris@cgms.co.uk)

### **Strategic Rail Freight Interchange, NW M25**

Over the last two and a half years Helioslough Ltd, a joint venture between Helios Properties and Slough Estates International, have been working with a professional team to explore what opportunities exist to develop a Strategic rail Freight Interchange on the site of a former aerodrome which lies at the southern tip of St Albans District in Hertfordshire and is designated as Green Belt.

CgMs as Planning Consultants to the project have co-ordinated the preparation of a detailed environmental assessment of the proposal, which includes an input from the CgMs Archaeology team. The proposal is for industrial, warehousing and distribution development (5 units ranging from 480,000sq ft to 1.2 million sq ft, giving a total floor space of 3.5 million sq ft), with a main line rail connection. Public policy is now seeking the development of 4 new strategic rail freight interchanges around the M25. The proposal would provide the identified facility for the M25 north – west sector filling a strategic gap in current provision, as part of national policy to promote the switch of more freight from road to rail.

Proposed local benefits include establishing 614 acres adjoining the interchange as a Country Park with new areas of woodland and managed countryside to implement the Watling Chase Community Forest Plan, and construction of a relief road around the village of Park Street which would divert the existing HGV routes and through traffic away from it.

A pre-application consultation exhibition is being carried out in the local area from the 5th- 8th April 2006, prior to finalising a planning application for submission to St Albans Council.

For further details please contact Richard Tilley at [richard.tilley@cgms.co.uk](mailto:richard.tilley@cgms.co.uk)

### **PROMOTIONS**

CgMs is pleased to announce the following promotions:

- **Matthew Roe** is promoted to a Planning Director
- **Sarah Stevens** is promoted to Senior Associate Director
- **Steve Forman** and **Will Thompson** are promoted to Associate Directors
- **Alun Evans** is promoted to Senior Planner