

PLANNING NEWSLETTER

Issue 15 Part I June/July 2006

LATEST NEWS

DCLG Goes on Holiday

As usual there has been a spate of documents put out by DCLG prior to the August holiday. Some of these are set out as follows

Design & Access Statements

These statements now have to be submitted with every application (except house extensions and change of use applications). These may well vary in length from a few pages to a full report. The attached News Bulletin sets out what they have to cover.



[View the CgMs Bulletin >>](#)

Outline Applications

Outline applications can now only reserve the following matters for future approval, layout, scale, appearance, access and landscaping.

Outline applications **have** to now include:

- **Use(s)**
- **Amount** of floorspace in each use
- **Indicative** layout
- **Scale parameters** upper and lower limits for height, width and length of each building
- **Indicative** access points

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New Call-In Powers

The Secretary of State has a more extensive list of criteria for calling in appeals. This will now include:

- Residential schemes over 150 units or on sites over 5 hectares;
- Proposals for any form of development of major importance having more than local significance which give rise to substantial regional or national controversy, novel issues of development control or legal difficulties;
- Main town centre use(s) over 9,000 m² gross floor area on an edge or out of centre location, which are not in accordance with an up to date development plan which has been prepared in accordance with PPS6;
- Significant development in the Green Belt;
Major minerals schemes;
- Scheme which another government department has objected to or has a major interest in.

For further information please contact Erica Mortimer at erica.mortimer@cgms.co.uk or Mike Straw at mike.straw@cgms.co.uk

Planning Obligations

DCLG has just issued two documents which have been long promised:

1. Planning Obligations – Practice Guide – which sets out practical tools and methods for I06 Agreements using case history examples. It covers:
 - Types of contributions
 - A plan led system
 - Improving speed, transparency and accountability
 - Formulae and standard charges
 - Standard agreement
 - Use of independent third parties
 - Public involvement
 - Unilateral undertakings
 - Implementing planning obligations
2. Model Planning Obligations – which is in effect a blank obligation for filling in for a DIY agreement.

For further information please contact Mike Straw at mike.straw@cgms.co.uk or Tony Collins at tony.collins@cgms.co.uk

Mayor's New Powers

A paper has just been launched for a **12 week** consultation (ends 2nd November 2006).

The Mayor is to be given new powers to positively approve strategic applications, to direct

changes to London borough' development programmes and to have more control over the capital's housing strategy.

The consultation paper is seeking comments, amongst other things, on:

- The thresholds that define strategic applications requiring referral to the Mayor
- The policy test that the Mayor will need to apply to those applications he considers
- Following the consultation period there will need to be new legislation to implement the powers.
- Formulae and standard charges
- Standard agreement

For further information please see attached News Bulletin

 [View the CgMs Bulletin >>](#)

Environmental Impact Assessment - Draft Amended Circular And Guidance

In June 2006 the Department of Communities and Local Government (DCLG) published a draft amended Circular on Environmental Impact Assessments (EIA). The new Circular is intended to replace Circular 02/99 and taken into account EIA case law and the need to ensure better publicity at each stage of the EIA process.

Further Information

Further information of the changes proposed in the amended circular are set out in our briefing note which can be viewed on the attached link:

 [View the CgMs Briefing Note >>](#)

New Guide to Good Practice and Proceedings

The DCLG have also published a Guide to Good Practice and Procedures. Information with regard to this can be viewed on the attached link:

 [View the CgMs Briefing Note >>](#)

Opportunity to Comment

Comments on the draft circular and guidance should be sent to the DCLG by 22 September 2006.

For further information please contact Valerie Scott at valerie.scott@cgms.co.uk

Retail Mezzanine Floors, Wales

The Welsh Assembly has issued a Consultation Paper suggesting various changes to the Development Control System including a section which deals with Retail Mezzanine Floors

Two options are being proposed:

- Option 1 no secondary legislation, the “do-nothing” option;
- Option 2 a 200 m² threshold above which planning permission would be required for retail premises

The Consultation process ends on 28th September 2006 and thereafter the procedure would be similar to England i.e. an Order would be laid before the Welsh Assembly before the law changes.

[View the Consultation Paper via the National Assembly for Wales Website >>](#)

Scottish Planning Policy Of Town Centres

Not to be outdone the Scottish Executive has launched the new planning policy for town centres and retailing which includes separate definitions for Town Centres and Commercial Centres as follows:

Box 1: Key Definitions

Town Centres:

The term ‘town centre’ is used to cover city, town and district centres, irrespective of size, that provide a diverse and sustainable mix of activities and land uses which create an identity that signals their function and wider role.

Commercial Centres:

These centres generally have a more specific focus on retailing or retailing and leisure uses. Examples include out-of-centre shopping centres, commercial leisure developments, mixed retail/leisure developments, retail parks and factory outlet centres.

The sequential test prioritises locations as follows:

Box 3: Sequential Approach

- i Town centre sites;
- ii Edge of town centre sites;
- iii Other commercial centres identified within the development plan;
- iv Out-of-centre sites in locations that are, or can be made, easily accessible by a choice of modes of transport.

Notably

Commercial Centres (See Box 1) which are focussed on particular uses, for example

shopping and leisure and which are identified in the development plan as part of the network, could provide a suitable location for development. This will be where their function complements that of other centres within the network.

[View 'SPP8 - Town Centres & Retailing' via the Scottish Executive Website >>](#)

For further information please contact John Stockdale at john.stockdale@cgms.co.uk

Planning Policy Statements

The government has issued the following update:

No.	Subject	Consultation draft	Publication
1	Delivering sustainable development	23/1/04	1/2/05
3	Planning for housing	5/12/05	Autumn 2006
4	Economic development	Timing to be decided	
6	Planning for town centres	15/12/03	21/3/05
7	Sustainable development in rural areas	15/9/03	3/8/04
9	Nature conservation/biodiversity	8/9/04	16/8/05
10	Planning for sustainable waste management	6/12/04	21/7/05
11	Regional planning	13/10/03	7/9/04
12	Development plans	13/10/03	7/9/04
22	Renewable energy	5/11/03	9/8/04
23	Pollution control	2/02 + 7/02	3/11/04
24	Planning and noise	Timing to be decided	
25	Development and flood risk	5/12/05	Later in 2006
	Climate change	Later in 2006	2007

Renewable Energy Targets

Following an announcement the government will now “expect all authorities” to include on-site renewable energy policies in their development plans.

There has already been a strong take-up of on-site renewable policy in forthcoming regional spatial strategies and local development frameworks. Most have a 10% renewable target, in line with that pioneered by the London Boroughs of Merton and Croydon.

The announcement comes shortly after London mayor Ken Livingstone said that renewable energy targets for big developments in London should be raised from 10% as set out in the London Plan, to 20%.

GLA Opportunity Area Frameworks

We are able to provide a table which summarises the Mayor's policy position concerning each of the Opportunity Areas in the London Plan. In several cases the Mayor is preparing (has prepared in some cases) an Opportunity Area Framework. In the ever-expanding policy hierarchy the OAFs will fill the policy gap between the sub regional development frameworks and the UDPs/LDFs.

Regional Design Panels

CABE has launched a guide to setting out regional panels that will monitor the design of new schemes. The organisation is overwhelmed by referrals and is keen to devolve some of the design review work to new regional panels. CABE examines around 350 planning applications a year but this is only a small fraction of the total number that it receives.

Several regional panels have already been set up in the last three years, such as the South East Regional Design Panel supported by the Kent Architecture Centre, but more are being added.

Design at a Glance

CABE has issued a new edition of its compendium of design advice. This draws together the most important design-related statements found throughout national policy and guidance.

This is a useful update particularly bearing in mind the need for design and access statements, further guidance on which was reviewed in our previous news letter.

CgMs NEWS

Northern Ireland Retailing

CgMs has been involved in Northern Ireland, clarifying that Toys R Us can operate stores as a bulky goods retailer in two of the Provinces retail parks. The Planning Service has now confirmed CgMs' interpretation of the conditions, allowing Toy R Us to proceed with occupation of the units at Sprucefield, near Lisburn and the Crescent Retail Park in Derry.

For further information please contact Malcolm Honour at malcolm.honour@cgms.co.uk

Former Kings Arms Public House, Tiptree, Essex

CgMs have been successful in obtaining planning permission at appeal for two schemes (14 no 2 bedroom dwellings and 10 no 2 bedroom and 2 no 4 bed dwellings) involving the redevelopment of the former Kings Arms Public House site for residential use. The appeal was dealt with by way of an Inquiry.

The Inspector ruled that the main issue for both appeals was the effect of the proposals on the character and appearance of the area, having regard to the standard and quality of design. She concluded that the layout of both the schemes relate well to each other and to the surrounding road; that they are both acceptable within the street scene and that they would provide a harmonious group of buildings and achieve a high standard of design.

Whereas the Inspector acknowledged that the proposals did not accord in every way to the Essex Design Guide, she did not consider that any conflict with it renders the scheme unacceptable.

A full award of costs was granted to the appellant on the grounds that the Council failed to provide evidence to substantiate their reasons for refusal for both appeals and that unreasonable behaviour, as set out in circular 8/93 was evident.

For more information contact Steve Wilson and Natalie Morris at steve.wilson@cgms.co.uk or natalie.morris@cgms.co.uk

Energy Efficient Research Building, Cambridge

A further planning permission has been granted at Chesterford Research Park, south of Cambridge. The 3,500 m² building, known as Science Village, is designed to provide a range of unit sizes, from one to 16 units and is capable of meeting the needs of science start-up companies and expanding businesses. It adopts a very energy efficient design, with natural ventilation and was designed with an input from the University of Cambridge BP Institute. This continues the development of the Research Park which is owned by Norwich Union Life and Pensions. CgMs advises on planning and archaeology at the Park.

For further information please contact Malcolm Honour at malcolm.honour@cgms.co.uk