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**MEETING:** PLANNING CONTROL COMMITTEE

**DATE:** 27 JUNE 2006

**SUBJECT:** CHANGES TO THE DEVELOPMENT CONTROL SYSTEM

**REPORT FROM:** BOROUGH PLANNING AND ECONOMIC  
DEVELOPMENT OFFICER

**CONTACT OFFICER:** TOM MITCHELL

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**TYPE OF DECISION:** Council

**REPORT STATUS:** For Publication

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**PURPOSE/SUMMARY:**

The report outlines legislative changes for the Planning System which are now being brought into effect.

**OPTIONS AND RECOMMENDED OPTION (with reasons):**

The Committee is recommended to note the legislative changes.

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**IMPLICATIONS -**

**Financial Implications and  
Risk Considerations** N/A

**Corporate Aims/Policy Framework:**

Do the proposals accord with the Policy Framework? **Yes**

Are there any legal implications? **No**

**Considered by Monitoring Officer:**

**Statement by Director of Finance  
and E-Government:** N/A

**Staffing/ICT/Property:** N/A

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**Wards Affected:** All

**Scrutiny Interest:** N/A

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**TRACKING/PROCESS**

**DIRECTOR:**

Chief Executive/ Management Board	Executive Member/ Chair	Ward Members	Partners
Scrutiny Panel	Executive	Committee	Council

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**1.0 BACKGROUND**

The Planning and Compulsory Purchase Act 2004 heralded the reformation of the national planning system and contained many areas of change. Included in the changes were specific proposals for Development Control, many of these require supplementary legislation and the issuing of the appropriate regulations. The Government has now issued a circular detailing a number of the proposed changes which are now being brought into force.

1. The power for Local Planning Authorities (LPA) to make Local Development Orders.
2. Changes to the outline planning permission process
3. Requirements for design and access statements
4. Control over internal floorspace additions (mezzanines)
5. Changes to decision periods for major planning applications.

**2.0 DETAILS**

**2.1 The power for Local Planning Authorities to make Local Development Orders (LDO). Effective May 2006**

Permitted development rights are set out in the Town and Country (General Permitted Development) Order 1995 (GPDO) and are prescribed at the national level, applying equally across England and Wales. There is now a facility for the LPA to make an LDO which removes the need for a planning application to be made and effectively grants planning permission for the development specified in the LDO. The intention is to give LPAs the discretion to assist development that it would like to promote.

There are some limits to this power, such as in respect of Listed Buildings, and the LDO does not replace the need to obtain other forms of approval (eg

Building Regulations approval or Licensing). The LDO must only be used in the context of a policy contained within the Development Plan and must be accompanied by a statement of justification. There are also extensive consultation and publicity requirements.

The LDO could extend permitted development rights across the whole of the Authority area or could be site specific. Examples of the use of LDO could include:

- Flagship development sites where the LDO (in conjunction with an agreed development brief) would help to deliver the right type and quality of development
- Extend permitted development rights for minor householder extensions across the whole Authority.

## **2.2 Changes to the outline planning permission process. Effective August 2006.**

Outline applications allow for a decision on the general principles of how a site can be developed. The changes are intended to ensure that outline applications will have to demonstrate more clearly that they have been properly considered.

Currently, there are 5 categories of reserved matters which require subsequent approval:-

Siting, design, external appearance, means of access and landscaping. These are to be amended to:-

- Layout
- Scale
- Appearance
- Access
- Landscaping.

More importantly, as a minimum, applications should now include information on:-

- Use
- Amount of development
- Indicative layout
- Scale parameters – height width and length.
- Indicative access points
- A statement which explains and justifies the proposals
- Design and access statement

## **2.3 Requirements for design and access statements. Effective August 2006.**

Planning Policy Statement 1 sets out the Government's overarching policies on the delivery of sustainable development through the planning system. and good design is fundamental in achieving this.

A design and access statement is a short report illustrating the process that has led to the development proposal, which explains and justifies the proposal in a structured way.

A design and access statement must accompany planning applications for both outline and full planning permissions except:-

- Changes of use only
- Engineering and mining operations
- Householder applications outside Conservation Areas.

#### **2.4 Control over internal floorspace additions. Effective May 2006.**

The intention is to bring into control the creation, by the construction of mezzanine floors, of additional floorspace of 200 sq metres or more within buildings used for retail purposes.

#### **2.5 Changes to decision periods for major planning applications. Effective May 2006.**

The Government sets a determination period beyond which the applicant has a right of appeal for non determination. This is currently 8 weeks (16 weeks in the case of applications accompanied with an Environmental Impact Assessment). For Major applications the period is now extended to 13 weeks.

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#### **List of Background Papers:- None**

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