

**TELFORD & WREKIN COUNCIL****CABINET – 15 SEPTEMBER 16****LOCAL DEVELOPMENT ORDER – HOUSEHOLDER EXTENSIONS AND ALTERATIONS****REPORT OF ASSISTANT DIRECTOR BUSINESS, DEVELOPMENT AND EMPLOYMENT****LEAD CABINET MEMBER – CLLR RICHARD OVERTON****PART A) – SUMMARY REPORT****1. SUMMARY OF MAIN PROPOSALS**

- 1.1 The Report seeks delegated authority to undertake consultation on the introduction of a Local Development Order (LDO) relating to a number of householder planning applications submitted by householders across the Borough. The introduction of the LDO was agreed as part of the budget strategy approved by Full Council on the 3<sup>rd</sup> March 2016.
- 1.2 The Local Development Order (LDO) will approve a number of general types of applications for two storey and single storey extensions, in addition to other minor alterations to residential properties that are deemed to be non-controversial. It will mean that such changes will not require an application for planning consent, however there will still be a requirement to apply to the LPA for a Certificate of Compliance under the LDO however the process will be more straight forward.
- 1.3 Annually the LPA receives over 300 householder applications per year. Each application takes approximately 8 weeks to determine, and follows the statutory planning process, including the submission of appropriate plans and specialist reports produced at cost to the applicant; a statutory consultation period of 3 weeks; and its consideration against planning policy. In some cases these applications involve negotiation over design and may even be debated by Planning Committee, lengthening this process, and adding uncertainty to the outcome of low impact applications. This is a costly process for the council that the planning application fee does not cover, as such a radical review of the process is required.
- 1.4 The proposed LDO will act in a similar vein to the extended permitted development rights which have been introduced by government, and would convert a number of these household planning applications to a simplified process, which outlines what is acceptable at the outset. The LDO is specific to a number of types of development that can be covered with simple criteria. It is clear what can be erected without the need for a planning application, setting out clear criteria, providing certainty and speeding up the implementation of this development. In addition the proposed processing of the applications allows the applicant to make one joint application to the Council which covers the LDO and building regulations where required. It is also proposed that the application for the dropped kerb will be processed in a way which removes the current segregated and tiered application process.
- 1.5 The LDO will last for a period of 3 years, and some exclusions will apply where a full planning application is required, for example applications within the World Heritage Site,

Conservation Areas, Listed Buildings and Houses in Multiple Occupation which are excluded from the LDO.

## 2. RECOMMENDATIONS

- 2.1 That Cabinet delegate authority to Assistant Director: Business, Development & Employment and any other officer authorised by that Assistant Director in writing, to draft and consult on the proposed three year Borough of Telford & Wrekin Householder LDO.
- 2.2 That following consultation, the proposed LDO as amended (if required) will be presented to Cabinet for members to consider whether it should be made.

## 3. SUMMARY IMPACT ASSESSMENT

<b>COMMUNITY IMPACT</b>	Do these proposals contribute to specific Co-Operative Council priority objective(s)?	
	Yes	<i>Promote development by simplifying and speeding up the planning process</i>
	Will the proposals impact on specific groups of people?	
	No	
<b>TARGET COMPLETION/ DELIVERY DATE</b>	Consultation undertaken Autumn 2016 Cabinet approval and adoption January 2017	
<b>FINANCIAL/VALUE FOR MONEY IMPACT</b>	Yes	<p>The 2016-2018 Budget Strategy approved a saving of £68k in relation to the introduction of the LDO process, which has been delivered by reducing staff and non staff costs as proposed.</p> <p>The implementation of LDO process will reduce householder planning application timescales and will release some of the remaining resource to focus on other priorities and is key to enable the team to actively pursue opportunities to develop future income streams.</p> <p>Any financial implications arising from the results of the consultation process will be reviewed and considered as part of a further report. AEM 17/08/16.</p>
<b>LEGAL ISSUES</b>	Yes	<p>An LDO deems planning permission to have been granted for specific development or specified classes of development within a defined area. An LDO may relate to all the land within an Local Planning Authority or may be restricted to part of that land or to a specific site. The scope of an LDO is restricted by legislation.</p> <p>The procedure for making an LDO requires drafting the order and a statement of reasons justifying why an LDO should be made. The description of the development to be permitted by the LDO needs to be carefully and clearly worded to avoid circumstances where unacceptable forms of development are allowed unintentionally.</p>

		<p>The draft documents must be consulted on.</p> <p>The LDO is of no effect unless it is adopted by resolution of the LPA.</p> <p>A copy of the Order, the statement of reasons and any environmental statement must be sent to the Secretary of State.</p> <p>If the LPA decides to revoke or amend the LDO prior to the 3 year term there will be a risk of compensation payable if a planning application that would previously have been permitted by the LDO is refused or is granted subject to conditions within 12 months following the date of revocation or amendment.</p>
<b>OTHER IMPACTS, RISKS &amp; OPPORTUNITIES</b>	Yes	<p>The implementation of an LDO will allow the applicant to have notification that they can carry out the works within a 2 week time frame, rather than the statutory 8 weeks which a planning application undertakes. Notification remains essential and is undertaken by the applicant, allowing them to directly discuss the issues with the neighbours.</p> <p>The description of the development to be permitted by the LDO must be carefully and clearly worded to avoid circumstances where unacceptable forms of development are allowed unintentionally.</p> <p>The Secretary of State may intervene and by order revoke the LDO.</p> <p>Risk of compensation if the LPA decides to revoke or amend the LDO prior to the 3 year duration.</p>
<b>IMPACT ON SPECIFIC WARDS</b>	No	Borough-wide impact

## **PART B) – ADDITIONAL INFORMATION**

### **4. INFORMATION**

#### **Background:**

- 4.1 The Town and Country Planning (General Permitted Development) (England) Order 2015 allows certain works (e.g. small household extensions) to be undertaken without the need for planning permission, through what is known as 'Permitted Development Rights'. Technically planning permission is automatically granted for the works which fall within the specified limits identified by the national legislation. An LDO effectively increases the range of development that can be built without having to make an application to the council for planning permission.
- 4.2 The proposed LDO will grant planning permission for the types of development listed in paragraph 4.10 below. The proposed LDO will specify that planning permission under the Order will only be granted where a Certificate of Compliance has been issued by the Council following an application procedure. This means that rather than having to make an application to have the planning merits of the case considered, and in some cases its consideration by planning committee and incurring an eight week process, the applicant would make an application to the council to confirm that the development will legitimately fall within the terms of the Order.
- 4.3 If the scheme falls within the limits specified in the LDO and the associated procedures have been complied with, then it is granted planning permission by the Order. The applicant would make an application to the Local Authority to confirm that the development meets the LDO criteria and a Certificate of Compliance would be issued. In essence this becomes an administrative matter of checking factual compliance with the LDO, similar to that undertaken when considering the Permitted Development Rights.
- 4.4 In utilising the LDO procedures there would be no consultation e.g. with neighbours, by the Local Planning Authority. Instead a requirement is placed on the applicant to notify the neighbours of the development prior to the submission of the application. Elected Members, Town/Parish Councils would also not be notified by the LPA and would not be able to influence one way or the other, assuming the proposal falls within the parameters of the LDO. Applications being submitted under the LDO would be published on the Councils website, in a similar vein to the prior notification applications.

#### **Benefits:**

- 4.5 The Authority deals with approximately 300 householder applications per year. The overwhelming majority of these are permitted and delegated for decision to officers generally without amendments. A householder application takes approximately 8 weeks for the council to process including the validation of an application, publicity, consultations with neighbours and Town / Parish Councils, technical consultees, site visits, professional assessments, reports being written and in some cases the application being considered by the tri-weekly Planning Committee. Inevitably this not only delays the applicant from pursuing development, but incurs costs to both the applicant and the Council to submit and process the application, with no certainty of its outcome, or timescale for decision. Furthermore even after a decision has been issued, planning conditions may further delay the commencement of the development. The length and cost of the process is also known to be a barrier to applicants using the Council to prepare and submit building regulation applications to the Council, opting to use an external Approved Inspector after the lengthy Council process.
- 4.6 Applications made for a Certificate of Compliance against the LDO will be formally checked against the LDO criteria, based on factual information rather than a process of judging the

planning merits of any application. This certificate can be issued promptly, within a 2 week period, and submitted alongside any building regulation application, effectively providing one application; a similar application would also apply to those applying for a new access under a S184 Agreement, providing one application to the Local Highways Authority . This would give certainty to the applicant, and effectively kick-start development. While these may be small scale investments being made by householders they are supporting growth and improvements to housing stock and the speed and ease of process will be attractive to those choosing to live and stay in the borough.

- 4.7 The LDO would reduce the number of household applications received, significantly reducing the operating costs of processing such applications not only for the Planning Authority, but also other consultees in the Council and externally. The Authority would process this through the Building Regulation application, or the S184 application, and a combined form is being created for the convenience of the applicants. Compliance with the LDO will be checked at the same point the building regulation application or the S184 application is also being checked.
- 4.8 Of the 300 applications received each year a number of these applications would not be LDO compliant and would still require an application for planning approval. This may be due to the sensitive location e.g. Conservation Area or proposals involving a house or flat in multiple occupation (HMO). The exclusion criteria are listed in the draft LDO in appendix 1 and below. A conservative estimate is that 50% of the 300 applications could be converted into LDO compliant developments. The reduction in time taken to address these applications will unlock resource in the new Planning and Development Team and support the implementation of other efficiencies in managing caseload and generating additional revenue. The Council will continue to provide services to develop designs and prepare plans for residential and commercial property through Building Innovation Telford (biT).

#### **Borough of Telford & Wrekin Householder LDO Criteria**

- 4.9 The LDO can only apply where it can be clearly and unambiguously determined that a scheme meets the criteria and take away the need for site specific and case by case variable judgements. The LDO will allow the following types of development throughout the borough (excluding properties listed in paragraph 4.11 below):
- a. Erection of single storey rear and side extensions
  - b. Erection of a two storey and first floor rear and side extensions
  - c. Single storey extensions to converted dwellings that were previously Offices / Storage and Distribution Units/ Shops / Amusement arcades/ Agricultural Buildings converted under permitted development rights
  - d. Porches
  - e. Thermal Cladding
  - f. Dropped Kerbs on Unclassified Roads

In addition the applicant will be required to satisfy the further and more detailed criteria found in the appendix.

- 4.10 In order to preserve the character of the area the properties in the list below will be excluded from benefitting from the LDO:
- a. Properties in a Conservation Area and its identified exclusion zone
  - b. Properties in a World Heritage Site and its identified exclusion zone.
  - c. Listed Buildings and development within its curtilage
  - d. Flat or a house in multiple occupation
  - e. Properties within the Area of Outstanding Natural Beauty

- f. Properties within a Site of Special Scientific Interest
- g. Properties within Historic Parks and Gardens
- h. Local Interest Buildings
- i. If permitted development rights have been removed

#### **Statement of Reasons**

- 4.11 The legislative requirement is that an LDO should be accompanied by a statement of reasons for making an LDO. This would reflect the benefits as set out above. The formal statement needs to include a full description of the development that would be permitted as set out in the LDO, the statement of policies and an accompanying plan showing the location and area covered by the LDO.

#### **LDO Safeguards**

- 4.12 To ensure development complies with the criteria set out in the LDO, it is proposed that there is an application process. Applicants will be required to submit details of their proposals to the Council and to obtain a Certificate of Compliance confirming that the development will be LDO compliant before planning permission is deemed to be granted. The onus is on the applicant to make their neighbours aware of their proposals. The applicant will be required to serve notice on the adjoining properties to notify them of the development. There will be no opportunity for neighbour comments to influence the decision; however they will be made aware of the development and have the ability to talk to the neighbour directly about the proposals. In addition this would reduce the likely enforcement complaints that may arise.

#### **Term of the LDO**

- 4.13 It is intended that the duration of the LDO should be for three years and provision will be made in the LDO to deal with the effect of the termination of the LDO.
- 4.14 Retrospective applications would be excluded from the order and a normal planning application would need to be submitted and considered by the LPA. However in the event that the Certificate of Compliance needed amendments, whether retrospectively or as a result of other factors minor amendments could be made, but this is only in the event that a Certificate of Compliance had previously been issued.
- 4.15 Any scheme that exceeds or fails to meet the requirements of the LDO criteria would need planning permission through the normal route. This does not mean it will not be granted, but the normal assessment of the application against planning policy, consultation and determination will be undertaken. Any enforcement complaints about extensions built under the terms of the LDO will be investigated in the normal manner, however with the requirement to notify neighbours before submission to the Council, and the ability to search these details online, it is considered that there should not be any significant impact to the number of complaints the Council receive.

#### **Consultation and Publicity**

- 4.16 The Council has a statutory duty in making the LDO to publicise and consult on the LDO, prior to finalisation and adoption. Although it will not be possible to comment on LDO applications, the LDO will only apply to certain types of low impact proposals that comply with development plan policy and design guidance. In practice there is no justification for seeking amendments or refusing these proposals even when there are objections. The LDO will therefore enable Parish/Town Councils, and other consultees to focus their resources on influencing those planning applications with potentially greater impact on the local community.

- 4.17 In making this LDO consultation will be undertaken through direct notification in the Councils 'Your Voice' publication – ensuring each resident in the Borough receives a copy of the notification. The LDO will be published in the press, in addition to an online publication and direct notification to statutory consultees. Site notices are also required but this is borough wide and as such Town/Parish Councils will be asked to display these where they can. A hard copy of the document will also be made available at the Councils Offices for examination.
- 4.18 This is a statutory consultation carried out under Schedule 4a of the Town and Country Planning Act 1990, as amended and articles 38 and 41 of the Town and Country Planning (Development Management Procedure) (England) Order 2015. The publication of 'Your Voice' will launch the consultation (approximately 10<sup>th</sup> October 2016), and run for a statutory period of 28 days. A further report to Cabinet in early 2017 will report on the outcome of the consultation and any proposed revisions to the LDO and seek approval to adopt the LDO.

**5. IMPACT ASSESSMENT – ADDITIONAL INFORMATION**

5.1 None

**6. PREVIOUS MINUTES**

Full council 3<sup>rd</sup> March 2016

**7. BACKGROUND PAPERS**

None

**8. APPENDICES:**

1. Householder LDO 2016

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