

TELFORD & WREKIN COUNCIL**CABINET - 5 JANUARY 2017****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 Following a period of statutory consultation, the report seeks delegated authority to make a Local Development Order (LDO) removing the need to seek planning permission for a number of types of change to residential properties, across the Borough. The introduction of the LDO was agreed as part of the budget strategy approved by Full Council on the 3rd March 2016, and the consultation documents considered by Cabinet on the 15th September 2016.
- 1.2 The Local Development Order (LDO) will approve a number of general types of changes 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. Instead householders simply apply to the LPA for a Certificate of Compliance under the LDO which will be a much more straight forward and faster process.
- 1.3 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.
- 1.4 Public consultation was carried out between the 10th October and 7th November 2016. A number of minor amendments have since been made to the document in the light of consultation comments. This includes a minor alteration to the boundary of the Newport exclusion area at the request of the Parish Council, which has been marginally extended, and the addition of further technical guidance as guided by Consultees.

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 make the Borough of Telford & Wrekin Extensions and Alterations LDO, for a period of 3 years.

3. SUMMARY IMPACT ASSESSMENT

COMMUNITY IMPACT	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	
TARGET COMPLETION/ DELIVERY DATE	Consultation completed Autumn 2016 Subject to Cabinet approval adoption will be in January 2017	
FINANCIAL/VALUE FOR MONEY IMPACT	Yes	<p>The 2016-2018 Budget Strategy approved a saving of £68k in relation to the introduction of the LDO process, which will be 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>The LDO application charge will be set to recover all costs associated with the compliance check processes. The application charge will be set at £150 per application.</p> <p>TAS 28.11.16</p>
LEGAL ISSUES	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 a 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</p>

		<p>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. EG 29-11-16</p>
OTHER IMPACTS, RISKS & OPPORTUNITIES	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 takes. 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>
IMPACT ON SPECIFIC WARDS	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 remove the need to seek a formal planning permission through a planning application for the following types of development:
- 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
- 4.3 In order to preserve the character of the area the properties in the list below will be excluded 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
- 4.4 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. The key benefits to householders will be a more efficient application process taking only two weeks, and a cheaper route, allowing residents to commence their home improvements earlier.
- 4.5 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.
- 4.6 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.

CONSULTATION SUMMARY:

- 4.7 Residents across the Borough were directly notified through the 'Your Voice' Council publication; site notices were displayed locally by Parish Councils; a press notice and the Councils web site advertised the proposed Order. In addition a meeting was held with the Parish Councils to present the proposed Order and directly answer any questions. A total of eleven Town and Parish Councils provided comments; these included concerns of lack of consultation whilst others supported the process or raised no objections. Four comments

from members of the public were received; which were balanced, with both support and objections. From the statutory consultees a total of ten comments were received that raised no objections from the proposed Order, and in some cases expanded informatives to address technical areas.

4.8 A feedback questionnaire was supplied with the consultation pack along with the opportunity to make general comments. This was available to members of the public, parish and town councils etc, and specialist consultees – many of whom had had an input into the LDO prior to its consultation. The questionnaire evidenced that almost all parish and town councils supported the need to speed up the prolonged process for minor and non-controversial householder applications. Some members of the public also commented that the cost and time benefits to the LPA would also be mirrored to the applicant and thus the LDO was welcomed.

4.9 A number of themes emerged from the consultation:

Notification:

Parish and Town Councils will no longer be consulted in the LDO process, although neighbours will be notified via the applicant. Some concerns were expressed regarding the lack of direct neighbour consultation from the Local Authority and the reliance of the applicant to notify the neighbour, which may result in a weakening of neighbour relationships. Although this is acknowledged, this element of the existing process takes a great deal of time and resources and comments or objections made are very often not planning considerations and cannot therefore be addressed through the planning process. Also such small scale applications generally do not warrant refusals or changes to be made on the basis of comments received.

Neighbour consultation is a requirement of the LDO assessment; to ensure this happens effectively, in response to comments, it is proposed to provide a pre-formatted letter to be used by the applicant to notify all neighbours. The removal of Parish & Town Councils from the planning consultation process (along with all consultees) will help free up their time to comment and influence larger applications.

Exclusion Zones:

4.10 Exclusion Zones from the LDO have been identified for all Conservation Areas in the Borough. The Gorge Parish Council requested an extension to the exclusion zone of the Severn Gorge Conservation Area, highlighting the areas for inclusion. However, almost all of the areas are undeveloped therefore the LDO would not apply anyway. Newport Town Council requested an extension to the exclusion zones to the north of the Conservation Area which has been re-assessed and the boundary amended. This reduces the visual impact that may occur from changes made under LDO on properties close to the boundary.

4.11 Kynnersley Parish Council also queried exclusion zones for rural areas due to increased impact on views in comparison to urban areas. However, the right to a view is not a planning consideration, although impact on residential amenity is hence the specific criteria which are built into the LDO. Historic England suggested exclusions zones for Historic Parks & Gardens, of which the borough has 3; however the majority of land surrounding these which constitutes its immediate 'setting' is almost all open countryside, so the impact of the minor development that the LDO would allow would be extremely minimal where there is any built environment.

Enforcement:

- 4.12 Several consultation comments related to ‘policing’ of the LDO. The LDO Notice states that the LPA will investigate any complaints relating to extensions constructed under the Householder Extensions LDO and the LDO cannot be applied retrospectively therefore in some cases a formal planning application may be necessary. The Statement of Reasons sets out that the LDO will also be reviewed after a 3 year period.

Guidance to Applicants (Informatives):

- 4.13 Previous householder applications allowed for a full consultation with all relevant specialist consultees, which would often result in conditions. Under the LDO criteria are set out as advised by specialist consultees meaning development remains closely controlled but without the need for protracted negotiation with individual consultees. In the light of comments from specialist consultees the guidance on what should be considered has been amended to ensure appropriate controls are maintained.

Summary:

- 4.14 The overriding concern from the public was the change in the process to remove the requirement for the Local Planning Authority to consult with neighbours. Existing permitted development rights do not incorporate any neighbour notification. Under this LDO where neighbour consultation by the applicant is a compliance test neighbours would be consulted. A letter template will be provided to the applicant to use in making this notification ensuring consistency. If the applicant does not notify neighbours they will not comply with the criteria of the LDO and the development will not be permitted. Following any Cabinet approval the LDO will subsequently be sealed, and the Secretary of state will be notified. The LDO will be effective from the point of sealing, allowing residents to benefit from this route imminently.

5. IMPACT ASSESSMENT – ADDITIONAL INFORMATION

- 5.1 None

6. PREVIOUS MINUTES

Full Council 3rd March 2016
Cabinet 15th September 2016

7. BACKGROUND PAPERS

Draft Householder LDO 2017

http://www.telford.gov.uk/info/20170/planning_applications_and_guidance/1201/householder_local_development_order

8. APPENDICES:

1. Householder LDO January 2017

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