



Changes to the Planning System 2020

Live Event for Members, Local Councils and officers
18 August 2020

Hayley Jewels
Head of Development Management

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Welcome to our first Planning Live Event

Presentation:

- The Business and Planning Act 2020
- Changes to the Use Class Order July 2020
- Changes to Permitted Development Rights June/July 2020
- The Building Safety Bill
- 'Planning for the Future' white paper – proposing a fundamental change to the planning system

Questions:

- You may ask questions by selecting **Q&A** on the right side of your screen
- We will be making Q&A available after the event as FAQs as it may not be possible to answer all questions during the event

What Boris said...

“ Why are we so slow at building homes by comparison with other European countries? In 2018 we built 2.25 homes per 1000 people Germany managed 3.6, the Netherlands 3.8, France 6.8.

I tell you why - because time is money, and the newt-counting delays in our system are a massive drag on the productivity and the prosperity of this country and so we will build better and build greener but we will also build faster ”

Build, Build, Build

New rules..

- More types of commercial premises having total flexibility i.e. retail to cafes/offices. Pubs, libraries, village shops and other types of uses essential to the lifeblood of communities will not be covered by these flexibilities.
- Wider range of commercial buildings change to residential use without the need for a planning application.
- Builders no longer need a normal planning application to demolish and rebuild vacant and redundant residential and commercial buildings if they are rebuilt as homes.
- Additional storey on flats and houses under PD
- Planning for the Future – White Paper August 2020

Business & Planning Act 2020

- a. Facilitating 'Bounce Back Loans'
- b. Making it easier for premises in England serving food and drink to serve customers outdoors
- c. Making temporary changes to the law relating to planning in England
- d. Making changes to HGV and PCV licensing in Great Britain and Northern Ireland.

3 main planning elements:

- modification of construction hours
- extending the implementation period for planning permissions
- flexibility in terms of planning appeals

<https://www.legislation.gov.uk/ukpga/2020/16/contents/enacted>

Construction Site Working Hours

- Free fast tracked deemed consent 14 days to respond or deemed consent is granted
- No requirement to publicise
- Amendments will remain in place until 1 April 2021

“ Local planning authorities should not refuse applications to extend working hours until 9pm, Monday to Saturday without very compelling reasons. In some cases, such as in areas without residential properties, extending working hours beyond this, including allowing 24-hour working where appropriate, may be justified. In all cases, sympathetic site management should be demonstrated to mitigate local impacts and local authorities should use their best endeavours to facilitate such requests. ”

Extend life of planning permissions

- Certain planning permission and listed building consents which have lapsed or due to lapse during 2020 to be extended automatically.
- Those lapsing from 19 August 2020 to 31 December 2020 automatically rolled forward to 1 May 2021
- Any from 23 March 2020 to 19 August 2020 subject to Additional Environment Approval process to extend to 1 May 2021
- Listed building applications not subject to additional environmental approval
- Such approval is free and must be given within 28 days or is deemed to be granted.
- Secretary of State has the power to extend dates in future

Pavement Licences

- Pavement licence allows the licence-holder to place removable furniture over certain highways adjacent to the premises
- New streamlined process to allow businesses to secure these licences in time for the summer remain in place until 30 September 2021.
- Public Health licensing - but new process will grant deemed planning consent.

New Permitted Development Rights June 2020 – temporary uses and additional considerations

- The regulations provide an additional 28 days allowance for the temporary use of land (from 1 July to 31 December 2020) thereby totally 56 days
- New temporary right allows a local authority to hold a market for an unlimited number of days without the requirement for planning permission (from 25 June 2020 to 23 March 2021). It also allows the erection of moveable structures, such as stalls or awnings. The right is time-limited and will cease to have effect from 23 March 2021.
- From 1 August, changes to several of the current prior approval procedures for the creation of dwellings to ensure that “provision of adequate natural light to all habitable rooms” is considered by Local Authorities, and that they should refuse proposals that do not meet requirements.

Permitted development June 2020 – additional storeys on flats

- Additional storeys on purpose built blocks of flats to create new homes without planning permission
- Prior approval process
- Various grounds including design ‘adequate’ retained light for neighbours, which is a difficult judgement.
- Existing flats must not be or form part of a listed building or scheduled monument or land within its curtilage and they must not lie in a conservation area, AONB, WHS, SSSI, 3km of an aerodrome etc.
- Could be liable for CIL but not S106

<https://www.legislation.gov.uk/ukxi/2020/632/contents/made>

New Permitted Development – July 2020 – extending homes

- Further permitted rights to extend existing homes without permission
- Additional two storeys on existing house of 2 storeys or more
- Additional one storey on existing house of 1 storey
- Subject to certain conditions and a prior approval process
- [The Town and Country Planning \(General Permitted Development\) \(England\) \(Amendment\) \(No. 2\) Order 2020](#)

New Permitted Development July 2020 – build up 2 – creating additional homes

- Two additional storeys to allow construction of new self contained homes on free standing blocks and terraced buildings in certain commercial uses
- Two additional storeys on existing houses to create new self-contained homes or additional living space, with some restrictions
- [The Town and Country Planning \(General Permitted Development\) \(England\) \(Amendment\) \(No. 2\) Order 2020](#)

Permitted Development July 2020 – demolition of buildings to replace with dwellings

- Prior approval process
- Development consisting of demolition of a single purpose-built detached block of flats or other single detached building, comprising premises established for
 - (i) office Class B1(a)
 - (ii) research and development Class B1(b)
 - (iii) industrial process Class B1(c)together with its replacement by a single building for a purpose-built detached block of flats, or a purpose-built detached dwellinghouse

[The Town and Country Planning \(General Permitted Development\) \(England\) \(Amendment\) \(No. 3\) Order 2020](#)

Use Class Order Changes

- To enable greater flexibility in town centre uses
- New Class E (commercial, business and service) subsumes previous use classes which were specified in the Schedule to the Use Classes Order as Class A1(Shops), Class A2 (Financial and professional services), Class A3 (Restaurants and cafes) and Class B1(Business). Parts A and D are subsequently revoked.
- Some drinking establishments and hot food takeaways become sui generis and permission would be required for a change of use
- Residential Class C, general industrial Class B2 and storage and distribution Class B8 remain unchanged

[The Town and Country Planning \(Use Classes\) \(Amendment\) \(England\) Regulations 2020](#)

New use classes

- 7.4 These Regulations also create new ‘Learning and non-residential institutions’ (F1) and ‘Local community’ (F2) use classes to ensure that those uses which are important to local communities can be protected through the planning system. Changes of use within each of these classes do not require planning permission. However, other material changes of use do require planning permission ensuring that such changes of use can be fully considered by the local planning authority and residents.
- 7.5 The ‘Learning and non-residential institutions’ use class (F1) incorporates those uses from the former D1 Non-residential institutions use class which are more likely to involve buildings which are regularly in wider public use such as schools, libraries and art galleries.
- 7.6 The ‘Local community’ use class (F2) groups together those uses from the former D2 use class which provide for group activities of a more physical nature – swimming pools, skating rinks and areas for outdoor sports. It also includes the use of buildings where this is principally by the local community. The class also recognises the importance of small, local shops in meeting the day to day shopping needs of local communities, particularly in rural communities, large residential estates and outside main shopping areas generally. Therefore, alongside community social facilities, the F2 class includes what would be considered shops servicing the essential needs of local communities. This is defined as a shop mostly for the sale of a range of essential dry goods and food to visiting member of the public where there is no commercial class retail unit within 1000 metres and the shop area is no larger than 280m². This provides some protection for such shops while placing those shops found on high streets and town centres in the new ‘commercial’ class.

Guide to changes to the Use Classes Order in England

Use	Use Class up to 31 August 2020	Use Class from 1 September 2020
Shop not more than 280sqm mostly selling essential goods, including food and at least 1km from another similar shop	A1	F.2
Shop	A1	E
Financial and professional services (not medical)	A2	E
Café or restaurant	A3	E
Pub or drinking establishment	A4	Sui generis
Take away	A5	Sui generis
Office other than a use within Class A2	B1a	E
Research and development of products or processes	B1b	E
For any industrial process (which can be carried out in any residential area without causing detriment to the amenity of the area)	B1c	E
Industrial	B2	B2
Storage or distribution	B8	B8

Use	Use Class up to 31 August 2020	Use Class from 1 September 2020
Hotels, boarding and guest houses	C1	C1
Residential institutions	C2	C2
Secure residential institutions	C2a	C2a
Dwelling houses	C3	C3
Use of a dwellinghouse by 3-6 residents as a 'house in multiple occupation'	C4	C4
Clinics, health centres, creches, day nurseries, day centre	D1	E
Schools, non-residential education and training centres, museums, public libraries, public halls, exhibition halls, places of worship, law courts	D1	F.1
Cinemas, concert halls, bingo halls and dance halls	D2	Sui generis
Gymnasiums, indoor recreations not involving motorised vehicles or firearms	D2	E
Hall or meeting place for the principal use of the local community	D2	F.2
Indoor or outdoor swimming baths, skating rinks, and outdoor sports or recreations not involving motorised vehicles or firearms	D2	F.2

Changes of use within the same class are not development. Use classes prior to 1 September 2020 will remain relevant for certain change of use permitted development rights, until 31 July 2021. The new use classes comprise:

Class E (Commercial, business and service uses),	Class F.1 (Learning and non-residential institutions)	Class F.2 (Local community uses)
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Government response to the consultation on proposed changes to permitted development rights to support the deployment of 5G and extend mobile coverage

- Response to consultation on the deployment of mobile infrastructure that close in Nov 2019.
- Intends to take forward the in-principle proposals including deployment of taller and wider masts; building-based masts located nearer to highways; and faster deployment of radio equipment housing, such as equipment cabinets.
- Will now be a technical consultation on changes to Part 16 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 which will including appropriate environmental protections and other safeguards, prior to amending the existing legislation.



The Building Act 1984



De-regulation

- Mixed economy: Local Authority Building Control and private Approved Inspectors
- Developers can choose their own public or private sector Regulator

Fundamental issues of rights and equality – we all have a right to safe buildings regardless of scale or community

“Hackitt review” – Building a Safer Future:

- Identified multiple issues with building industry regulation (testing, accreditation, competency, conflicts of interest)

Draft Building Safety Bill – Regulators

- Enormously significant – biggest improvement to building safety in 40 years
- Health & Safety Executive (HSE) to become overall '**Building Safety Regulator**'
- HSE will be appointing body for inspectors for “in scope” buildings. Includes Local Authority Building Control (LABC)
- Concept of “in scope” buildings, initially high-rise but allows Regulator (HSE) to broaden definition of “in scope” – care homes, schools, hospitals?
- Competency-based accreditation for individuals and organisations – including LABC
- Lifecycle responsibility for building owners -from inception to operation in perpetuity – called ‘the golden thread’
- Extended enforcement powers under Building Act from 2 to 10 years
- For LABC, other inspectors and building owners- real personal and corporate liability

Draft Building Safety Bill –Residents

- ‘Accountable person’ responsible for keeping residents safe in high rise buildings – those 18 metres and above
- Residents and leaseholders will have access to vital safety information about their building
- A new ‘building safety charge’ will make it easy for leaseholders to see and know what they are being charged for when it comes to keeping their building safe
- For the first time, new build homebuyers will have their right to complain to a New Homes Ombudsman, protected in legislation, and developers will be required to be a member of the scheme. The New Homes Ombudsman will hold developers to account, including the ability to require developers to pay compensation

<https://www.gov.uk/government/publications/draft-building-safety-bill>

Building Control – our response so far

- Cornwall Council Building Control (CCBC) - one of the first Local Authorities to participate in LABC Quality Assurance ISO accreditation
- 6 surveyors with LABC 'Level 6 fire safety specialist' exam, surveyors with specialist certification in Healthcare fire safety and event safety as well as specialism in other areas
- Under new Bill, in future all surveyors may have to pass regular external competency assessments to retain their licence to sign work off at all levels of complexity
- New training packages to support staff progression and group leader focussing on assurance, training and corporate advice
- Engaged within LABC and working closely with Fire Service – joint aspiration for joined-up approach



Planning for the Future Government White Paper



- Two consultations – short term change and fundamental change to planning system
- Radical changes to streamline and modernise the system
- Short term proposals consultation paper closes 1st October
- Planning system white paper closes 29th October

<https://www.gov.uk/government/consultations/planning-for-the-future>

 www.cornwall.gov.uk

Short-term changes to the current planning system

Consultation on four interim changes to the planning system, including:

1. changes to the standard method for assessing local housing need (to apply from November 2021)
2. temporarily lifting the small sites threshold below which developers do not need to contribute to affordable housing in urban areas from 10 to 40 or 50 dwellings
3. securing of First Homes as part of affordable housing requirements through developer contributions in the short term until the transition to a new system
4. extending the current Permission in Principle to major development

All to be put in place until the new planning system is brought into force

Planning for the Future – main proposals

Identifies 3 ‘pillars’ –

- Planning for the development – to simplify and speed up plan-making and planning decisions
- Planning for beautiful and sustainable places – design and master planning given greater importance
- Planning for infrastructure – new nationally set levy replacing current S106 and CIL

Pillar one – Planning for the development

Local Plan prepared to identify three types (or zones) of land:

- **Growth** - land identified for substantial development (could be new settlements, urban extensions or areas for redevelopment). Automatically granted outline planning permission upon adoption of the Local Plan.
- **Renewal** - land within existing built up areas for small scale development (could be infill development or development in town centres or rural areas). A statutory presumption in favour of development granted for specific, suitable uses in these areas as well as PD for certain building types and uses.
- **Protected** – areas of environmental or cultural character for more stringent development controls, such as AONB, Conservation Areas, Local Wildlife Sites, areas of flood risk or important green spaces and including countryside. A planning application required for development in these areas.
- 30 months statutory timetable from start to finish

Pillar one – planning for development

- Development Management planning policies will be set nationally
- Local plan will allocate sites and set out only site specific design requirements
- Design codes and standards produced alongside communities for local plans and neighbourhood plans
- A new nationally set housing requirement
- Planning decisions must be made within statutory time periods – automatic fee refunds if deadlines not met or appeal allowed
- Greater digitisation of plans (all online) and interactive mapping for proposals

Pillar two – Planning for beautiful and sustainable places

- Design and master planning given greater importance
- Creation of a body to support local design codes and a ‘chief officer for design’ in each local authority
- Fast-track planning approval process for sites which accord with local design codes and masterplans
- Quicker environmental assessment process, more use of national data and fewer site-specific surveys (detail subject to consultation in Autumn)
- Local Plans identify locations of internationally, nationally and locally designated heritage assets – Listed Buildings and Conservation Act to be reviewed separately
- Climate change – net zero by 2050 - Reviewing and implementing the Future Homes standard and setting national standards through building regulations

Pillar three – planning for infrastructure and connected places

- S.106 and Community Infrastructure Levy to be replaced with a single infrastructure levy to charge a nationally-set rate based on fixed proportion of development value above a threshold
- Extended scope for Infrastructure Levy to capture changes of use through permitted development rights
- More freedom for local authorities over how they spend the Infrastructure Levy and authorities could borrow against the levy fund
- Infrastructure Levy should deliver affordable housing provision
- Develop a comprehensive resource and skills strategy for the planning sector
- Strengthen enforcement powers and sanctions

Links

- [Business and Planning Act 2020](#)
- [Permitted Development – additional storeys on flats](#)
- Permitted Development – extending homes: [Town & Country \(General Permitted Development\)\(England\)\(Amendment\)\(No 2\) Order 2020](#)
- Permitted Development – demolition of buildings to replace with dwellings: [Town & Country \(General Permitted Development\)\(England\)\(Amendment\)\(No 3\) Order 2020](#)
- [Town & Country Planning \(Use Classes\)\(Amendment\)\(England\) Regulations 2020](#)
- https://lichfields.uk/media/6020/guide-to-changes-to-the-use-classes-order-in-england_july-2020.pdf
- Permitted Development – [support deployment of 5G and extend mobile coverage](#)
- [Draft Building Safety Bill](#)
- [Planning for the Future](#) – Government White Paper

Thank you / Meur ras

You can continue to ask questions in the Q&A pane for the next 20 minutes. We will be turning these into Frequently Asked Questions which will be made available following the event.

If you have any other questions or comments:

planning@cornwall.gov.uk