

READING BOROUGH COUNCIL

REPORT BY EXECUTIVE DIRECTOR OF ECONOMIC GROWTH AND NEIGHBOURHOOD SERVICES

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| TO:        | PLANNING APPLICATIONS COMMITTEE            |         |  |
| DATE:      | 3 MARCH 2021                               |         |  |
| TITLE:     | APPLICATIONS FOR PRIOR APPROVAL            |         |  |
| AUTHOR:    | JULIE WILLIAMS & RICHARD EATOUGH           |         |  |
| JOB TITLE: | PLANNING MANAGER<br>(ACTING) & TEAM LEADER | E-MAIL: | <a href="mailto:Julie.williams@reading.gov.uk">Julie.williams@reading.gov.uk</a><br><a href="mailto:Richard.eatough@reading.gov.uk">Richard.eatough@reading.gov.uk</a> |

1. PURPOSE AND SUMMARY OF REPORT

- 1.1 To advise Committee of the types of development that can now be submitted for Prior Approval and to provide a summary of the applications received and decisions taken in accordance with the prior-approval process as set out in the Town and Country Planning (General Permitted Development) Order (GPDO 2015) as amended.

2. RECOMMENDED ACTION

- 2.1 That you note the report.

3. BACKGROUND

- 3.1 At your meeting on 29 May 2013 a report was presented which introduced new permitted development rights and additional requirements for prior approval from the local planning authority for certain categories of permitted development. It was agreed then that a report be brought to future meetings for information and to include details of applications received for prior approval, those pending a decision and those applications which have been decided since the last Committee date.
- 3.2 Since May 2015 more and more changes of use or development have been brought under the prior approval approach in an attempt to give developers more certainty on their proposals by avoiding the typical planning application consultation and assessment process. Section 4 below lists the current types of prior approval applications.
- 3.3 Members have been advised in previous reports of changes to the Use Classes Order and a comparison list of old and new use classes has been added at the beginning of your agenda papers. These changes will have implications for change of use prior approvals going forward. The extract below from the Planning Portal website (the platform for submitting planning applications) tries to explain:

***Changes to Use Classes***

*Wholesale legislative changes determining how uses of buildings and land in England are classified will take effect (with certain transitional procedures and periods) from 1 September 2020.*

*In making these changes, Government has also introduced a 'material period' that runs from 1 September 2020 until 31 July 2021 meaning that, for all the current Permitted Development rights, the Use Classes in place up to the end*

*of August 2020 will remain in effect until the end of this period. This also applies to any existing direction that restricts these rights.*

***So, what does this mean for content on the Planning Portal and our application service?***

*Applications submitted before 1 September 2020 will be determined based on the Use Classes in place up to the end of August 2020.*

*Based on the ‘material period’ detailed above, our permitted development content and Prior Approval application types will also continue to reference the ‘old’ Classes for the time being, though we will be updating relevant areas to acknowledge this.*

*For other applications, any reference that needs to be made to the new E & F Use Classes will need to be added as ‘Other’ and have detailed provided. This is an interim measure while we work to update the relevant question sets and our data standard to account for the new classes.*

- 3.4 Officers are still unclear how this will all pan out as we start to receive applications for prior approval and I suspect that applicants and their agents will have similar questions to ours. For example, for Class J below some changes from retail to leisure will mean that the use remains in Class E but not all types of leisure uses.
- 3.5 The preparation of the application forms might help as the one published for Part 20 Class A has a checklist of 12 questions to establish if a site is eligible to use this process.

#### **4 TYPES OF PRIOR APPROVAL APPLICATIONS**

- 4.1 The categories of development requiring prior approval appear in different parts of Schedule 2 of the Town and Country Planning (General Permitted Development)(England) Order 2015, or amended by the Town and Country Planning (General Permitted Development)(England)(Amendment) Order. Those that are of most relevance to Reading Borough are summarised as follows:

##### SCHEDULE 2 - Permitted development rights

###### **PART 1 - Development within the curtilage of a dwelling house**

- **Householder development - larger home extensions. Part 2 Class A1.**
- **Householder development - upwards extensions. Part 2 Class AA.**

###### **PART 3 – Changes of use**

- **Change of use from A1 shops or A2 financial & professional, betting office, pay day loan shop or casino to A3 restaurants and cafes. Class C.**
- **Change of use from A1 shops or A2 financial & professional, betting office or pay day loan shop to Class D2 assembly & leisure. Class J.**
- **Change of use from A1 shops or A2 financial and professional or a mixed use of A1 or A2 with dwellinghouse to Class C3 dwellinghouse. Class M**
- **Change of use from an amusement arcade or a casino to C3 dwellinghouse & necessary works. Class N**
- **Change of use from B1 office to C3 dwellinghouse Class O\*.**
- **Change of use from B8 storage or distribution to C3 dwellinghouse Class P**
- **Change of use from B1(c) light industrial use to C3 dwellinghouse Class PA\***
- **Change of use from agricultural buildings and land to Class C3 dwellinghouses and building operations reasonably necessary to convert the building to the C3 use. Class Q.**

- Change of use of 150 sq m or more of an agricultural building (and any land within its curtilage) to flexible use within classes A1, A2, A3, B1, B8, C1 and D2. Class R.
- Change of use from Agricultural buildings and land to state funded school or registered nursery D1. Class S.
- Change of use from B1 (business), C1 (hotels), C2 (residential institutions), C2A (secure residential institutions and D2 (assembly and leisure) to state funded school D1. Class T.

PART 4 - Temporary buildings and uses

- Temporary use of buildings for film making for up to 9 months in any 27 month period. Class E

PART 11 - Heritage & Demolition

- Demolition of buildings. Class B.

PART 16 - Communications

- Development by telecommunications code system operators. Class A
- GPDO Part 11.

Part 20 - Construction of New Dwellinghouses

- **New dwellinghouses on detached blocks of flats** Class A
- **Demolition of buildings and construction of new dwellinghouses in their place.** Class ZA

4.2 Those applications for Prior Approval received and yet to be decided are set out in the appended Table 1 and those applications which have been decided are set out in the appended Table 2. The applications are grouped by type of prior approval application. Information on what the estimated equivalent planning application fees would be is provided.

4.3 It should be borne in mind that the planning considerations to be taken into account in deciding each of these types of application are specified in more detail in the GDPO. In some cases the LPA will first need to confirm whether or not prior approval is required before going on to decide the application on its planning merits where prior approval is required.

4.4 Details of any appeals on prior-approval decision will be included elsewhere in the agenda.

## 5. CONTRIBUTION TO STRATEGIC AIMS

5.1 Changes of use brought about through the prior approval process are beyond the control or influence of the Council's adopted policies and Supplementary Planning Documents. Therefore, it is not possible to confirm how or if these schemes will contribute to the strategic aims of the Council.

## 6. ENVIRONMENTAL AND CLIMATE IMPLICATIONS

6.1 The Council declared a Climate Emergency at its meeting on 26 February 2019 (Minute 48 refers).

6.2 The Planning Service uses policies to encourage developers to build and use properties responsibly by making efficient use of land and using sustainable materials and building methods. As a team we have also reduced the amount of resources (paper and printing) we use to carry out our work.

## **7. COMMUNITY ENGAGEMENT AND INFORMATION**

7.1 Statutory consultation takes place in connection with applications for prior-approval as specified in the Order discussed above.

## **8 EQUALITY IMPACT ASSESSMENT**

8.1 Where appropriate the Council must have regard to its duties under the Equality Act 2010, Section 149, to have due regard to the need to—

- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

8.2 There are no direct implications arising from the proposals.

## **9. LEGAL IMPLICATIONS**

9.1 None arising from this Report.

## **10. FINANCIAL IMPLICATIONS**

10.1 Since the additional prior notifications were introduced in May 2013 in place of applications for full planning permission, the loss in fee income is estimated to be £1,378,764.

(Office Prior Approvals - £1,246,799: Householder Prior Approvals - £80,342: Retail Prior Approvals - £16,108: Demolition Prior Approval - £4,331: Storage Prior Approvals - £5716: Shop to Restaurant Prior Approval - £6026: Shop to Leisure Prior Approval - £305: Light Industrial to Residential - £18,270: Dwellings on detached block of flats - £768)

*Figures since last report*

Office Prior Approvals - £4794: Householder Prior Approvals - £550

10.2 However it should be borne in mind that the prior notification application assessment process is simpler than would have been the case for full planning permission and the cost to the Council of determining applications for prior approval is therefore proportionately lower. It should also be noted that the fee for full planning applications varies by type and scale of development and does not necessarily equate to the cost of determining them.

## **11. BACKGROUND PAPERS**

- The Town and Country Planning (General Permitted Development) (England) Order 2015
- The Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2016.

**Table 1 - Applications received since 25<sup>th</sup> January 2021 to 18<sup>th</sup> February 2021**

| Type:  | How many received since last report: | Loss in possible fee income: |
|--|--------------------------------------|------------------------------|
| Householder Prior Approvals                    | 5                                    | £550                         |
| Office Prior Approvals                         | 3                                    | £4794                        |
| Shop to Restaurant Prior Approval              | 1                                    | £256                         |
| Retail Prior Approvals                         | 1                                    | £828                         |
| Demolition Prior Approval                      | 1                                    | £366                         |
| Solar Equipment Prior Approval                 | 0                                    | 0                            |
| Light Industrial to Residential Prior Approval | 0                                    | 0                            |
| Prior Notification                             | 0                                    | n/a                          |
| Shop to Assembly & Leisure Prior Approval      | 0                                    | 0                            |
| Telecommunications Prior Approval              | 0                                    | n/a                          |
| Dwellings on detached block of flats           | 0                                    | 0                            |
| <b>TOTAL</b>                                   | <b>10</b>                            | <b>£6794</b>                 |

**Table 2 - Applications decided since 25<sup>th</sup> January 2021 to 18<sup>th</sup> February 2021**

| Type:  | Approved | Refused  | Not Required | Withdrawn | Non Determination |
|--|----------|----------|--------------|-----------|-------------------|
| Householder Prior Approvals                    | 0        | 0        | 0            | 0         | 0                 |
| Office Prior Approvals                         | 0        | 0        | 2            | 0         | 0                 |
| Shop to Restaurant Prior Approval              | 0        | 0        | 0            | 0         | 0                 |
| Retail Prior Approvals                         | 1        | 0        | 1            | 0         | 0                 |
| Demolition Prior Approval                      | 0        | 0        | 0            | 0         | 0                 |
| Solar Equipment Prior Approval                 | 0        | 0        | 0            | 0         | 0                 |
| Light Industrial to Residential Prior Approval | 0        | 0        | 0            | 0         | 0                 |
| Prior Notification/ Other                      | 0        | 0        | 0            | 0         | 0                 |
| Shop to Assembly & Leisure Prior Approval      | 0        | 0        | 0            | 0         | 0                 |
| Telecommunications Prior Approval              | 0        | 0        | 0            | 0         | 0                 |
| <b>TOTAL</b>                                   | <b>1</b> | <b>0</b> | <b>3</b>     | <b>0</b>  | <b>0</b>          |