

READING BOROUGH COUNCIL

REPORT BY EXECUTIVE DIRECTOR OF ECONOMIC GROWTH AND NEIGHBOURHOOD SERVICES

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| TO:        | PLANNING APPLICATIONS COMMITTEE                      |         |  |
| DATE:      | 1 <sup>st</sup> February 2023                        |         |  |
| TITLE:     | APPLICATIONS FOR PRIOR APPROVAL                      |         |  |
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**1. PURPOSE AND SUMMARY OF REPORT**

- 1.1 To advise Committee of the types of development that can 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 There are a range of development types and changes of use that can be carried out as permitted development but are subject to the developer first notifying the planning authority of the proposal, for it to confirm that “prior approval” is not needed before exercising the permitted development rights. The matters for prior approval vary depending on the type of development and these are set out in full in the relevant Parts in Schedule 2 to the General Permitted Development Order. A local planning authority cannot consider any other matters when determining a prior approval application.
- 3.2 If the decision is that approval is required, further information may be requested by the planning authority in order for it to determine whether approval should be given. The granting of prior approval can result in conditions being attached to the approval. Prior approval can also be refused, in which case an appeal can be made.
- 3.3 The statutory requirements relating to prior approval are much less prescriptive than those relating to planning applications. This is because seeking prior approval is designed to be a light-touch process given that the principle of the development has already been established in the General Permitted Development Order. The government is clear that a local planning authority should not impose unnecessarily onerous requirements on developers should not seek to replicate the planning application system.
- 3.4 However, this means that large development schemes, often involving changes of use to residential, can proceed without meeting many of the adopted planning policies; such as making no contribution towards affordable housing, and the application fees for these “light touch” applications are significantly less than the equivalent planning application fee.
- 3.5 For this reason, at the Planning Applications Committee meeting on 29 May 2013, it was agreed that a report be brought to future meetings 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. It was also requested that an estimate be provided for the “loss” in potential planning fee income.

## 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 now estimated to be £1,870,569.

(Class E (formally office) Prior Approvals - £1,689,934:

Householder Prior Approvals - £88,702:

Retail Prior Approvals - £16,840:

Demolition Prior Approval - £5,795:

Storage Prior Approvals - £5716:

Shop to Restaurant/Leisure Prior Approval - £6331;

Light Industrial to Residential - £20,022:

Dwellings on detached block of flats - £2048:

Additional storey on dwellings - £206:

New dwellinghouses on terrace/detached buildings - £17,483.

Demolition of buildings and construction of new dwelling - £128;

Prior approval to mixed use including flats - £2484.

### *Figures since last report*

Householder Prior Approvals - £440;

Class E (formally office) Prior Approvals - £2172;

- 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 21<sup>st</sup> December 2022 to 20<sup>th</sup> January 2023**

| Type:  | How many received since last report: | Loss in possible fee income: |
|--|--------------------------------------|------------------------------|
| Householder Prior Approvals                              | 4                                    | £440                         |
| Class E Prior Approvals                                  | 2                                    | £2172                        |
| Demolition Prior Approval                                | 0                                    | 0                            |
| Solar Equipment Prior Approval                           | 0                                    | 0                            |
| Prior Notification                                       | 0                                    | n/a                          |
| Telecommunications Prior Approval                        | 3                                    | n/a                          |
| Dwellings on detached block of flats                     | 0                                    | 0                            |
| Householder Additional Storey                            | 0                                    | 0                            |
| New dwellinghouses on terrace/detached buildings         | 0                                    | 0                            |
| Demolition of buildings and construction of new dwelling | 0                                    | 0                            |
| Prior approval to mixed use including flats              | 0                                    | 0                            |
| <b>TOTAL</b>   | <b>9</b>                             | <b>£2612</b>                 |

**Table 2 - Applications decided since 21<sup>st</sup> December 2022 to 20<sup>th</sup> January 2023**

| Type:   | Approved | Refused  | Not Required | Withdrawn | Non Determination |
|---|----------|----------|--------------|-----------|-------------------|
| Householder Prior Approvals   | 0        | 0        | 1            | 0         | 0                 |
| Class E Prior Approvals   | 1        | 0        | 0            | 0         | 0                 |
| Demolition Prior Approval   | 0        | 0        | 0            | 0         | 0                 |
| Solar Equipment Prior Approval  | 1        | 0        | 0            | 0         | 0                 |
| Prior Notification/ Other   | 0        | 0        | 0            | 0         | 0                 |
| Telecommunications Prior Approval   | 0        | 3        | 0            | 0         | 0                 |
| Dwellings on detached block of flats                                      | 0        | 0        | 0            | 0         | 0                 |
| Householder Additional Storey   | 0        | 0        | 0            | 0         | 0                 |
| New dwellings on terrace buildings or New dwellings on detached buildings | 0        | 0        | 0            | 0         | 0                 |
| Demolition of buildings and construction of new dwelling                  | 0        | 0        | 0            | 0         | 0                 |
| Prior approval to mixed use including flats                               | 0        | 0        | 0            | 0         | 0                 |
| <b>TOTAL</b>  | <b>2</b> | <b>3</b> | <b>1</b>     | <b>0</b>  | <b>0</b>          |