

TONBRIDGE & MALLING BOROUGH COUNCIL
PLANNING and TRANSPORTATION ADVISORY BOARD

19 November 2013

Report of the Director of Planning, Housing and Environmental Health

Part 1- Public

Matters for Information

1 PLANNING REFORMS UPDATE

Summary

To update Members on a number of responses to current Department of Communities and Local Government (DCLG) consultations and other allied matters.

1.1 DCLG Consultations

1.1.1 There have recently been several consultations documents published but two have a particular significance to our work on the new Local Plan and in development control. We have responded under my Delegated Powers and now await the Government's responses, which may take some time to be finally published in the form of revised policy.

1.1.2 ***Draft National Planning Policy Guidance***

1.1.3 The Government has published a wholly online resource intended to support the National Planning Policy Framework (NPPF). It is intended to provide technical guidance on both policy making and development control and management. It has been a timely publication for this Council signposting, as it does, latest emerging thinking on plan making, allowing the work described elsewhere on this Agenda to be as up-to-date as we can make it. The consultation was rather unstructured seeking feelings and comments both on the online format and content of the draft.

1.1.4 Our response to consultation did, however, draw attention to some of the difficulties encountered in using a solely online resource in itself. We welcome the notion of online updating but, particularly with the plan-making guidance, there is a distinct risk that frequent or episodic updating (even if subject to rigorous and clear version control) will make it difficult to be clear what technical guidance should form the bedrock of the plan at any one time. Of course, overarching this Guidance, the NPPF itself may also change during the plan-making period and that simply cannot be avoided whatever guidance system is in place.

1.1.5 There is also a need for simple things to be addressed – a proper and comprehensive number referencing system (so often missing in Government

publications nowadays) is required and “hot links” should be fully functioning where these are used for navigation from section to section speedily.

- 1.1.6 We have made six pages of detailed comments on the content of the Guidance. As might be expected, because the Guidance is intended to support the policy in the NPPF, which is already published and in force, there are no earth shattering weaknesses and there is a good level of concision compared to earlier guidance in the same subject areas.
- 1.1.7 With some refinement and improved structure this Guidance should provide a useful tool. As soon as the final version is published we will review the impact of the final wording on plan-making as it is moving forward and adopt it in development control recommendations.
- 1.1.8 ***Housing Standards Review***
- 1.1.9 In contrast to the Draft NPPG, this consultation was highly structured running to some 64 questions, quite a few of which raised queries about the cost estimates attached to the implications of some of the various scenarios promoted in the document. We did not comment on financial matters because we have no specific data to inform such comments but we did respond on the min body of questions. In truth this document is not perfectly structured or as logical as we would have hoped.
- 1.1.10 We delivered some key messages to Government:
- 1.1.11 The first of these key messages is that it is appropriate to aim to establish a common set of basic housing standards featuring specific space standards to be applied to all new housing on a nationwide basis. This should apply to both market and social housing and should seek to improve standards along the lines of the Housing Quality Indicators applied by the Homes and Communities Agency to affordable housing. These standards should also include outdoor space and storage.
- 1.1.12 The second significant aspect is to offer support for the DCLG proposal to “*develop a nationally described standards set as a stepping stone en route to integrating standards into the Building Regulations at a future date.*” While it would be ideal to move to national standards immediately, it is probably unrealistic not least because of the variety of documents included in the review and the need to reconcile a great variety of technical standards such as thermal capacities, security features, drainage requirements and control of water demand, some of which are, in part, already comprised in the Building Regulations.

1.2 Extended Permitted Development Rights

- 1.2.1 As Members will be aware the Government has published a number of changes/extension to permitted development rights. The most notable from the

public perspective are those that, temporarily, allow for larger single story extensions to dwellings and those that allow B1 offices to be re-used as dwellings.

- 1.2.2 While we have encountered a number of both the former and the latter, no single case has raised such complex or concerning considerations as to raise any major concerns, thus far.

1.3 Development Control Processes

- 1.3.1 The Government has suggested that Council's review the level of application content required before a planning application can be considered legally valid. We have reviewed the processes that we adopted under the previous Government and have now adopted the approach encouraged by the current Government to "lighten the burden" where possible and sensible. We now start only with national validation standards and then seek further information as and when needed rather than on the previous precautionary approach enshrined in previous guidance. We will maintain a continuous monitoring regime but initial indications are that the new system is working appropriately.
- 1.3.2 The Government has most recently proposed to further thin-down the range and content of secondary legislation. This is to be particularly welcomed as it will see the consolidation of a whole series Regulations into appropriate single documents – thus making their interrogation simpler. This is long overdue. Other redundant Regulations are to be rescinded and deleted which is again a benefit for clarity. Quite how many pages of legislation will actually be deleted remains to be seen.

1.4 Legal Implications

- 1.4.1 None

1.5 Financial and Value for Money Considerations

- 1.5.1 Some marginal savings may arise, for instance reductions in printing costs, while temporary Permitted Development rights are in force. Some business process effectiveness might also be achievable to assist with performance.

1.6 Risk Assessment

- 1.6.1 Minimal risks provide the provisions are acted upon professionally and coherently.

Background papers:

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Nil

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