

Town & Parish Council Planning Conference 23 September 2015

Welcome and Introduction

**Cllr Andrew Turner,
Executive Member, Stronger Communities
and**

**Cllr Nigel Young,
Executive Member, Regeneration**

Agenda

- **Planning and Development update**
- **Planning Enforcement**
- **Opportunities for open space improvements**

Planning Conference

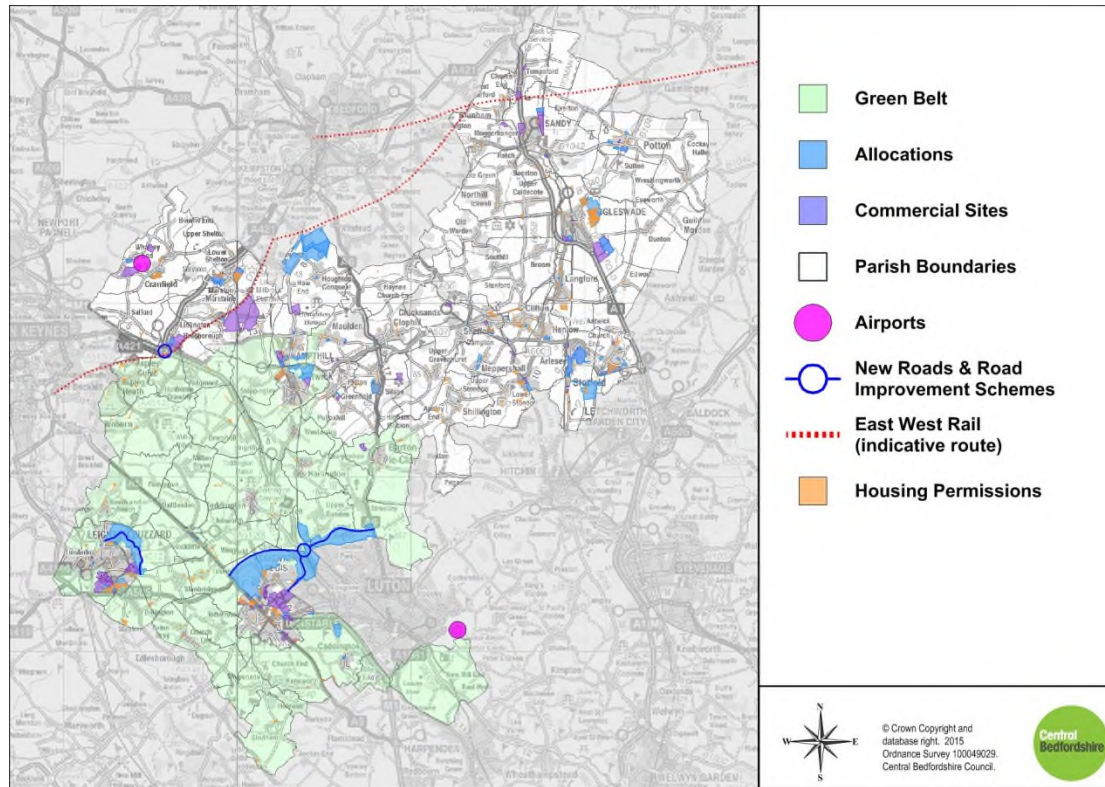
Andrew Davie – Group Manager
Development Infrastructure

Overview

- **Who are we and what do we do?**
- **National Policy & Legal Background**
- **Strategic Planning (planning policy)**
- **Development Management (planning applications)**
- **Community Infrastructure Levy (CIL)**
- **Affordable Housing**

Regeneration & Business Directorate

- Facilitate, enable and drive quality sustainable development and growth in Central Bedfordshire
- Stimulate the regeneration and renewal of our Towns and maintain and grow the local economy
- Deliver infrastructure (employment skills, economic and environmental) to underpin Growth



Who We Are and What We Do – Some Facts and Statistics

- About 160 Staff in the Division
- Gross Budget 15/16: £8.3m
- Net Budget 15/16: £3.4m
- 2090 Planning applications determined in 2014/15
- 1522 homes built in 2014/15 of which over 50% were affordable including help to buy and we had the 7th highest build rate in the country for a Local Authority
- Planning permission granted for 7743 homes in 2014/15
- Major infrastructure approved – A5/M1 link, Woodside Connection
- Housing need of 30,000+ to be planned for up to 2031

Who We Are and What We Do – Some Facts and Statistics (cont)

- Development Briefs and Masterplans for urban extensions at Leighton-Linslade, Houghton Regis, Luton and the Wixams
- Adopted Design Guide
- Planning Obligations and Community Infrastructure Levy (CIL)
- Environmental Enhancement Strategy
- Neighbourhood Planning
- Providing affordable housing
- Historic Buildings, Conservation Areas and Archaeology

Planning Legislation

- **The Planning Acts, Localism Act**
- **National Planning Policy Framework**
- **Case Law**

Planning is a 'Plan Led System'

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that decisions should be made in accordance with the Plan unless material considerations indicate otherwise

National Policy Background

National Planning Policy Framework

The NPPF states that – ‘there is a presumption in favour of sustainable development’

For decision makers this means:

- Approving development proposals that accord with the development plan without delay; and
- Where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or
 - specific policies in the Framework indicate development should be restricted.

CBC Planning Policy

Different Policy Regimes for North and South CBC reflecting legacy authorities

- North CBC - Core Strategy and Allocations Local Plan
- South CBC - South Beds Local Plan
- CBC Wide - Development Strategy

Development Strategy provides for
31,000 homes, 27,000 jobs

*Inspector's letter received February
2015 indicating in his view that CBC
had not met the 'Duty-to-Cooperate'
Judicial Review Proceedings
undertaken*

5 Year land Supply

- Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.
- The Green Belt protection will continue to apply

Gypsies & Travellers and Travelling Showpeople

Requirement to plan for Gypsies & Travellers accommodation in the same way as the settled community

- Gypsy & Traveller Plan submitted in June 2014
- Plan Withdrawn following the Inspector's concerns September 2014
- Little progress made since then
- Changing Government guidance/case law

Neighbourhood planning (see handout)

The Localism Act 2011 makes provision for neighbourhood plans which:

- must be produced by the Parish/Town Council (qualifying body) on behalf of the community
- must be land-use based
- can allocate land for development or planning permission
- When 'made' by CBC they will be part of the statutory development plan

CBC has 16 Town and Parish Councils embarking on this process currently

Development Management

- Planning Applications
- Enforcement
- Historic Assets
- Archaeology (see handout)

Pre Application Stage

- Not a statutory requirement but we are encouraged by Central Government to engage in pre-application advice
- CBC places emphasis on early discussion
- Introduced a charging regime
- We discuss many schemes some of which become application some which never materialise
- All these discussions are undertaken on a 'without prejudice basis'

Planning Application Stage

- Full Application
- Outline Application
- Reserved Matters Application
- Listed Building Consent
- Conservation Consent
- Advert

Determination Process

- Planning Applications are determined by
 - Delegation
 - Development Management Committee
- Means of determination governed by the Council Constitution
- Call-in process

Planning Application Stage

- What determines – weight – what is the test
In attributing weight so unreasonable that no reasonable authority could have decided that
- Personal circumstances
- Relationship between Planning and other controls
 - Building Control
 - Environmental Health
 - Highways

Conditions

Six Tests

- Necessary
- Relevant to planning
- Relevant to the development to be permitted
- Enforceable
- Precise
- Reasonable in all other respects

Unacceptable Conditions

- To require that the developer shall comply with the by-laws and general statutory provisions in force in the area
- To require that the site be kept tidy at all times

Post Decision

Appeals

- Non-determination
- Refused
- Conditions

Appeals Procedure

- Written Representations
- Hearing
- Inquiry

Judicial Review

Enforcement

- Notices
- Breach
- Injunction

Performance

PS2 Planning Return Applications Determined	April 2014 – March 2015	April 2015 – August 2015
Total Determined	2090	898
Major Applications	93	41
Major within 13 weeks	48.39%	34.15%
Minor Applications	485	224
Minor within 8 weeks	77.94%	75.00%
Other Applications	1512	633
Other within 8 weeks	92.00%	89.41%

Recent Changes

Permitted Development Rights

- Increase the size limits for the depth of single-storey domestic extensions from 4m to 8m (for detached houses) and from 3m to 6m (for all other houses).
- Increasing the size limits for extensions to shop and professional/financial services establishments to 100m², and allowing the building of these extensions up to the boundary of the property (except where the boundary is with a residential property), in non-protected areas, for a period of three years.

Recent Changes

Permitted Development Rights

- Increasing the size limits for extensions to offices to 100m², in non-protected areas, for a period of three years.
- Increasing the size limits for new industrial buildings within the curtilage of existing industrial premises to 200m², in non-protected areas, for a period of three years.
- Removing some prior approval requirements for the installation of broadband infrastructure for a period of five years.

Recent Changes

Change of use of existing buildings

- Small shops/provisionally financial services to residential
- Shop to bank or building society
- Agricultural buildings to residential
- To extend the permitted development rights for premises used as offices (B1), hotels (C1), residential (C2 and C2A), non-residential institutions (D1), and leisure and assembly (D2) to change use to a state funded school, to also be able to change to nurseries providing childcare; and
- To create a permitted development right to allow a building used for agricultural purposes of up to 500m² to be used as a new state funded school or nursery providing childcare.

Community Infrastructure Levy (see handout)

- Development Tax
- Non-negotiable levy on development
- Does not wholly replace S106
- Charged per square metre of floorspace
- Rates can vary by geographical area, use or size

CBC recently published the Charging Schedule

Affordable Housing (see handout)

SHMA 2014 - 2011-2031

- CBC - 7,200 affordable homes needed
- 5,200 Affordable/Social rent – 2,000 Intermediate tenure

Strategic Sites

- Affordable Homes mainly delivered through section 106 planning agreements
- Quality of new homes controlled through design codes, Lifetime Homes, Mobility and Wheelchair Accessible Standards
- Registered Providers are the major partners in delivery (although house builders play a key role)
- CBC have lowered the threshold for affordable housing to 4 in order to try and maximise housing delivery

Affordable Housing - Rural Programme

- Both private & CBC land being assessed for development
- Parish Council support sought in all cases.
- Beds Rural Communities Charity a partner.
- 20+ Housing Needs Surveys completed
- Rural Exceptions sites will be allocated to applicants with a local connection to the village/parish.

High quality small scale
development in all cases
– approx. 10 units

Questions?

Planning Enforcement :

The Unitary Authority Approach

Mike Duffett BA(Hons) MRTPI
Principal Planning Officer (Enforcement)
Enforcement and Appeals Team

Summary of the presentation

- Refer to the national guidance in the NPPF
- Look at the aims in the Local Enforcement Plan
- What type of investigations are carried out?
- *Short Quiz*
- Examples of various types of case
- Minerals – Compliance monitoring
- Waste Transfer: Case Study
- How we can work together to resolve breaches of planning control?
- Conclusion
- Questions (time permitting)

Current national policy and guidance (England)

National Planning Policy Framework (NPPF) 2012

Enforcement

Effective enforcement is important as a means of maintaining public confidence in the planning system. Enforcement action is discretionary, and local planning authorities should act proportionately in responding to suspected breaches of planning control.

Current national policy and guidance (England)

National Planning Policy Framework (NPPF) 2012

Enforcement

Local planning authorities should consider publishing a local enforcement plan to manage enforcement proactively, in a way that is appropriate to their area. This should set out how they will monitor the implementation of planning permissions, investigate alleged cases of unauthorised development and take action where it is appropriate to do so.

CBC Local Enforcement Plan 2014

What we aim to do

- To provide a high quality re-active and pro-active approach to planning enforcement within the resources available.

The Council aims to provide the principles of good enforcement.

- **To publish clear standards of service and performance.**

(Aim is to resolve 80% of cases within 6 months of receipt)

- **To investigate alleged breaches of planning control.**
- *(The majority of breaches do not constitute a criminal act from the outset)*
- **To resolve investigations through negotiation and without formal action whenever possible,** but formal action will be taken if it is expedient to do so.

CBC Local Enforcement Plan 2014

What we aim to do (continued)

- To take action as appropriate to resolve breaches of planning control in the public interest,....
- To be consistent in our investigations and decisions.....
- To provide information and advice at appropriate times to interested parties
- To provide an accurate, efficient, good quality service to members of the public, Councillors and others
- To provide a pro-active approach to planning enforcement within resources available, including....compliance with pre-development conditions, and monitoring mineral sites for compliance with all conditions attached to planning permissions

What types of investigations are carried out?

- **Building 'development' work**
- **Changes of use of land**
- Changes of use of buildings
- Compliance with approved plans and planning conditions
- **Advertisements**
- Works to protected trees
- **Works to listed buildings**
- **Untidy land/buildings**
- **Compliance with mineral permissions**
- **Waste development sites**

Question Time

In the 6 month period from January to June 2015 inclusive how many investigation cases* (excluding minerals and waste cases) were opened with regard to:

- **Building ‘development’ work**
 - a) less than 50 b) between 50 and 70 c) over 70
- **Changes of use (land or building)**
 - a) less than 50 b) between 50 and 70 c) over 70
- **Compliance with approved plans and planning conditions**
 - a) less than 50 b) between 50 and 70 c) over 70

Quiz Answers

In the 6 month period from January to June 2015 inclusive the number of investigation cases opened with regard to:

- **Building ‘development’ work = 95 (c)**
- **Changes of use (land or building) = 64 (b)**
- **Compliance with approved plans
and planning conditions = 58 (b)**

This represented 90% of all* the investigations opened

(*excluding mineral and waste cases)

In 2014 a total of 643 cases were opened and the subject of investigation

An interesting start! Advertisement or Statement?



Unfortunate location of the



...view from the nearby cemetery

Example of successful negotiations



A typical case: Building works



Change of Use of land : Can be complex issues



Background

Lawful use certificate

Residential use of 'structure'

Issued July 2013

Land sold with certificate

Redundant buildings cleared

Planning Investigation : Time line

October 2013

- Hard core material imported, caravans brought onto the land
- **TEMPORARY STOP NOTICES** served: 28 day compliance period
- Notice 1 related to the residential caravans
- Notice 2 related to the importation of hard core/rubble
- Application for Certificate of Proposed Lawful use submitted to CBC

Planning Investigation : Time line

January 2014

- Proposed Lawful use application refused
(legal advice was that a planning application would be required for the proposed use)

March 2014

- **Enforcement Notice served** – change of use of land and provision of hardstanding in field

April 2014

- **Enforcement Notice appeal submitted to the Planning Inspectorate**
- Proposed Lawful Use appeal submitted.

July 2014

- Joint appeal Hearing by the Planning Inspectorate

September 2014

- **Joint appeal decision letter issued by the Planning Inspectorate**
- LAWFUL USE allowed - Notice re proposed change of use quashed, hardstanding appeal dismissed. Compliance period two months – removal of hardstanding

November 2014

- Site visit to check compliance. Further visits carried out.(2015 : area approved for stables)

INVESTIGATION TIME PERIOD : 60 + WEEKS

Untidy land : Impact upon local amenity



Listed Building: Repairs Notice



Minerals : Compliance monitoring

- Over 100 inspections annually
- Sites inspected include those in Bedford Borough
- Operator has to pay national fee charge (£331 per visit, active site)



Non compliances include:

- Stockpile height/location
- Wheel cleaning
- Phased working
- Restoration planting

Waste Transfer : How operations change over time



Waste Transfer Non Compliance : Stockpile Height



Waste Transfer Non Compliance : Stockpile Height



Enforcement resolved : Hewdens Plant Hire relocate from Bedford



How can each local community help Planning Enforcement ?

- Be aware that a Planning Authority does not get involved in the resolution of neighbour land ownership disputes.
- Be aware that anonymous complaints are usually not handled.
- Be aware that a complaint raised solely on grounds of commercial competition will not be handled
- Be aware that certain 'minor' developments do not require planning permission because it is Permitted development. These may require some type of Building control approval.
- Only Planning applications and submitted plans are published on the Council's web-site. (Building Control information is not the subject of public accountability)
- Check whether the complaint is a land use/construction works issue for the Planning Enforcement Team.
- Answer the question : what is the harm being caused?
- Be patient : Resolving breaches take time

How do you contact Planning Enforcement ?

NEW COMPLAINTS

- Use the Planning Enforcement Complaint form on the CBC website
- Contact by phone CBC Customer Services 0300 300 8307 and the trained adviser will help to register the planning complaint.
- Email planning.enforcement@centralbedfordshire.gov.uk

(The only breaches that constitute a criminal act from the outset are:

- *Unauthorised works to a listed building*
- *Unauthorised advertisements*
- *Unauthorised demolition of certain unlisted buildings in*
- *Conservation Areas*
- *Unauthorised works to “protected” trees)*

Examples of Enforcement issues for others to handle

- NOISE incl on CONSTRUCTION SITES – Public protection (Pollution)
- FLOODLIGHT DISTURBANCE
- ODOUR NUISANCE
- OBSTRUCTIONS TO FOOTPATHS - Highways
- MUD & DEBRIS ON THE HIGHWAY
- HIGHWAY VERGE ADVERTISEMENTS
- FLYTIPPING – Public protection (Pollution)
- STRUCTURAL PROBLEMS - Building Control
- SURFACE WATER DRAINAGE – Building Control

How do you contact Planning Enforcement ?

COMPLAINTS Open WITH REFERENCE NUMBER

- Contact by email the allocated Case Officer; or
- Email planning.enforcement@centralbedfordshire.gov.uk ; or
- Contact by phone the named allocated Case Officer
(if on voice mail because of doing site visits then
please leave a message)

How does Planning Enforcement help each local community?



- **Planning Enforcement Policy**
 - sets out the performance standards of the service
 - sets out how enforcement concerns are handled and the procedures involved.
 - sets out the objective of attempting to keep interested parties informed during the investigation.
 - sets out the framework for taking formal enforcement action to resolve serious breaches of planning control.
- **Achieves improvements to the amenity of the local area for everyone's benefit**

Conclusion

- Work together with local communities to investigate alleged breaches of planning control
- Negotiate with offenders and their agents to where possible resolve breaches on site within a reasonable time period.
- Defend the Council's position when Enforcement Notices are appealed against.
- Always act within Government guidance and Central Bedfordshire Planning Enforcement Policy; and as illustrated by the various examples:
- Planning enforcement is a key aspect of the integrated planning service at this Unitary Planning Authority

Planning Enforcement – The Unitary Authority Approach

THE END : Thank you
Any questions?

Comfort break

Opportunities for open space improvements

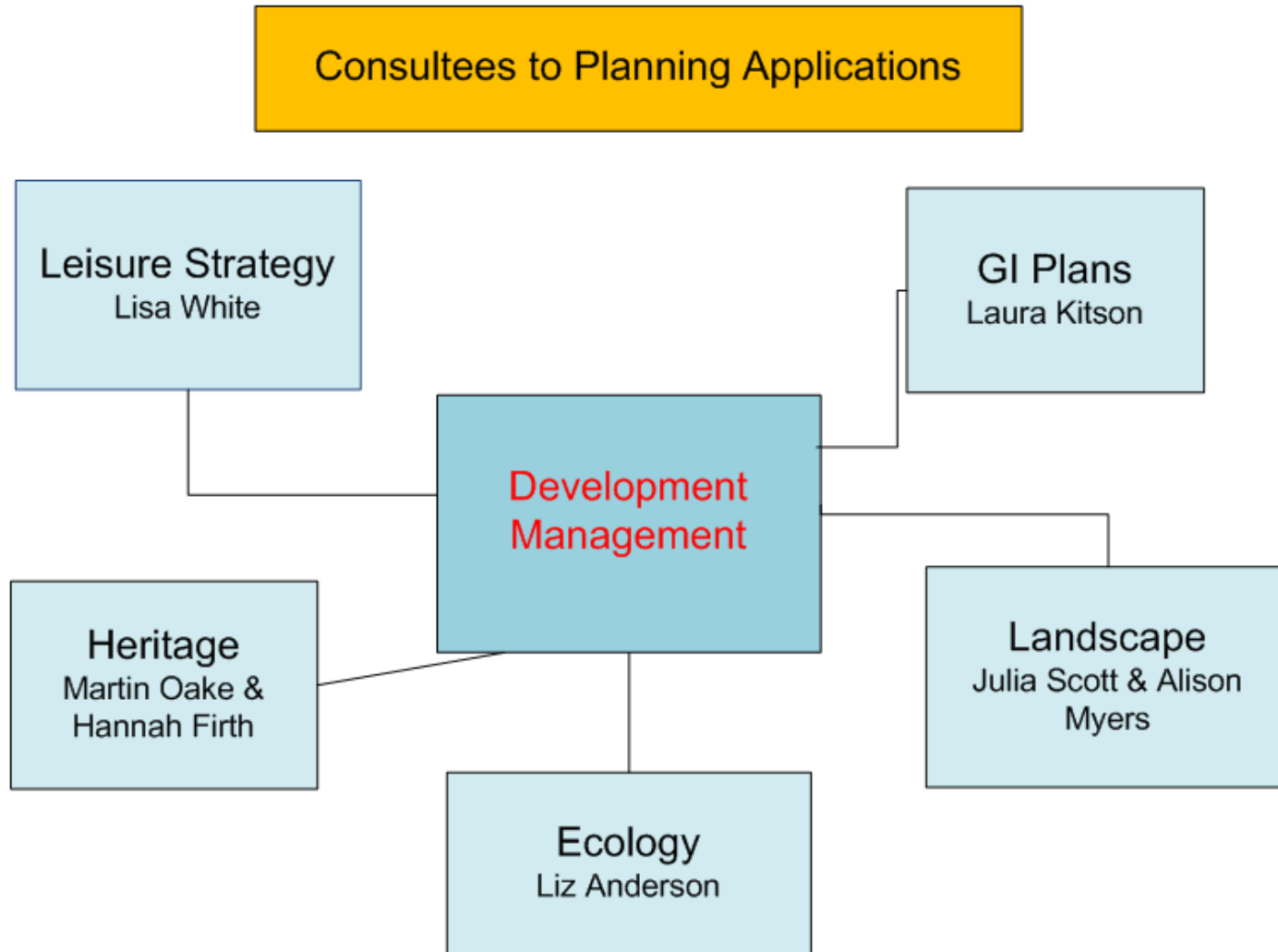
**Laura Kitson, Green Infrastructure Officer
and
Lisa White, Policy Manager**

Provision of Open Space

Lisa White – Leisure Services

Laura Kitson – Strategic Planning

Securing open space - who does what?



What evidence and policy base do we use?

The planning application process

Planning application submitted and validated

Application publicised, consultees contacted

- This includes internal consultees, statutory consultees, and any others

Application considered by planning officer or planning committee

- The planning officer will consider consultee comments and other planning matters, and make either a decision or recommendation to the planning committee

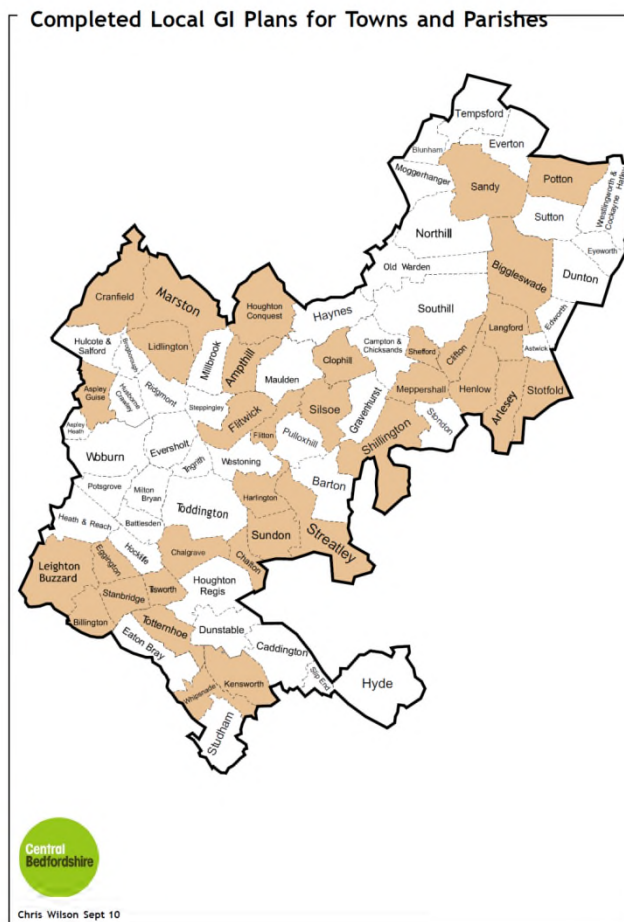
Decision issued

What does this mean at a town / parish level?

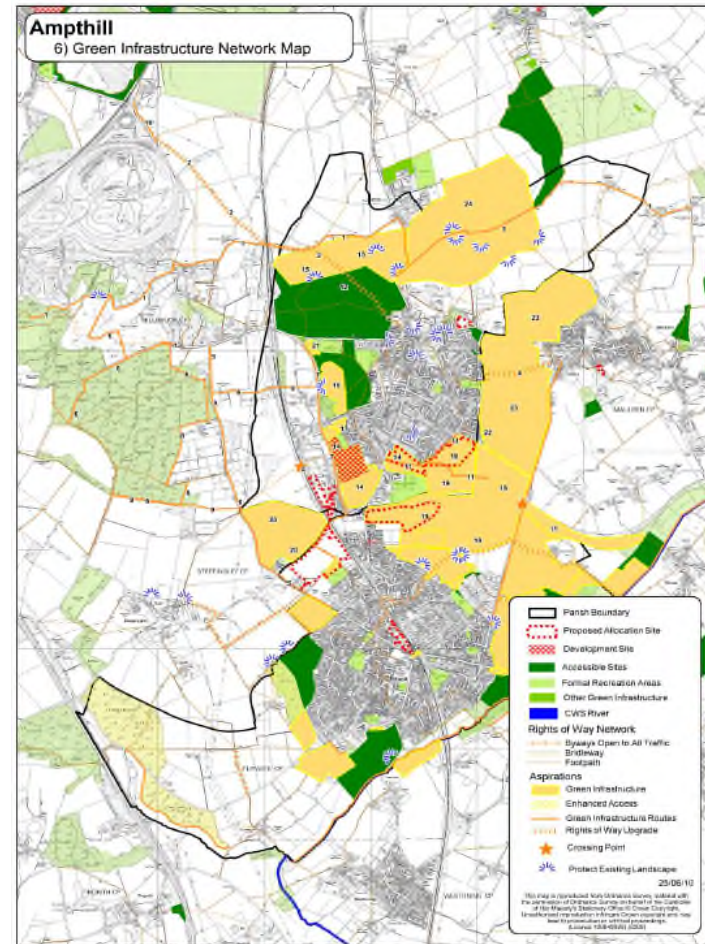
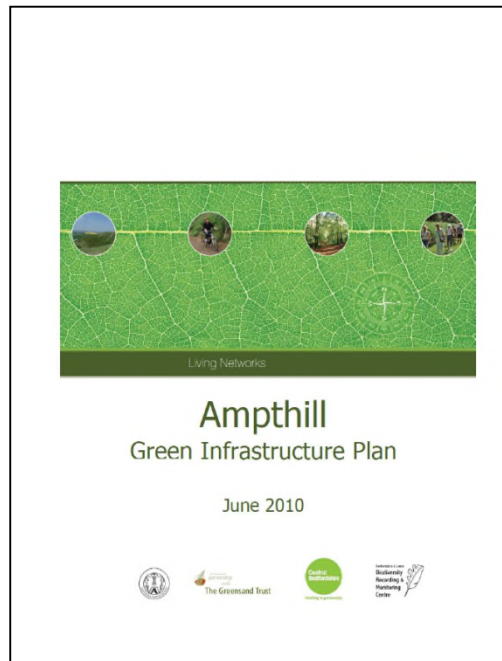
- Leisure Strategy – Parish Schedules
- Green Infrastructure – Town and Parish GI plans

Parish GI plans

- Ampthill
- Arlesey
- Aspley Guise
- Biggleswade
- Billington
- Chalgrave
- Chalton
- Clifton
- Clophill
- Cranfield
- Eggington
- Flitwick
- Harlington
- Henlow
- Houghton Conquest
- Kensworth
- Langford
- Lidlington
- Marston
- Moretaine
- Meppershall
- Potton
- Sandy
- Shefford
- Shillington
- Silsoe
- Stanbridge
- Tilsworth GI
- Stotfold
- Streatley
- Sundon
- Totternhoe
- Whipsnade



Parish GI plans



Leisure Strategy

Chapter 1: Leisure Facilities Strategy

- indoor leisure centres

Chapter 2: Recreation Open Space Strategy

- 9 types of open space

Chapter 3: Playing Pitch Strategy

- 9 types of outdoor sport facilities

Parish Schedules

Open space types

- Allotments
- Cemeteries and Churchyards
- Countryside Recreation Sites
- Large Formal Recreation Areas
- Informal Recreation Areas
- Small Amenity Spaces
- Children's Play Spaces
- Provision for Young People
- Urban Parks

Parish Schedules - example

Settlement Name	Biggleswade
Settlement Hierarchy	Major Service Centre
Placemaking Area	North
Current Population (2011 Census)	16550
2021 Population	20850
Settlement Description Biggleswade is the largest town in the north of Central Bedfordshire and is located on the River Ivel. A traditional market town, it has expanded significantly in the post-war period.	

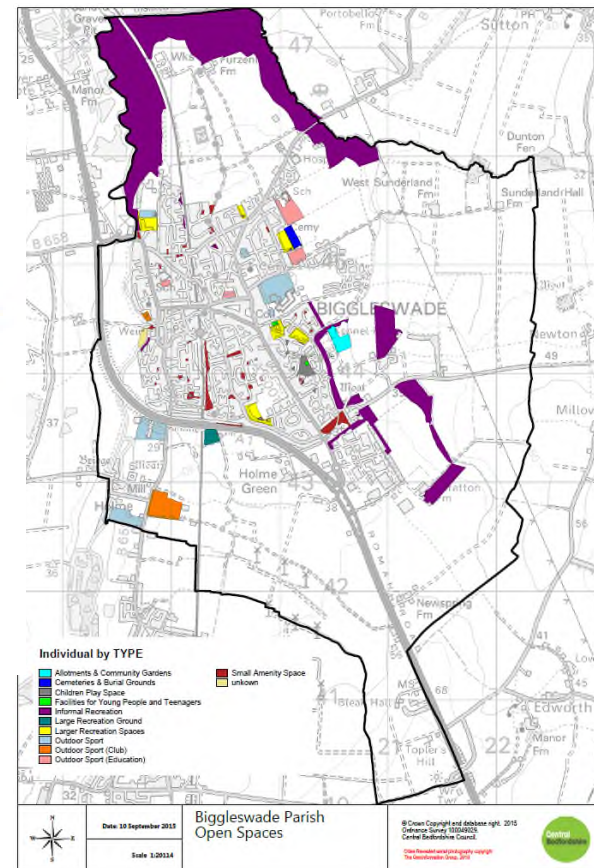
Open Spaces within Town

Site ID	Typology	Site Size (Ha)	Site ID
Kennel Farm Road Allotments	Allotments & Community Gardens	2.76955	565
Stratton Way	Cemeteries & Churchyards	1.61745	519
Chambers Way (CBC)	Children's Play Space	1.64575	569
Chambers Way Skate Park (CBC)	Facilities for Young People & Teenagers	0.11785	570
Kennel Farm	Informal Recreation	8.016	4160
Mill Lane Pocket Park	Small Amenity Spaces	0.1015	526
Fairfield Road Recreation Ground	Larger Recreation Spaces	1.3148	501
Linear Wood	Informal Recreation	1.56885	574
N/A	Urban Parks	-	-
Also mapped on GIS	Outdoor Sport		
	Outdoor Sport (education)		

Priorities

Type of Open Space		Key Issues	Typology Specific Priorities	Key Priorities
Countryside Recreation Sites		Lack of access to site within target distance threshold	New countryside recreation site within locality - location linking with green wheel proposals.	1. Creation & development of Biggleswade Green Wheel
Urban Parks		Lack of formal urban park	Upgrade Franklin Gardens to function as urban park and / or create new linear park	
Large Recreation Areas	Formal	Good access to existing sites but high quantitative shortfall suggests sites at capacity. Some quality issues also identified.	Qualitative improvements to existing sites. Additional formal recreation ground (possibly linked with requirements for urban park)	2. Upgrade / new formal recreation space / amenity spaces. 3. Major improvements to Franklins Recreation Ground.
Outdoor Sports		Identified as potential location for new AGP. Football pitch improvements at various sites. Requirement for additional cricket provision as well as quality improvements (training facilities) Improvement to rugby clubhouse Quality improvements at St Andrews Bowls Club		8. Football pitch improvements 9. Additional cricket provision and quality improvements (training facilities) 10.

GIS – example of Biggleswade



Developer contributions – what is changing?

- New Non-negotiable levy on development (CIL)
- Charged per square metre of floorspace
- Rates can vary by geographical area, use or size
- Operates alongside reduced planning obligations (S106)
- Contributions must be directly related to development and are subject to 'pooling' restrictions
- Draft Charging Schedule at Publication Stage
- CIL implementation planned for 2016

How these open space types have been funded in the past

- Allotments
- Cemeteries and Churchyards
- Countryside Recreation Sites
- Large Formal Recreation Areas
- Informal Recreation Areas
- Small Amenity Spaces
- Children's Play Spaces
- Provision for Young People
- Urban Parks

What does this mean for open spaces?

S106

Parish Schedules – identifying local priorities

Identified, costed projects – evidence of deliverability

‘Major’ schemes – not new swings!

CIL

123 List - Major strategic infrastructure provision

The ‘Neighbourhood proportion’

How CBC and Town/Parish Councils can help each other

How you can help us: secure S106 contributions

- Ensure your Parish Schedule is up to date

How CBC can help T/P:

- Policy/evidence base for CIL spend, external funding
- Contacts with community organisations: e.g. BRCC, national sport governing bodies, local sports clubs, external funders etc.

Summary

- **Help us get the evidence base right**
- **Think about local priorities**
- **And think about how you could use new funding streams to deliver these priorities**

Any questions?

Closing remarks

Town & Parish Council Planning Conference 23 September 2015