

Commercial planning news



OCTOBER 2017

Headline news

Party Conference round-up on planning

With the conference season now over - and both Houses returning on 9 October - it is easy to summarise how the planning focus of the three main parties continues to be on how they would go about providing more new homes, if remaining/ when in power.

Labour Leader Jeremy Corbyn set out what the Party would do, when it moves from being 'in the political mainstream' and 'on the threshold of power' to being elected. A Labour Government would use its proposed £250bn National Transformation Fund to coordinate and provide infrastructure and homes. The 'use it or lose it' principle would be introduced on undeveloped land held by developers. Alongside benefitting (and protecting the interests of) existing residents in estate regeneration projects, a review of social housing would be undertaken.

In response and for the Conservatives, Communities Secretary Sajid Javid and the Prime Minister could not have been clearer in accepting that the Party's 'failure on housing' was putting Jeremy Corbyn within reach of Downing Street. Theresa May added how the Government has listened and learned from the election result - recognising the need to do more on housing. Her key announcement was on how councils and housing associations would be encouraged

to bid for £2bn additional investment in affordable housing that would allow homes to be built for social rent where 'need is greatest'. She also intends to dedicate her premiership to fixing the problem of people not getting onto the

housing ladder, including 'reigniting' home ownership.

The tone of the Housing White Paper could also be detected in Mrs May's speech; she said how the Government would ensure that land is available for homes and in return, housebuilders must 'build the homes our country needs'.

The Communities Secretary spoke less of planning and home ownership, and more of measures that are to be brought forward for the private rented sector, mainly to protect tenants. He made only passing reference to progress that has been made on boosting housing supply (higher numbers of completions and residential planning permissions) and how the Government has been 'getting on with major reform' (via the Housing White Paper, the consultation on a local housing need standard methodology and the proposed Social Housing Green Paper).

Lastly, Sir Vince Cable said that the Liberal Democrats would double the annual housing supply, councils would be allowed to build affordable homes, and new garden cities and villages would 'spring up' where housing demand exceeds supply.

For a limited period only: light industrial to residential changes of use are PD

Between 1 October this year and 30 September 2020, planning permission does not have to be applied for to change the use of light industrial premises (Use Class B1(c)) to residential - a prior approval determination is still however required and the temporary permitted development right (PDR) is subject to a long list of limitations and a series of conditions that have to be met. Whilst the PDR is temporary, the planning permission would not be.

The Town and Country Planning (General Permitted Development) (England) ►►

QUOTE OF THE MONTH



The listed office sector delivers the greatest consistent outperformance, with the industrial sector also delivering much stronger returns over the 30 year time period.

Historic England, in their new report 'Heritage and the Economy 2017', commenting on the role of the historic environment in the property market.

THE LICHFIELDS PERSPECTIVE

Councils determining applications as to whether prior approval is required to change light industrial premises to new homes may often conclude that the industrial use of the building itself should be retained - and that any new homes will have an unacceptable adverse impact on the sustainability of industrial and warehousing left in the building, or in its vicinity.

Jennie Baker, Associate Director

LICHFIELDS

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(Amendment) Order 2016 making this temporary change came into force on 6 April last year, giving local planning authorities (LPAs) well over a year to make any Article 4 directions to prevent such changes of use being permitted development in their areas.

Neighbourhood Planning Act 2017: compulsory purchase measures now in force

The Neighbourhood Planning Act 2017 (Commencement No. 2) Regulations 2017 were made on 21 September and came into force the next day.

The measures are intended to simplify and speed up the compulsory purchase process; the Regulations bring into force various provisions of the Neighbourhood Planning Act 2017 relating to compulsory purchase, including:

- amending the definition of ‘acquiring authority’ in s172 of the Housing and Planning Act 2016 (‘right to enter and survey land in connection with proposal to acquire land etc.’ – a new and simple surveying power), to clarify its meaning in this context. According to commentators, it can now apply to compulsory acquisition under the Planning Act 2008 i.e. for nationally significant infrastructure projects;
- setting out how compensation for land taken by compulsory purchase is assessed, in accordance with the no-scheme principle set out in the new s6A in the Act;
- bringing into force s33 which repeals Part 4 of the 1961 Act and related provisions so that a claimant is no longer entitled to claim additional compensation where, within 10 years of the completion of the compulsory purchase by the acquiring authority, a planning decision is made granting permission for additional development on the land;
- bringing into force s34 (amending s15 of the Acquisition of Land Act 1981 by introducing a 6 week statutory time limit for issue of the confirmation notices, unless a longer period is agreed in writing between the acquiring and the confirming authorities);
- bringing into force s36 of the Act which amends the Greater London Authority (GLA) Act 1999 to allow

the GLA, a Mayoral Development Corporation, or Transport for London to acquire land authorised by a compulsory purchase order on behalf of the other for a joint project;

- transitional provisions; and
- a transitory provision relating to taking temporary possession.

Government guidance on compulsory purchase and the Crichel Down Rules for the disposal of surplus land acquired by, or under the threat of, compulsion has also been updated.

Environmental impact assessment screening checklist

An updated version of the Environmental Impact Assessment (EIA) Screening Matrix that implements the requirements of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 has been published by the Planning Inspectorate.

Secretary of State DCLG priorities

It was announced on 19 September that on 11 October, the Communities and Local Government Committee will take evidence from Sajid Javid MP on DCLG priorities.

The Committee will question the SoS and his Ministers (Alok Sharma MP, Marcus Jones MP and Jake Berry MP) on the Department’s work since the election, as well as its policy priorities in the new Parliament, including how the Government intends to proceed.

England’s economy boosted by heritage

A new report, ‘Heritage and the Economy 2017’, was published by Historic England on 21 September. It summarises findings from studies on heritage and economic activity and also introduces new research, in the Heritage Economic Impact Indicator Workbook 2017 (accompanied by a technical report that explains its rationale and approach).

The report itself highlights ‘the vital contribution that heritage makes to England’s economic prosperity’ – not just in relation to tourism, but in regeneration projects, in ‘giving places a competitive advantage’ (e.g. via ‘place branding’) and

by providing buildings for ‘economic production and activity’.

According to the report:

‘Historic buildings provide perfect premises for the growing creative industries.’

The historic built environment is also referred to as ‘an important component of the property market in England’, with such buildings often making ‘the buildings themselves and the areas in which they are situated highly sought after’ – the conclusion being that ‘the historic environment is an important factor for property developers’.

Industrial clusters

The Department for Business, Energy and Industrial Strategy published research on 22 September that used ‘an innovative big data approach’ to identifying clusters of businesses in three sectors (chosen to represent an emerging industry, an established service sector and a manufacturing sector with the presence of a formal cluster organisation). The three sectors were:

- digital health;
- financial services; and
- the processing industry.

The data was gathered by ‘web scraping’ (a technique used to extract and locally save large amounts of data from websites).

Qualitative case studies based on interviews with key stakeholders then covered three clusters identified by the quantitative analysis:

- North East of England Process Industry Cluster (NEPIC);
- Financial services cluster in Leeds City Region; and
- Digital health cluster in Birmingham.

The study found that the largest urban areas were important agglomeration areas for all three sectors; London, Birmingham and Manchester were consistently identified as the largest sectoral agglomerations, although smaller urban areas had ‘a different importance’ across sectors. It is also of note that the study identified the possible influence of sector-specific factors for digital-health:

‘Oxford and Cambridge emerge as the only geographical areas where their relative concentration is at least two times the national average. No similar locations were identified for the remaining two sectors.’