

Type of Application

- Outline
 - Reserved Matters
 - Full
 - Listed Buildings
-

Outline Application

An application for **outline planning permission** allows for a decision on the general principles of how a site can be developed. Outline planning permission is granted subject to conditions requiring the subsequent approval of one or more 'reserved matters' Some details (often the number of units and access) will be fixed at this stage



Full Planning Permission

An application for full planning permission results in a decision on the detailed proposals of how a site can be developed. Full Planning Permissions have conditions attached which may require further details to be provided, or limiting the development in some way (such as hours of operation) The applicant will often need separate approvals for things like Building Regulations, Licensing, or highway works.



Conditions and S106 Agreements

These rarely end up at committee but it is important to understand their limitations when they are attached in the first place. Conditions must be:

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

A S106 Agreement is an agreement between the planning authority and the developer to cover things that cannot be dealt with by condition - they commonly cover areas where a payment is required, or affordable housing provided. A S106 Agreement can only deal with the impact of the proposal and cannot be used to address existing issues. **A S106 Agreement is not a way of “buying” Planning Permission**

Amendments - S73 Applications

When planning permission is granted a condition is attached specifying the drawing numbers to which the permission relates. If a developer subsequently wants to change their plans they can apply to vary the plan numbers condition under Section 73 of the Act.

For these applications **only the changes** can be considered, not the original application.

There is no specific guidance which says what is or is not acceptable for a S73 application.

Listed Buildings

A Listed Building is simply one that appears on the list of historic sites.

Separate Listed Building consent is required for internal and external changes to these properties, and these applications usually run alongside a planning application.

Applications for Listed Building Consent look solely at affect on the historic building, and there may be cases where Planning Permission could be granted but Listed Building Consent refused, or vice versa.



Planning in England is policy-led

- national policy
 - National Planning Policy Framework (NPPF)
 - National Policy Statements
 - G&T policy
 - Planning Practice Guidance
- local policy
 - development plan
- neighbourhood policies
 - neighbourhood plans



The presumption in favour of development

- At the head of the National Planning Policy Framework is a **presumption in favour of sustainable development** which should be seen as a golden thread running through both plan-making and decision taking.
-

Unless there is a strong policy position supporting refusal, for planning applications the question is....

Not

“Has applicant persuaded me that this is OK?”

But

“Am I persuaded by the arguments and current policy that this scheme is so bad that a refusal of permission could be justified?”

It's different for Listed Buildings and where there are strong protection policies for example buildings outside established settlements, Conservation Areas, SSSI's and AONB's.

NPPF and decision making

- Local planning authorities should:
 - **approve development proposals** that accord with statutory plans without delay; and
 - **grant permission** where the plan is absent, silent, indeterminate or where relevant policies are out of date.....
 - *unless....adverse impacts of allowing development would **significantly and demonstrably** outweigh the benefits, when assessed against the policies in the Framework taken as a whole*
-

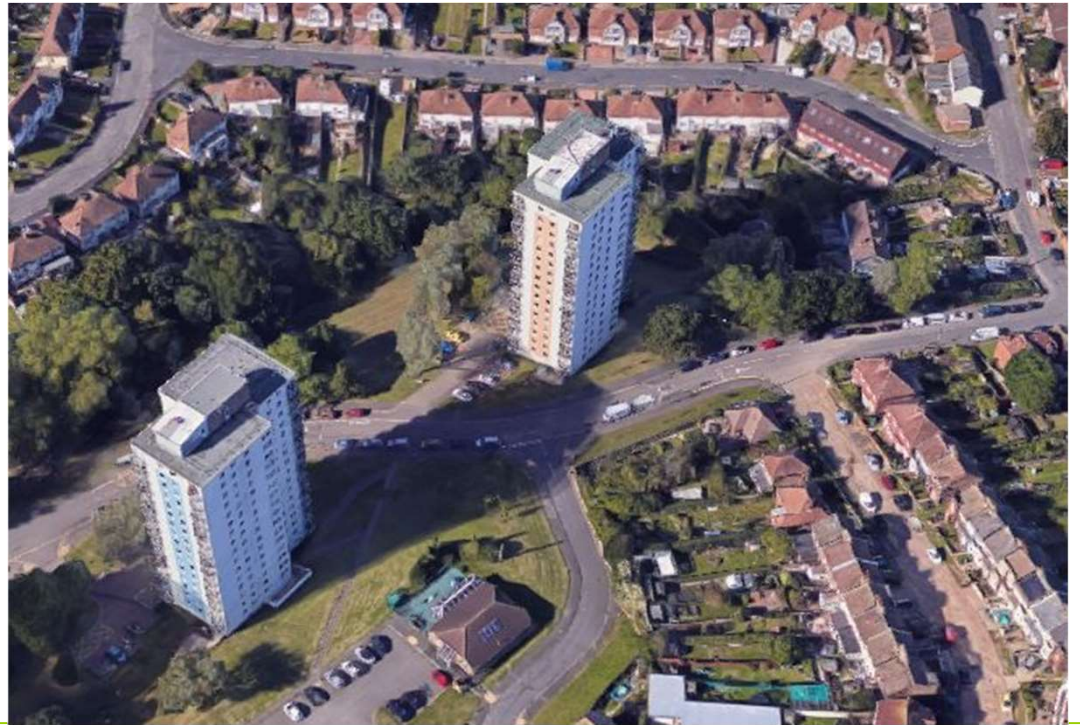
Material Considerations

Overlooking and loss of privacy



Material Considerations

Loss of light and overshadowing



Aerial Images: Google

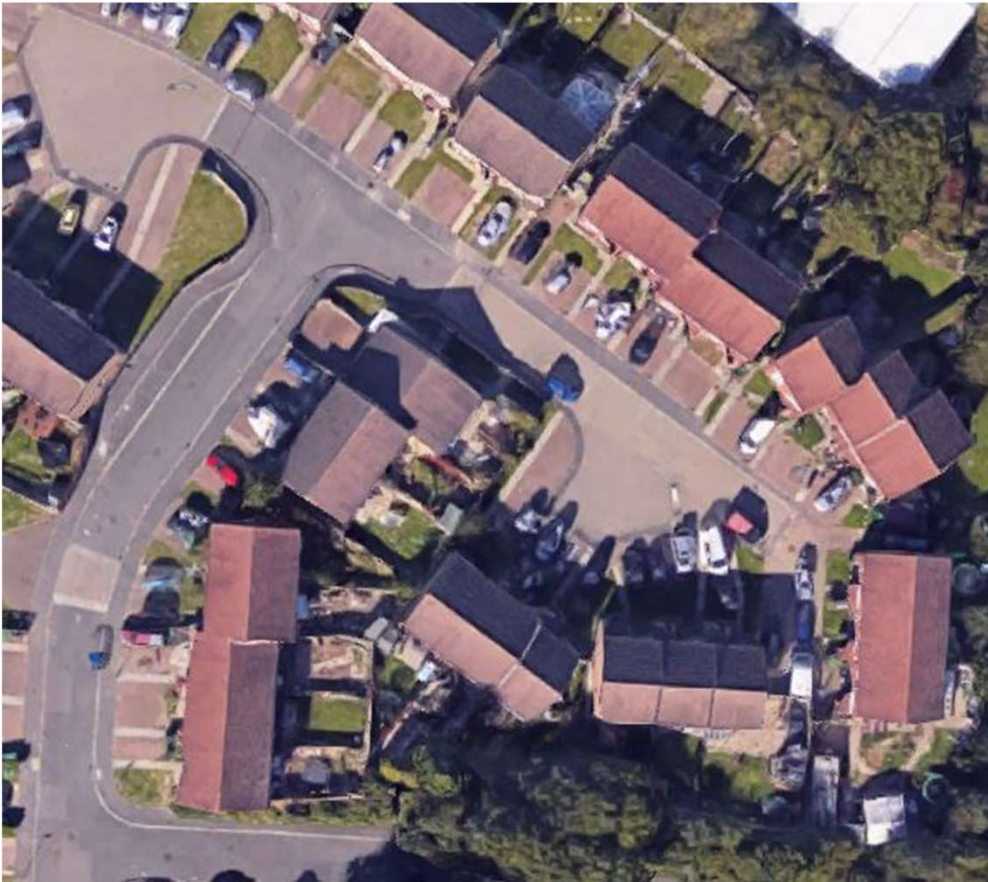
Material Considerations

Land Use, Layout and Relationship
between Buildings



Material Considerations

Parking



Material Considerations

Highway Safety



Material Considerations

Traffic

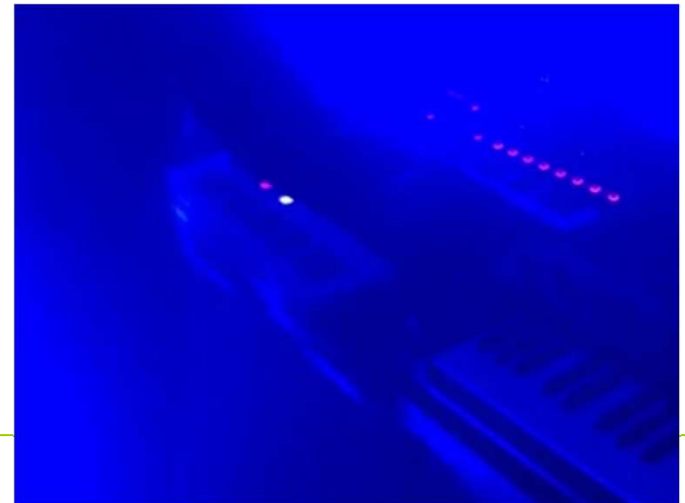


Material Considerations

Noise and Pollution



Air Quality



Material Considerations

Ecology, Nature conservation and Biodiversity



Material Considerations

Density of Building



Material Considerations

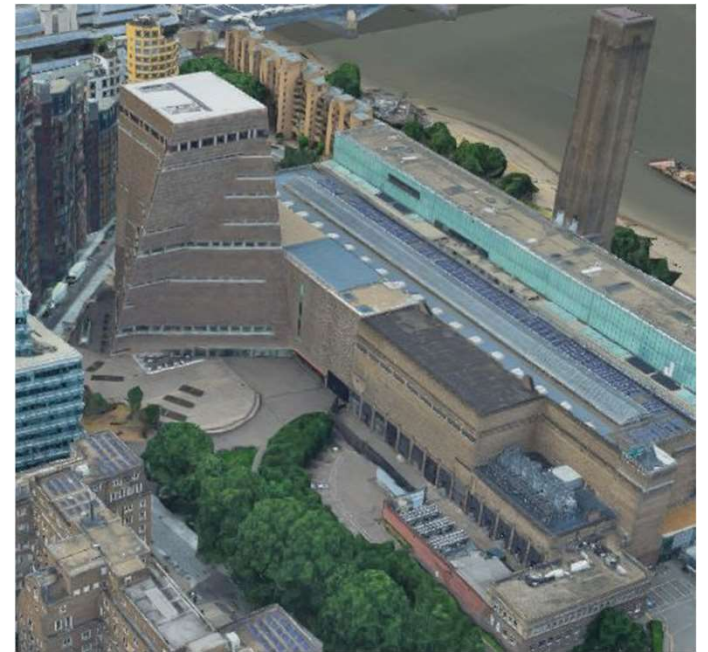
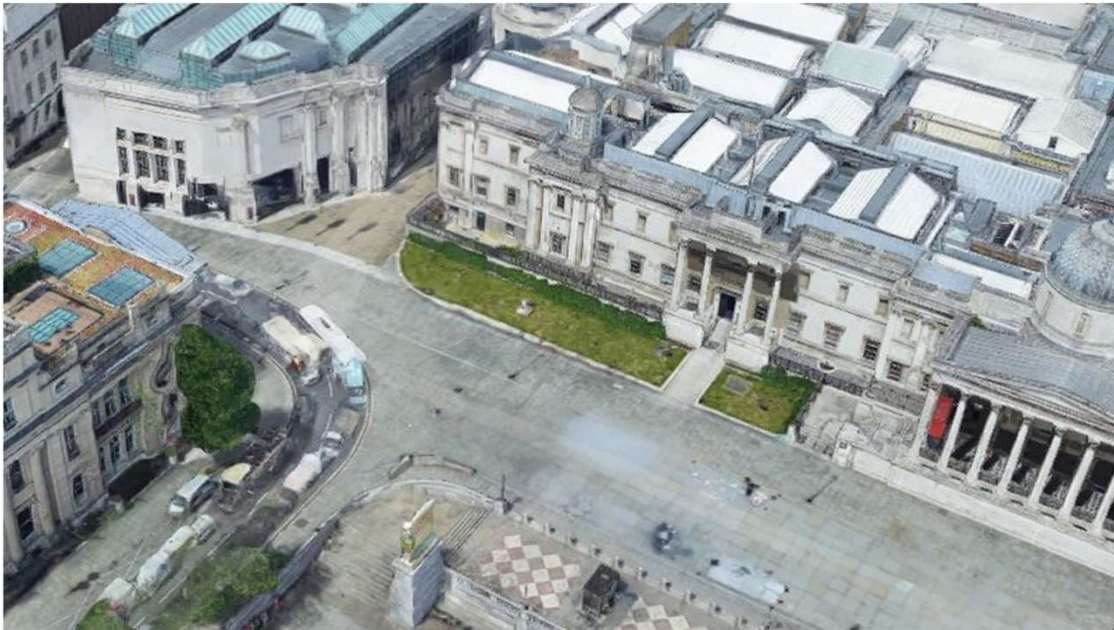
Disabled Access (outside)



Material Considerations

Impact on Listed Buildings and
Conservation Areas

National Gallery vs. Tate Modern



Material Considerations

Design Appearance and Materials



Image: Google

Things that can't be taken into account

Impact on property Value



Loss of a View



Competition



Restrictive Covenants



Things that can't be taken into account

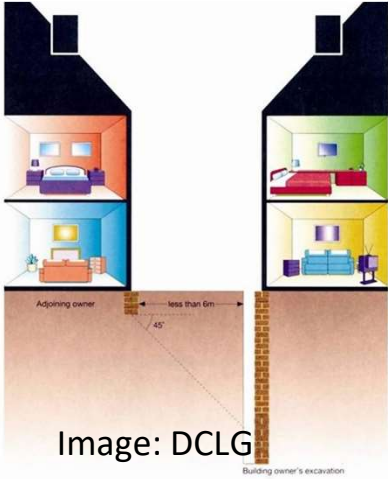
Private Rights of Way



Boundary Disputes



Party Wall Act



Things on the Highway



Things that can't be taken into account

Licensing



Building Regulations



Internal Works



Cowboy builders & Site Safety

