

WELCOME TO THE 2ND EDITION

of GL Hearn's biannual planning newsletter 'forward planning'

The modern planning system is 60 years old this year. It is questionable whether planning has ever had such a high profile since its inception in 1947.

In the first half of 2007 planning has received an exceptional amount of coverage. Planning is at the forefront of the debate about climate change, sustainability and delivering new housing, but at the same time is subject to ongoing criticism that the system has not kept up with a rapidly changing modern world and calls for streamlining to improve its efficiency.

In response to these issues and Kate Barker's Review of Land Use Planning, the Government published the 'Planning for a Sustainable Future' White Paper on 21 May. Just 3 years after the last "radical overhaul" of the planning system, the White Paper sets out the Government's "wide-ranging package of reforms" for planning.

We review the Paper below. What we think is particularly interesting is that the White Paper has the signatures of four Secretaries' of State; DCLG, DEFRA, DTI and DfT. Given that the Exchequer jointly commissioned the Barker Review with the DCLG and that the Chancellor has a significant new post, the proposals, and the rationale behind them, appear to have high level cross-departmental Government support.

In this edition of 'forward planning' we review some of the key proposals within the White Paper together with a review of some of the other key changes and events from the first half of 2007. We would be delighted to hear your comments on the newsletter and discuss any of these matters in detail with you.

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'PLANNING FOR A SUSTAINABLE FUTURE'

- The White Paper

The much anticipated White Paper, published in May, signals yet another review of the planning system. The main objectives (this time) are to streamline the process, help local authorities shape their communities, support sustainable economic development and tackle climate change. Some of key proposals are:

- Policy statements for nationally significant infrastructure
- Requirement for early consultation for infrastructure projects and rationalising the consent regime

- Independent Commission to take decisions on nationally significant infrastructure proposals
- New Planning Policy Statements for economic development and climate change
- New legislation on energy efficiency and climate change
- Replace retail need and impact test with new test with focus on town centres
- Review permitted development rights and reduce number of minor household applications
- Streamline Local Development Frameworks

- Planning Performance Agreements to streamline processing major applications
- Reduce number of call-in applications and improve appeals process

The proposals have, on the whole, been welcomed by the development industry. We would agree that, on the face of it, most of the proposals are sensible and should be supported.

The key to success, if taken forward, will be how the change is managed. Planning does not have a good record of adapting to change quickly; we are still witnessing teething problems following the 2004 Act. To improve the efficiency of system the Government has focused on either end of development spectrum; major infrastructure and householder proposals. Our clients proposals are typically somewhere between - we sincerely hope such schemes will also experience the promised improved efficiency.

TALL BUILDINGS AND VIEW MANAGEMENT



Tall buildings, their benefits and their impacts are once again a hot topic for the modern city.

Consultation has recently closed on CABE/English Heritage's new 'Guidance on Tall Buildings'. Key points from the document include:

- The determination of what makes a tall building 'tall' relates to its surroundings and neighbourhood
- Tall buildings can act as a beacon and stimulate further investment
- The existence of a tall building in a particular location will not in itself justify its replacement with a new tall building
- Outline planning applications for tall buildings are only acceptable on rare occasions where the principle of a tall building is sought within a robust and credible master plan

In July 2007 The Mayor of London published the London View Management Supplementary Planning Guidance. The SPG explains how 26 views are to be managed and protected. The SPG replaces the 10 Strategic Views of St. Paul's Cathedral and the Palace of Westminster contained within RPG3A (1991).

PLANNING HEADS NORTH AND SOUTH

GL Hearn is now operating a planning service with the Southampton and Sunderland offices to serve the South Coast and North East. If you have any planning and development issues in these areas then please contact James Cook: james_cook@glhearn.com regarding the North East and Julian Goodban: julian_goodban@glhearn.com regarding the South Coast.

NEW DIRECTION FOR SIGNAGE CONTROL

The Advertisements Regulations have been updated to reflect changes in the nature of outdoor advertising.

The new Regulations change the definitions of the key tests in advertisement control - amenity and public safety.

- Amenity has been amended to include consideration of aural amenity. Noise generated by advertisements will now be considered when determining advertisement consent applications.
- Safety has also been expanded upon. Whilst safety was once solely considered in terms of the impact of an advertisement on the highway user, the new Regulations introduce the concept of "Public Safety" such as an advertisement's impact on crime prevention and detection measures e.g. CCTV and speed cameras.



The Town and Country Planning (Control of Advertisement) (England) Regulations 2007 came into force on 6 April 2007, replacing the 1992 regulations and its subsequent amendments.

HERITAGE PROTECTION

- *A Changing Regime*



Consultation has recently closed on the "Heritage Protection for the 21st Century" White Paper. The proposals attempt to develop a united and streamlined framework for heritage protection whilst giving more certainty over designations and development of historical and non-historical assets. The key changes proposed are:

- Creation of united "Historic Assets" designation to replace the existing separate listing, scheduling and registering arrangements.
- New System of Operation - an application for a new designation will be subject to formal consultation and right of appeal. Whilst the application is being considered, interim protection will be given to the assets.
- New single "Historic Assets Consent" regime to replace listed building and scheduled ancient monument consent. Abolition of Conservation Area consent and consideration of conservation area issues through planning process.
- New measures to allow certain works to be carried out without express consent being obtained.
- Greater protection for World Heritage Sites (WHS)

The proposals will have wide ranging effects - please contact us for further details.

HAZARDOUS INSTALLATIONS

Following the Buncefield incident, the Health and Safety Executive (HSE) have been reviewing the planning consultation zones around 'hazardous installations'.

The HSE have redefined the 3 concentric zones where they are a statutory consultee on all developments and are taking a more restrictive approach in terms of development permitted in the zones.

Recently a London Council originally failed to consult the HSE on a scheme that was adjacent to gas holders, planning permission was granted but later rescinded when it was noted the HSE were not consulted. A new planning application was submitted but development had already commenced. The HSE advised against development on the re-submitted scheme when consulted and the Council then issued a 'stop notice' and the case was called-in.

The Mayor of London has entered the debate and is concerned that such stringent restrictions could blight many large redevelopment sites across London.



The message is clear - check the proximity of your site to hazardous installations and understand the implications.

CONSULTATION, CONSULTATION, CONSULTATION...

In addition to the Planning White Paper, a number of other related Consultation Documents were released by Government in late May including:

- Planning Performance Agreements;
- Planning Costs and Fees;
- Improving the Appeal Process in the Planning System;
- Changes to Permitted Development Rights for Householders;
- Energy White Paper; and,
- The Future of Nuclear Power.

Please do contact us if you would like to discuss any of the above in further detail.

PLANNING & DEVELOPMENT SERVICES

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We endeavour to keep our mailing lists up-to-date. If you would like to be removed from the list, or you have a colleague who would like to receive future issues of 'forward planning', please email planning@glhearn.com with details.

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