

The Planning System

Profession & Business 1

Level 5

Mod Code: M5X01982

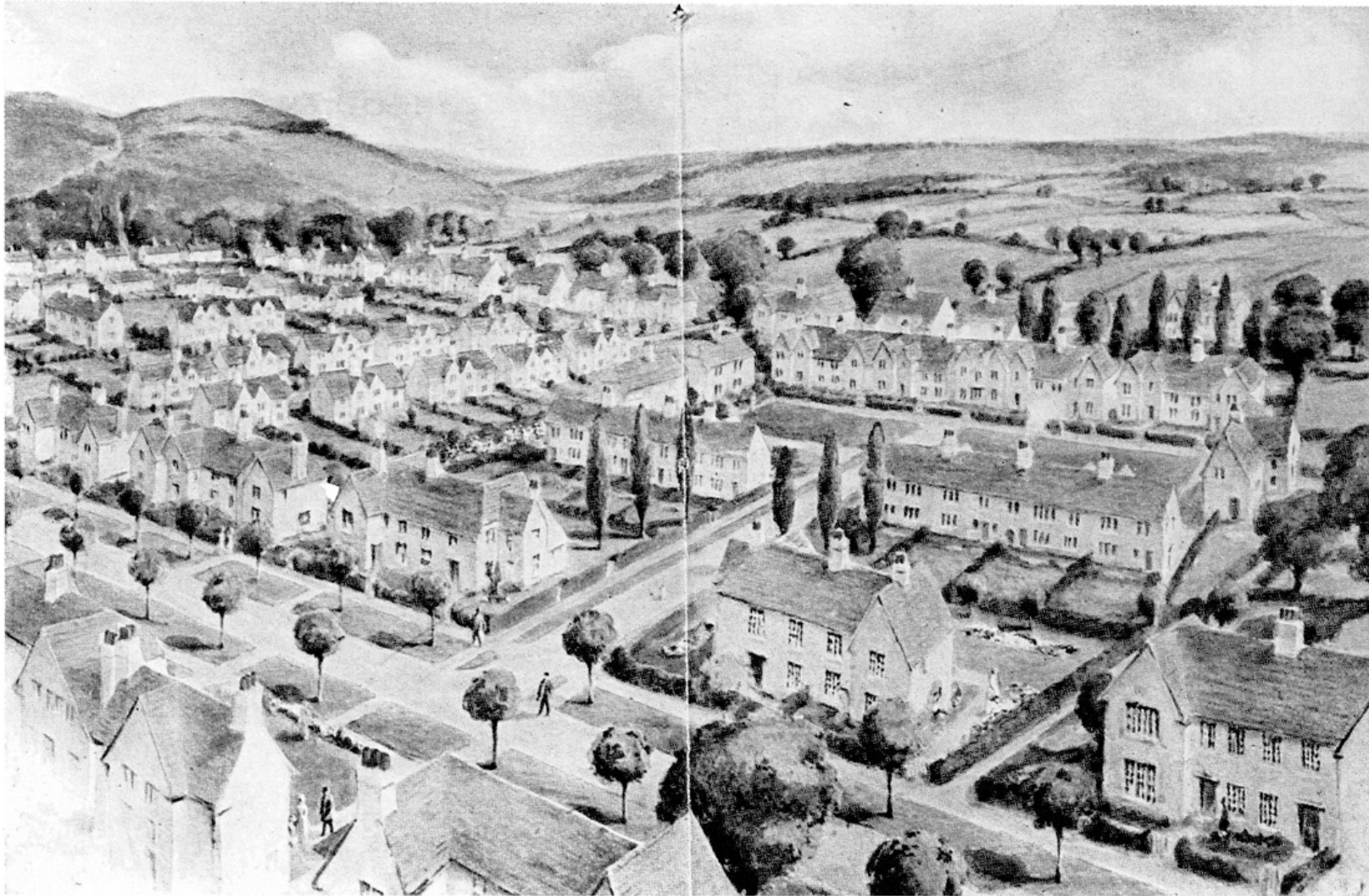
Early Planning

- Before the planning system developed landowners could develop land as they wished.
- No control over urban development.
- Elizabeth I in 1580 sought to prevent any new building within three miles of the gates of London – to ensure supply of food and mitigate effects of the plague.

Early Planning Laws

- Town and country planning, as a structured approach to development control in Britain, began in the mid nineteenth century, when people became concerned with the problems of overcrowding and insanitary working class living conditions.
- Enlightened Victorians came to the conclusion that, if the local surroundings were improved, then productivity would increase and, as a result, their workers health, cleanliness and morals would be improved. (*See New Lanark, Port Sunlight and Bournville*).
- This attitude was the basis of the Garden City movement which was the beginning of planning as we know it. (Sir Ebenezer Howard 1850-1928 outlined his ideas in *Garden Cities of Tomorrow 1898*.) In Wales Rhiwbina Garden Village.

Rhiwbina Garden Village, Cardiff 1912





New Lanark from 1785



Port Sunlight, Wirral
1889



Bournville 1895





Bournville



Bournville



Garden City Movement

- Planned dispersal of industry and people to towns of limited size
- Provision of amenities by way of parks and gardens and public buildings
- A carefully-defined and preserved relationship between town and country
- Pre planning of the whole town layout and zoning of the area into town and country areas
- Unified ownership of all lands in the form of a trust, making it possible to control the use of sites through leases.

What is the Planning System?

- Planning ensures that the right development happens in the right place at the right time, benefitting communities and the economy.
- It plays a critical role in identifying what development is needed and where, what areas need to be protected or enhanced and in assessing whether proposed development is suitable.
- Construction of new buildings and extensive changes to existing buildings usually requires consent from the local planning authority in the form of planning permission.
- Planning Policy is supported by legislation, this mainly takes the form of Acts of Parliament and Statutory Instruments.

Planning Legislation

- The first important piece of planning legislation- Housing, Town Planning Etc Act 1909
- Conferred powers not duties on local councils to prepare town planning schemes.
- The adoption of a scheme under this Act required the approval of central government.
- The scheme constituted a zoning system with no general concept of planning permission.

Planning Legislation

- After the first world war (1914-18) – the Housing and Town Planning Act 1919.
- The Town and Country Planning Act 1932 and the restriction of Ribbon Development Act 1935.

Development of the Town and Country Planning Act

- Post second world war (1935-45) the shortcomings of the system as it existed then were addressed.
- The Town and Country Planning Act 1947- the basis of the present system.

Town and Country Planning Act 1947

- The Act established that planning permission was required for land development; ownership alone no longer conferred the right to develop the land.
- To control this, the Act reorganised the planning system from the 1,400 existing planning authorities to 145 (formed from county and borough councils), and required them all to prepare a comprehensive development plan.

- The main legislation has twice been changed in 1971 and 1990.
- With three complimentary consolidating Acts passed in the 1990 dealing with:
 - Hazardous substances
 - Conservation Areas
 - Listed buildings

- The law requires that all applications for planning permission should be decided in accordance with the policies of the “Development Plan”
- The decision on any planning application is therefore "policy-led" rather than "influence-led".



Types of Planning Application

- **Full planning permission:** This would grant permission for all aspects of the proposed development, although it would generally be subject to various conditions.
- **Outline planning permission:** Appropriate when an applicant is seeking an agreement "in principle" to a proposed development, without being committed to a particular form of design or layout.
- Approval of "**reserved matters**" Seeking permission for those aspects that were not dealt with in an outline planning permission.
- **Renewal** of planning permission: This would arise when an earlier outline or full planning permission was subject to a time-limiting condition which has since expired.
- **Removal or alteration** of a planning condition:
- **Listed Buildings Application:**
- **Signage and Advertising:**
- **Engineering Works:**

Planning Conditions

- A planning condition is a condition placed on a grant of planning permission. Such conditions permit development to go ahead only if certain conditions are satisfied. Conditions include time limits on development, undertakings regarding environmental and noise issues and limits on the size and external appearance of a new development.

Planning Conditions can be:

- Pre Commencement of development.
- Pre Commencement of an element of that development.
- Pre Occupancy
- Time specific
- Advisory
- Financial (Section 106 Agreements)

Requirements of a planning application.

Statutory

- Ordnance Survey plan Scale 1:1250 Or 1:2500 Usually with the site boundary marked in Red
- Existing Site plan, Floor Plans and Elevations
- Proposed Site Plan, Floor Plans and Elevations
- Design and Access Statement (social housing and Major Developments)

Requirements of a planning application.

Supportive

- Site Sections and Street Scenes.
- 3d Renders or models.
- Specialist Detailing.
- Planning Statement.

Requirements of a planning application.

Additional

- Ecology reports – Bats, Newts, flora and Fauna.
- Highway assessments – Traffic flow, large vehicle turning.
- Topographical Survey – land levels
- Tree/arboricultural assessments
- Structural reports
- Mining assessments – Ground Stability
- Viability

USE CLASSES ORDER (WALES) and permitted development rights



Use Classes Order 1987	Use Classes Order 1972	Description	Permitted Development
A1 Shops Applies to buildings or land	Class 1	The retail sale of goods other than hot food, a post office, ticket or travel agency; hairdressing; the direction of funerals; the sale of cold food; display of goods for sale; hiring out of domestic or personal goods or articles; for the washing or cleaning of goods on the premises or for the reception of goods to be washed, cleaned or repaired; where the sale, display and service is to visiting members of the public.	A1 to A1 at ground with single flat over; Building for sale or display for sale of motor vehicles to A1
A2 Financial & Professional Services Applies to buildings or land	Class 2	Banks, building societies, estate and employment agencies, some solicitors & accountants; where the service is provided principally to visiting members of the public.	A2 to A1 where there is a ground floor display window
A3 Food and Drink Applies to buildings or land	Class 2	Restaurants, pubs, snack bars, cafes, wine bars, shops for sale of hot food, takeaways.	A3 to A1
B1 Business Applies to buildings or land	Class 2 Class 3	Offices not within A2. Research and Development, studios, laboratories, high tech Light Industry.	B1 to B8 (up to 235 sq m)
B2 General Industrial Applies to buildings or land	Class 4-9	Industrial processes not falling within Class B1.	B2 to B1
B8 Storage or Distribution Applies to buildings or land	Class 10	Wholesale warehouse, distribution centres, repositories.	B8 to B1 (up to 235 sq m)
C1 Hotels. Applies to buildings	Class 11	Hotels, boarding and guest houses.	No permitted development
C2 Residential Institutions. Applies to buildings	Class 12 Class 14	Residential Schools and Colleges. Hospitals and convalescent homes.	No permitted development
C2A Secure Residential Institution		Use for the provision of secure residential accommodation, including use as a prison, young offenders institution, detention centre, secure training centre, custody centre, short-term holding centre, secure hospital, secure local authority accommodation or use as a military barracks.	
C3 Dwelling Houses Applies to buildings		Dwellings, small businesses at home, communal housing of elderly and handicapped. (Note: in London, tenancies of less than 90 consecutive nights fall outside of this use class)	No permitted development
D1 Non-residential Institutions Applies to buildings	Class 13 Class 15 Class 16	Places of worship, church halls. Clinics, health centres, orphanages, day nurseries, consulting rooms. Museums, public halls, libraries, art galleries, exhibition halls, Law Courts. Non-residential education and training centres.	No permitted development
D2 Assembly and Leisure Applies to buildings	Class 17 Class 18	Cinemas, music and concert halls. Dance, sports halls, swimming baths, skating rinks, gymnasiums. Other indoor and outdoor sports and leisure uses, bingo halls, casinos.	No permitted development
Sui Generis (i.e. in a class of their own)	Class 17	Uses which do not fit wholly within a Use Class are considered 'Sui Generis' & require planning permission to change to another use. Some uses are expressly identified as being Sui Generis: Buildings selling and/or displaying for sale motor vehicles, laundrettes, taxi and vehicle hire businesses, amusement centres or funfairs, petrol filling stations and feedlots.	No permitted development

Disclaimer: Colliers International gives notice that these particulars are set out as a general outline only for the guidance of intending Purchasers or Lessors and do not constitute any part of an offer or contract. Details are given without any responsibility and any intending Purchasers, Lessors or Third Party should rely on them as statements or representations of fact, but must satisfy themselves by inspection or otherwise as to the correctness of each of them. No person in the employment of Colliers International has any authority to make any representation or warranty whatsoever in relation to this property. April 2014

For further information, please contact:

National | Anthony Atken
+44 131 240 7512
anthony.atken@colliers.com

Bristol | Tom Stanley
+44 117 917 2006
tom.stanley@colliers.com

Leeds | Graham Connell
+44 113 200 1864
graham.connell@colliers.com

London | Adam Pytle
+44 20 7344 5544
adam.pytle@colliers.com

Accelerating success.

Planning Use Classification Order.

- A1 – Shops and Retail
- A2 – Financial and Professional Services
- A3 – Food and Drink
- B1 – Business/Light Industry
- B2 – General Industrial
- B8 – Storage
- C1 – Hotel
- C2 – Residential
- C3 – Dwelling
- D1 – Non Residential Institutions
- D2 – Assembly & Leisure
- Sui Generis – In a class of its own

Building Control

Profession & Business 1

Level 5

Mod Code: M5X01982

HISTORY OF BUILDING CONTROL

- The Great Fire of London in 1666 was the single most significant event which has shaped legislation of today.
- The Great Fire of London 1666 destroyed 4/5ths of London.
- The rapid growth of the fire through timber buildings built next to each other highlighted the need to consider the possible spread of fire between properties when the rebuilding work was done.

The Great Fire of London



HISTORY OF BUILDING CONTROL

- The fear of loss of life and property from fire brought about the first formal controls.
- Following the Great Fire of London in 1666 the first comprehensive Building Act came on to the statute books which sought to achieve some degree of fire protection.

HISTORY OF BUILDING CONTROL

- Regulations were first introduced in London, which related to drainage, party walls, rights of light and rudimentary means of escape in case of fire.
- The London Building Acts 1667 and 1774
"An Act to control the construction of new buildings in London."
- There was a consolidating Act in 1774 which gave rise to the appointment of District Surveyors in London.
- The Act required all external walls to be brick or stone, rules for foundations, wall thicknesses, timber sizes and types and Chimneys.
Large houses need external balconies to facilitate rescue from fire.

HISTORY OF BUILDING CONTROL

- Surveyors appointed to enforce the Acts.
- The Surveyors Oath from the Bristol Act
"Being one of the Surveyors appointed in pursuance of the Act of Parliament, passed in the twenty eighth year of the Reign of King George the Third, for regulating Buildings and Party Walls, do swear that upon receiving Notice of any building - to do the utmost of my ability - to cause the Restrictions to be strictly observed without Favour or Affection, Prejudice and Malice."
- Fines imposed for none compliance.
- The designs in the Acts were used to by builders throughout the country to produce better buildings.

HISTORY OF BUILDING CONTROL

- At this time major cities in Britain began to expand due to industrialisation with a number introducing their own local Building Control Acts. e.g. 1840 Bristol Building Act.
- The Industrial Revolution had meant poor living and working conditions in ever expanding, densely populated urban areas. Outbreaks of Cholera and other serious diseases, through poor sanitation, damp conditions and lack of ventilation forced the Government to take action.
- In 1875 the first Public Health Act which gave powers to control building construction was introduced by the means of bye-laws aimed at securing the interest in health.
- Although there were “model bye-laws” to assist Local Authorities in making their own bye-laws, large cities adapted these standards to suit their own particular ideas on Health & Safety.
- This led to a variety of differing requirements and even a new Health Act in 1936 still left a wide variation of requirements from one Council to another.

HISTORY OF BUILDING CONTROL

- In an effort to achieve uniformity and enable the requirements to be readily amended to take into account advances in technology, the Public Health Act 1961 was introduced.
- This Act made a drastic change to the law relating to building control as it removed from authorities the power to make building bye-laws.
- The new procedure was for the Ministry to make national building regulations by use of a statutory instrument.

HISTORY OF BUILDING CONTROL

- The first regulations were those of 1965 which came into operation on the 1st February, 1966.
- There were many amendments to these regulations, often following disasters such as Ronan Point and Summerland.
- In 1972 the regulations were metricated.

Ronan Point



How will Grenfell affect future regulation changes.



HISTORY OF BUILDING CONTROL

- In 1985 a major overhaul took place following the introduction of the 1984 Building Act.
- The Building Act is the enabling Act under which new regulations can be made.
- It came into effect on the 1st December, 1984 and consolidated parts of the Public Health Act of 1936 and 1961, The Health and Safety at Work etc. Act 1974 and the Housing and Building Control Act 1984.

HISTORY OF BUILDING CONTROL

- These provisions were brought into effect in November 1985, the same date as the 1985 simplified Building Regulations.
- The Regulations have been further amended and enlarged and are now The Building Regulations 2000.