1 This Report

1.1 The purpose of this report is to update the Development Control Committee on legislative changes in relation to Permissions in Principle (PiP). Currently the only means by which PiP can be obtained for a site is through the Brownfield Register. From 1 June 2018 it will be possible for PiP to be secured by application for minor, housing led development only (up to 9 dwellings).

1.2 If PiP is granted then full details of the proposed development have to be submitted through a subsequent application for Technical Details Consent (TDC). It will only be when both PiP and TDC applications have been approved that planning permission is granted for the development.
2 Recommendation

2.1 It is recommended that:

- Members of the Development Control Committee note the pending legislative changes and the possibility of applications for Permissions in Principle being referred to the Committee from 1 June 2018.

3 Background, corporate objectives and priorities

3.1 This report includes an explanation of legislative changes relating to Permissions in Principle. The report relates to the Council Plan objective of improving residents’ quality of life in regard to maintaining and enhancing the built and natural environment.

Main Considerations

3.2 Permissions in Principle (PiP) is a new route for obtaining planning permission for housing-led development. Once a site has obtained PiP it is subsequently necessary to apply for Technical Detailed Consent (TDC). Planning permission is only secured when both PiP and TDC have been achieved. There are three ways to securing PiP:

1. Moving a site from Part 1 to Part 2 of the Brownfield Register; (already in force)

2. By application for an individual site; (option only available on 1 June 2018)

3. By allocation of a site in a Local Plan or Neighbourhood Plan (not yet in force)

3.3 This change allowing PiP to be granted on application has been brought in by the Town and Country Planning (Permission in Principle) (Amendment) Order 2017.

3.4 Of the three routes to PiP that are provided by s59A of the Town and Country Planning Act 1990, only one is already available at present: permission in principle granted via Part 2 of the brownfield land register. However, this council has not placed any site onto Part 2 of the Brownfield Register.

3.5 Applications for PiP for “minor” developments (of nine residential units or less, with less than 1000sqm of floorspace, and/or on a site of less than 1ha), the
'main purpose' of which is housing development, may be submitted to local planning authorities (LPAs) from 1 June 2018 onwards.

3.6 Key elements of the new application process include:

- 5 week determination period;
- Application fee payable;
- Publication requirements similar to planning applications;
- Consideration against the Development Plan and any other material considerations;
- Has to be ‘housing-led’ development;
- Cannot be habitats development, EIA or major development;
- Right of appeal for refusal and non-determination;
- PiP lasts for 3 years after granting;
- TDC must cover the entire site (ie, no phased applications).

3.7 The process therefore has similarities to the current two stage process for outline planning permission and subsequent approval for reserved matters. However, in addition to the above listed points there are two other key differences. First, at the PiP application stage only the matters of principle of location, type and amount are for consideration. Second is that any conditions and planning obligations are to be applied to the approval of subsequent TDC. In essence this delays the detailed consideration of the eventual planning permission until a later stage.

3.8 More detailed guidance and specific applications forms for PiP are yet to be published at the time of writing this report. Should they be published in time then they will form part of the content for the mandatory training for Members of Development Control Committee scheduled to take place in May 2018.

3.8 The requirement for PiP to be included as a legislative change within the council’s Constitution was reported to the Constitutional Working Group on 18 April 2018.

Corporate Implications

4 Legal Implications

There are no legal implications related to this report.

5 Financial implications

There are no financial implications of this report.

6 Risk management

In some circumstances, decisions may result in an appeal and associated application for costs by an appellant. Applications for Permission in Principle will be subject to similar rights of appeal as other applications for planning permission.
7 Equalities implications

There are no equalities implications of this report.

8 Consultation and communication

Applications for Permission in Principle will be subject to notification requirements set out in relevant regulations.

9 HR implications

There are no HR implications related to this report.

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<tr>
<td>Version</td>
<td>Final</td>
</tr>
<tr>
<td>Dated</td>
<td>25/04/2018</td>
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<tr>
<td>Status</td>
<td></td>
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<td>Confidentiality</td>
<td>It is considered that information contained within this report (and appendices) do not contain exempt information under the meaning of Schedule 12A of the Local Government Act 1972, as amended, and therefore can be made public.</td>
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