

**TITLE OF REPORT: Permission in Principle on application**

**REPORT OF: Mike Barker, Strategic Director, Corporate Services and Governance**  
**Paul Dowling, Strategic Director, Communities and Environment**

---

### **Purpose of the report**

1. This report seeks approval for changes to the Council's constitution to enable the Council, in its capacity as Local Planning Authority, to discharge new statutory duties to determine applications for Permission in Principle (PIP) for residential development.

### **Background**

2. The Town and Country Planning (Permission in Principle) (Amendment) Order 2017 (the Order) comes into force on 1 June 2018. This allows small (9 dwellings or less) housing schemes to apply to the Council for PIP. The granting of PIP along with a subsequent Technical Details Consent (TDC) provides an implementable planning permission.
3. PIP establishes whether the principle of housing on a site is acceptable along with the number of dwellings (expressed as a range) that can be accommodated on the site. The TDC deals with the detailed issues such as design, layout and parking.
4. Once a site has a PIP, the developer or landowner has 3 years to seek TDC, the granting of which will mean that the site has an implementable planning permission. The Council as Local Planning Authority (LPA) is under no obligation to approve TDC; however it cannot re-consider the *principle* of development on the site or the number of dwellings that the site can accommodate. A TDC application can only be submitted as a single application and not broken up into parts.
5. Councillors may recall a previous report to Cabinet on 19 December 2017 for PIP to be granted for housing on sites in the Brownfield Register. The Order differs from that approach in that applications can be made for both brownfield and greenfield sites although they are restricted to 9 dwellings or less.

## Proposals

6. As required by the Order, from 1 June 2018, developers or landowners will be able to apply for PIP and subsequent TDC for development of 9 dwellings or fewer.
7. An application for PIP would be submitted to the Council as LPA (Development Management section). As part of the determination of this application, internal and external consultation would take place along with the other consultation and procedural measures set out in the Order.
8. Consideration would then be given to any representations received and a decision (or where relevant recommendation) would be made whether to grant PIP. The decision would be made either by the Service Director, Development, Transport and Public Protection under delegated authority or by the Planning and Development Committee, consistent with the Council's scheme of delegation for planning applications. The scheme of delegation for the Planning and Development Committee in the Council's constitution would need to be amended to allow this. It is proposed that the following be added to the Committee's delegations (Part 3 - Schedule 1 - Non Executive Functions – Delegation to Council Bodies):-  
  
“(xi) To exercise the powers of the Council under the Town and Country Planning (Permission in Principle) (Amendment) Order 2017 to determine applications for permission in principle and technical details consent.”
9. For applications for TDC, following a grant of PIP on application, it is proposed that these be considered in the same way, albeit that the principle of development and amount of housing would not be relevant considerations and the timescales for determination would differ.

## Recommendations

10. It is recommended that Cabinet:
  - (i) approves the decision making framework for PIP on application and TDC; and
  - (ii) recommends the Council to approve the proposed amendment to the scheme of delegation in the Council's constitution as set out in paragraph 8 above.

For the following reasons:

- (i) To ensure that the regulatory requirements regarding PIP on application and subsequent TDC are met.
- (ii) To ensure that the Council has a proper constitutional as well as statutory basis for decisions in respect of PIP on application and subsequent TDCs.

- (iii) To ensure that the correct balance is struck between timely decision making and appropriate consultation, publicity, oversight and scrutiny.
- (iv) To assist in the delivery of additional housing in the Borough.
- (v) To encourage the development of small housing sites.

**Policy Context**

1. The proposals will align with Vision 2030, in particular through City of Gateshead, Creative Gateshead and Sustainable Gateshead, by helping to increase the delivery of new housing in the Borough. The proposals also support the pledges within Making Gateshead a Place where Everyone Thrives.
2. The proposals are in accordance with The Town and Country Planning (Permission in Principle) (Amendment) Order 2017.

**Background**

3. The Town and Country Planning (Permission in Principle) (Amendment) Order 2017 (the Order) sets out that a Local Planning Authority (LPA) may grant permission in principle (PIP) on an application to the authority for the residential development of land. This does not apply to development which is major development (that is, 10 dwellings or more, or sites of hectare or more in size or buildings where the floorspace created would be 1000 square metres or more), habitats development under the Habitats Regulations, householder development, or development which meets Schedule 1 of the Environmental Impact Assessment Regulations. Effectively this means that applications are restricted to sites of 9 dwellings or less and less than 1 hectare in size.
4. Such an application can include conversions of buildings and changes of use but must be for housing-led development – i.e. where the residential use makes up the majority of floorspace. Appropriate non-residential uses may include, for example, a small proportion of retail, office space or community uses. Non-residential development should be compatible with the proposed residential development.
5. Such an application needs to include the relevant application form, fee and a plan which identifies the site.
6. Before determining an application, the LPA must:
  - Display a site notice for at least 14 days.
  - Display specified information on their website – namely:
    - (i) The address or location of the proposed development;
    - (ii) A description of the proposed development.
    - (iii) The date by which any representations must be made.
    - (iv) Where and when the application may be inspected.
    - (v) How representations may be made.
  - Take into account any representations made.
7. Whilst there is no requirement in the Order to write to neighbouring residents/occupiers about an application for PIP, it is still proposed to do this

to ensure that the PIP on application consultation process is consistent with PIP through the brownfield register and standard planning applications.

8. In terms of decision-taking, it is proposed that decisions on PIP applications and subsequent TDC applications are taken in line with the Council's scheme of delegation that already applies to PIP (and subsequent TDC applications) through the brownfield register and standard planning applications.
9. It should be noted that PIP does not consider the details of a particular scheme and simply establishes the principle of residential-led development on a site and the number of dwellings that that site can accommodate. However, once PIP is granted these issues cannot be re-considered at TDC stage. No planning conditions can be attached to a PIP.
10. The timescales for an LPA to determine a PIP application are 5 weeks for minor development and 10 weeks for major development. These timescales also apply for applications for TDC.
11. Planning conditions and obligations can be attached to a TDC and there is a right of appeal if a TDC application is refused. If the development is chargeable development within the Community Infrastructure Levy charging schedule in Gateshead it is at TDC where this charge would be levied.

### **Implications for PIP on application in Gateshead**

12. For small and medium-sized builders (SMEs), it is clear that the measures will have the potential to increase the delivery of housing by these groups and thus diversify the housing market as the amount of housing delivered by SMEs has dramatically declined over the past 30 years. Some of the reasons for this have been cited as the increasing costs of the planning process, reluctance of banks to authorise borrowing and the greater resources of the volume housebuilders.
13. PIPs would reduce uncertainties and risk for SMEs as a site could be granted a PIP through the submission of a simple application. This would mean that SMEs would have a better chance of borrowing money given the greater certainty that a site can be developed for housing and would reduce the upfront costs. The benefit to the Borough would be that there was greater diversity in housing being delivered and an increase in previously-developed land being used.
14. Other sites that are likely to benefit most from PIP on application are those small sites that are Council owned and earmarked for in-house development.
15. It is acknowledged that the requirement to determine PIP and TDC applications will put greater demands on Council resources. In particular, a lot of upfront work will now fall on the Council to determine whether sites are suitable for housing and the number of dwellings that can be accommodated, especially as minimal information is required to be submitted for a PIP application.

16. PIP on application and subsequent TDC will not replace the traditional planning application route and is intended to provide an alternative means of obtaining planning permission for housing development.

### **Consultation**

17. The following have been consulted on in this report.
  - Cabinet Members for Environment and Transport
  - Members of the Planning and Development Committee.

### **Alternative options**

18. As the Order makes it mandatory for LPAs to determine applications for PIP and subsequent TDC, there are no alternative options.

### **Implications of recommended option**

#### **19. Resources**

- a) **Financial Implications** – The Strategic Director, Corporate Resources confirms the cost of determining the applications will be met through application fees. The granting of PIP and subsequent TDC will support the delivery of housing within the borough helping to provide additional revenue to the Council in future years in the form of Council Tax receipts and greater certainty around capital receipts.
- b) **Human Resources Implications** - As above, the determination of applications will require additional officer time.
- c) **Property Implications** – Whilst there are no direct property implications for the Council arising from this report, if any Council land is the subject of a PIP and TDC application this will have an impact on the marketing and disposal of the site. Any implications will be highlighted in any future disposal report for any Council land.

20. **Risk Management Implications** – There are no risk management implications arising from this report.

21. **Equality and Diversity Implications** – There are no equality and diversity implications arising from this report.

22. **Crime and Disorder Implications** – There are no crime and disorder implications arising from this report.

23. **Health Implications** – There are no health implications arising from this report.

24. **Sustainability Implications** - It is considered that the proposals will have positive sustainability implications by helping to deliver housing in the

Borough.

25. **Area and Ward Implications** – There are no area and ward implications arising from this report.
26. **Background information** – The Town and Country Planning (Permission in Principle) (Amendment) Order 2017.