
Meeting of the Cabinet – 13th September 2017

Report of the Strategic Director Place

Adoption of the Householder Local Development Order (LDO)

Purpose of Report

1. To seek approval from Cabinet for the adoption of the Householder Local Development Order (LDO).

Background

2. On average, the Local Planning Authority (LPA) receives over 700 householder applications each year, of these approximately 380 are non contentious and accord with design guidance. An application takes up to 8 weeks to determine, and can require the submission of detailed plans and specialist reports produced at a cost to the applicant in addition to the statutory application fee. In some cases the process is lengthened due to objections and negotiations over design; adding uncertainty to the outcome. The nationally set planning application fee does not cover the costs to the LPA to deliver the service.
3. The Town and Country Planning (General Permitted Development) (England) Order 2015 allows certain works (e.g. small household extensions) to be undertaken without the need for planning permission, through what is known as 'Permitted Development Rights'. A Local Development Order (LDO) allows a Local Planning Authority (LPA) to increase the range of development that can be built without having to make an application to the Council for planning permission.
4. The adoption of the LDO will grant planning permission for the erection of single storey rear and side extension or the erection of a two storey and first floor rear and side extension where the proposal accords with adopted design guidance and standards. The design criteria for the LDO is available for viewing on the Committee Management Information System.
5. If the scheme falls within the limits specified in the LDO the applicant will apply to the LPA to obtain written confirmation that the development meets the criteria. In essence this is a checking of factual compliance with the LDO, similar to that undertaken when considering the Permitted Development Rights, and is quicker (2 weeks instead of 8), cheaper (half the fee) and less onerous on the householder in terms of submission documents than full planning permission. Whilst these may be small scale investments being made by householders they are supporting growth and improvements to housing stock and the speed and ease of process will be attractive to those choosing to live and stay in the Borough.

6. Under the LDO procedures there will be no consultation e.g. with neighbours, by the LPA. However, householders are advised to notify affected neighbours. Applications would be published on the Councils website and Elected Members would be notified through the existing planning register procedure for information only.
7. Due to their potential impact the following types of properties will NOT be included in the LDO scheme. Properties which are:-
 - In a conservation area.
 - Statutorily Listed (including locally listed buildings).
 - On a corner plot or with a side elevation facing the highway (Vehicular or pedestrian).
 - Converted from an agricultural building.
 - A flat or a house in multiple occupation, annex.
 - Subject to agricultural or equestrian occupancy conditions.
 - Subject to a S106 legal agreement restricting occupancy.
 - Within the metropolitan green belt.
 - A “Mucklow” built semi-detached property with characteristic “Cat-Slide” roof remaining See example below).
 - Without the benefit of Permitted Development rights (i.e. they have been removed by condition).
 - Granted residential use by Prior Notification Application.
8. Ultimately it is envisaged that the LDO will not only provide certainty for borough residents who are looking to extend their homes but will also provide a more efficient and lower cost service. For the Authority this will free up increasingly stretched resources to focus on more strategic projects, accelerating the delivery of housing and employment.
9. At the meeting of the Cabinet held 8th February 2017, Members approved the draft Householder LDO for consultation.
10. During this consultation period:
 - All households (circa 130,000) within the Dudley Borough were notified of the consultation in the yearly Council tax letter.
 - Six main borough libraries were attended by officers for drop in sessions with residents.
 - Lead officers of Community Forums announced the LDO consultation and Planning officers attended meetings where requested.
 - The draft LDO documents were made available to be viewed on the Council's website
 - E-mails were sent out to all relevant individuals and organisations on the Council's Local Plan Consultation Database, including Duty to Co-operate partners and the document was promoted on the council's social media accounts
11. The draft LDO was reported for information to a meeting of the Development Control Committee on 28th February 2017.
12. Following the consultation events 29 formal responses were received (0.02%). Of these, 8 did not provide home addresses, 1 was from an elected member representing a constituent and 6 were from statutory bodies (Network Rail, Environment Agency, Natural England, Highways England, Historic England,

theatres trust). Overall 7 of the comments were neutral, 2 fully supported the LDO and 20 raised concerns. The concerns raised related to:

- Potential impact on residential amenity with regards to neighbouring occupiers;
- Adding further complication to the planning system;
- Impact on local character;
- Could cause neighbour tensions;
- Lack of consultation and therefore ability for neighbours to comment on extensions;
- Could lead to poor extensions;
- Applications that have been refused planning permission in the past may now be built.

13. All responses have been considered by officers and the majority of the issues raised are addressed by the Design Code which must be adhered to for any extension to be LDO compliant. With regards to the public consultation it is considered essential to achieve the spirit of the LDO (quicker, simpler and cheaper) that consultation is not undertaken. The design guide has been written as such that any impact in terms of loss of outlook, daylight and privacy would be minimal. Clearly every eventuality cannot be envisaged given the mix of house types, street patterns and topography of the borough. However the benefits of the LDO process to the residents who want to extend their homes and the Local Planning Authority are considered to outweigh these limited examples. A consultation statement is contained as an Appendix.

Finance

14. The preparation of the document and consultation process will be funded from existing budgets and resources dedicated to the production of planning documents.
15. The LDO process if fully utilised would result in the loss of planning application fees in the region of £33,000 per annum, based on an estimate of approximately 380 applications per annum being dealt with through the new process. This is an additional budget pressure which would need to be managed within Planning Services. However the LDO process will also free up officer time to focus on strategic developments and to concentrate on other income generating activity.

Law

16. The legislation that allows Local Planning Authorities to produce an LDO is The Town and Country Planning Act 1990 (as amended) and The Town and Country Planning (Development Management Procedure) (England) Order 2015
17. The LDO only comes into effect if it is adopted by resolution of the Local Planning Authority. A copy of the Order, the statement of reasons and any environmental statement must be sent to the Secretary of State.
18. If the LPA decides to revoke or amend the LDO there will be a risk of compensation payable if a planning application that would previously have

been permitted by the LDO is refused or is granted subject to conditions within 12 months following the date of revocation or amendment.

Equality Impact

19. The draft LDO has been prepared in accordance with the Council's policy on Equality and Diversity, ensuring that it provides benefits for adults, children and young people alike, promoting equal opportunities for all.

Recommendation

20. That Cabinet approves the Householder Local Development Order (LDO) for adoption and implementation from 2nd October 2017.



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Appendix – Consultation Statement
Householder Local Development Order Design Guide (Available for viewing on the Council's Committee Management Information System)