

# Raymond Stemp Associates

## Planning and Development Consultants



Planning Applications • Planning Appeals • Architectural Design

## Community Infrastructure Levy to Remain

The Community Infrastructure Levy (CIL) is a levy that Council's can require for new development to go ahead. This would then be used to fund various infrastructure projects required within an area. Particular attention has been placed on ensuring that a reasonable amount of the financial contribution should be spent within the neighbourhood it arose from. This maximises equality and ensures those neighbourhoods experiencing new development and any possible additional pressures, have the necessary funds to alleviate potential harm.

CIL has been prominent in recent discussions and is a tool that was initially proposed by the previous government. However, Greg Clark confirmed that he would be keeping the tool, though minor amendments have been made to

reflect the perspectives of the current political powers.

A selection of questions are provided below in order to clarify the system:

### So when will CIL be used?

CIL will be used to pay for infrastructure that might be needed as a result of the increased pressure of proposed development.

### How is the fee calculated?

The sum is calculated per square metre of net additional floorspace. Authorities that seek to utilise CIL must produce a CIL charging schedule which sets out requirements.

### Who pays the contribution?

Typically the landowner. However, any person can assume liability

for the payment. For instance, it can be legally agreed whether the landowner or developer will pay the sum.

### When is CIL to be paid?

CIL is to be paid on the implementation of the granted planning permission and not before. The sum however, should be known at the time of planning permission being granted.

### Are there any times where CIL need not be paid?

Charity landowners or where the land is to be used for social housing are exempt from CIL. Also small scale development avoids the need for CIL payments.

### Will all Local Authorities use CIL?

No. It is at the discretion of each authority whether they implement the CIL regulations.



### What did the 2011 amendments mean for CIL?

Change of use applications will also be exempt from CIL.

Alterations have been made to the way CIL can be paid. For instance, payment in instalments is possible.

A proportion of CIL must be available for community groups so that they can conduct community projects.

### How does CIL and other planning obligations fit together?

The Government consider that there is still a need for other planning obligations but specific care shall be ensured that the use of CIL and these obligations does not overlap.

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## Appeal Won: New Detached Dwelling and Garage

RSA have recently won an appeal for the construction of one detached dwelling and garage on garden land with a complicated site history, comprising a range of planning applications and appeals.

The application concerned has previously been refused by the Council and subsequently allowed on appeal. However, the time limit for implementation ran out and the plans were subsequently resubmitted. However, the Council refused permission based on the changes to PPS3 policy in relation to garden land as well as a previous appeal being dismissed on the site.

This highly unreasonable decision by the Council was subsequently appealed and the Planning

Inspector found in the appellant's favour.

A range of arguments were put forward within the submitted appeal documents. These included the surrounding high density of development that exists due to the recently constructed new housing development. An additional dwelling was therefore considered to reflect this change in character. The Council were critical of the scheme claiming it to be infill development. However, RSA emphasised the fact that housing was required in the area and the settlement was surrounded by Green Belt. To then restrict infill development within the defined settlement boundary was consequently illogical as it put increasing pressure to develop within the

highly protected Green Belt.

Within the Inspector's decision, they noted the significant developments within the area. They also accepted that the proposal would not adversely harm the protected trees on the site.

In relation to neighbouring occupiers who had objected to the scheme, it was acknowledged that neither the Council when refusing the application or the Inspector involved within the previous appeal, believed that the impacts on neighbours were sufficiently adverse to refuse permission. The Inspector in this case also agreed and based on the above points, allowed the appeal subject to a selection of conditions.

## Three Terraced Properties Permitted in Clacton-on-Sea

An application for three terraced properties has recently been approved within the seaside town of Clacton-on-Sea. These dwellings are to be located within a predominantly residential street, replacing an existing storage facility.

The design was developed to reflect portions of the design associated with the existing properties within the street

scene. However, these were not considered of a particularly high quality and so greater attention was placed on producing new, desirable and attractive properties that would benefit the local vernacular. The Essex Design Guide was used as a basis for much of this.

Attention was placed on ensuring that suitable parking, garden space and other amenities were provided to ensure long term

sustainable and desirable homes were produced. The size of the dwellings was also considered to reflect policy, given the need for smaller scale dwellings that could suit first time buyers or more elderly residents.

Planning permission was subsequently granted and construction is expected within the near future.



## Renewable Energy at the Olympics

The proposals for the London Olympics have unfortunately failed to meet renewable energy targets. It has been publicised that 9% of the Olympics energy usage shall be from renewable sources as opposed to the 20% target.

It is suggested that this failure to meet targets arises due to the challenging original target and it is claimed that a cost effective



way to implement such intentions could not be reached.

However, critics are far less understanding of this failure. They state that this outcome has produced an inherent mockery of the intention for the 'greenest ever' Olympics.

Having said this, great care has still been taken to minimise the carbon footprint of the Olympics as much as feasible. For instance,

the main stadium has been constructed using a range of recycled materials. Such points reflect the five main principles behind the Olympic environmental strategy: climate change, biodiversity, waste, inclusion and healthy living.

The extent this failure to meet renewable targets damages this ethic is questionable but it seems inevitable that confidence might be somewhat weakened.

## Proposed Alterations to Permitted Development: Offices as Residential

Proposals have recently been put forward to enable the change of use from Class B1 (Business) to Class C3 (Residential) without the need for planning permission.

The Government's basis for this proposal is to enable greater contributions to the housing stock

as well as further removing regulatory burden for applicants and developers.

It should be noted that this suggestion only relates to changes of use and if alterations to the exterior or extensions are required to enable the change,

planning permission would still be required.

The proposal has gone before Parliament and RSA shall keep abreast of any forthcoming changes. These will certainly make a significant difference to the current form of planning.



## Free Advice for Neighbourhood Planning

A new system has been prepared to enable local communities to access the necessary skills and advice to make neighbourhood planning an effective reality.

Funding has been provided to four established planning organisations who shall assist neighbourhood groups in their objectives and plans. This is with particular attention to the proposed neighbourhood plans that shall be coming into effect in the present political period.

The four organisations involved are The Prince's Foundation, Locality, The Royal Town Planning Institute and the National Association of Local Councils in association with the Campaign to Protect Rural England. These can be selected depending on the type of expertise required.



Neighbourhood planning has become a critical focal point within the present government, with swathes of political perspectives found within the Localism Bill. This is currently being discussed within Parliament at the present time.

The purpose of neighbourhood planning is to enable local residents to become actively involved within the planning system and decide what is desired and appropriate for their

own locality. Of course this still needs to work within the local and national policy guidelines, although the role of the regional level remains contentious and not yet defined.

