Planning Permissions and Licences

Anyone who wishes to carry out work on buildings or land may be required to, firstly, secure planning permission. Planning permission is necessary for a wide range of developments from large scale redevelopment's and extensions to minor alterations to buildings. This could include satellite dishes, in certain instances.

The following guide will help you to determine whether you require permission.

- If you intend to erect a new building, alter the appearance of an existing building, or change the use of a building or part of a building, you will probably require Planning Permission. (1)
- If you intend to alter the appearance of a listed building, externally or internally, you will probably require Listed Building Consent. (2)
- If you intend to demolish an unlisted building that is situated inside a Conservation area, you will require Conservation Area Consent. (3)
- If you intend to display a new advertisement or sign, you will probably require Advertisement Consent. (4)
- Work to Trees (5) (felling or pruning) protected by a Tree Preservation Order or in a conservation area, will probably require written consent from the council first.
- If you are carrying out new building work, you will probably have to comply with Building Regulations. (6)

1. Planning Permission

Planning permission is the permission required in order to erect new buildings on land or to change the use of land or existing buildings.

From 6th April 2010 changes to the Town and Country Planning legislation governing schools, colleges, universities and hospitals will mean that planning permission will no longer be required for minor new developments or extensions to existing buildings.

The extended permitted development rights will allow for new buildings or extensions for existing buildings of up to 25% of the gross floor space of the original building or up to 100 square metres, whichever is the lesser.

Certain constraints would apply including restrictions on height, proximity to boundaries, loss of playing field areas, and a requirement that the materials used matched those of the existing building in historically or aesthetically sensitive areas. Permitted development is not allowed within the cartilage of a listed building.

2. Changes to a Listed Building

You will need the consent of the Council to demolish all or part of a listed building, and for any alteration – internal or external – that would affect its architectural or historic interest.

The need for listed building consent is different from planning permission, but the process is very similar. It is a criminal offence to carry out works to a listed building without consent from the council – even if you did no know that the building was listed.
3. Conservation Areas

These are ‘areas of special architectural and historic interest, the character and appearance of which it is desirable to preserve or enhance’.

This means that special efforts will be made to retain the unique character of the area and its buildings.

4. Advertisement Consent

The overall design of individual advertisements, their size, what they are made of, whether they are illuminated, the type of building they are on, their position on the building, the appearance of surrounding buildings, and their cumulative effect, are all important factors in the impact of a single advertisement on the street scene. A particular design may be appropriate in one location, on a particular building, but the same design may appear discordant on a different building or in a different place.

Councils are principally concerned to ensure that all outdoor advertising is of a high quality, well suited to the building or street for which it is proposed and makes a positive contribution to the appearance of an area.

5. Trees

Many trees on privately owned land are protected either by Tree Preservation Orders or because the property is situated in a Conservation Area. It is a criminal offence to carry out tree surgery or to remove trees protected in these ways without following the Council’s procedures. Some trees on development sites are also protected by specific conditions on planning permissions to ensure their protection during development.

Contact the Tree Section at the relevant local authority to check if your trees are protected by a Tree Preservation Order.

6. Building Control

Please refer to the relevant project office technical policy statements and the College’s approved inspectors list held by the project office.

7. Satellite Dishes

In certain circumstances, satellite dishes can be installed without the need to apply for planning permission under what are known as ‘permitted development rights’. This depends on a number of criteria including (i) the size of the equipment; (ii) the type and height of building to which it is attached; and (iii) whether the building is situated within a conservation area.

Local authorities have different guidance and the local website should be reviewed first.
The Planning Process

From 25 February 2008 many Councils have a new national standard planning application forms 1APP. This has replaced all existing types of planning application forms (except minerals) within England. **Online Planning applications are now encouraged by Councils.**

Once an application is received, it is checked to ensure that it is complete. It is then given a reference number and entered into a Register, which is open for public inspection. A decision should be made within eight weeks, but some cases can take longer and in most cases **you would be advised to plan to wait 13 weeks** or longer before receiving a decision.

Some applications have to be advertised in a local newspaper and on site. These are applications that involve works to a listed building, a major development or a Conservation Area.

Having registered the application, consultation and notifications are carried out. These broadly fall into two categories:

1. Requesting comments on technical aspects from public bodies, such as English Heritage for Listed Buildings.
2. Informing neighbours. The Council is required for most applications to consult the occupiers of all adjoining land or put up a Site Notice. It is the Council's practice to write to all those likely to be immediately affected by a proposal, inviting them to view the application and give comments in writing.

Material considerations include the site history, appeal decisions, Central Government Guidance, and local representations. All these policies and factors are weighed together before a recommendation is made. During the course of considering the application, Council officers will visit the site and, if necessary, call at adjoining properties.

The next stage depends on the nature of the proposal. Non-controversial proposals which comply with the Council's policies and to which less than three objections have been received during the statutory consultation period may be determined by the Council under "delegated powers" and do not have to go before the Planning Committee.

In other cases a report is prepared and submitted to the Planning Applications Committee for a decision. The Committee consists of locally elected councillors and meets approximately every two weeks although less during August.

Shortly after a decision has been made a Decision Notice is issued. There are three types of decision:

1. Conditional Permission or Approval – these account for the majority of decisions
2. Unconditional Permission or Approval, and
3. Refusals – reasons are given
Licences

You cannot leave building materials or plant (machinery) on the highway or footpath or pavement without a valid permit.

This is an offence under the:

- Highways Act 1980 (sections 169, 172, 173 and 184);
- GLC General Powers Act 1970 (sections 1 and 5);
- Local Government (Miscellaneous Provisions) Act 1976; and
- Highways Act 1980 (sections 137, 170 and 171);

It is also an offence to put up or leave a temporary structure on the highway (like a scaffold) without a valid licence.

You must get a licence and pay a deposit for all temporary structures and materials or plant you store on the public highway, before you start work. The Council issue these licences, and any renewals, for three months at a time. The licence must be in force and displayed on the structure at all times.

You must renew your licence on or before the date it runs out.

Under the London Local Authorities Act 1991 the licence holder is responsible for:

- preventing unauthorised access to the scaffolding;
- the security of the building where the scaffolding is being used; and
- the security of any nearby building.

After you have finished your work or taken down the temporary structure, you must write and tell the Council. This is so that the site can be inspected for any damage, and any necessary repairs can be made.

For further information please contact the College’s Property Management Department if you cannot find the appropriate process or information.

D. Martin
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