

# Housing and Planning Bill

---

AMENDMENTS  
TO BE MOVED  
ON REPORT

*[Supplementary to the Second Marshalled List]*

---

**Clause 129**

BARONESS WILLIAMS OF TRAFFORD

- Page 62, line 41, leave out “in subsection (4)” and insert “before subsection (4) insert –
- “(3A) If a local planning authority have not prepared a local development scheme, the Secretary of State or the Mayor of London may –
    - (a) prepare a local development scheme for the authority, and
    - (b) direct the authority to bring that scheme into effect.”
  - ( ) In subsections (4) and (8AA) of that section”

Page 62, line 43, at end insert –

- “( ) In subsections (4A)(a), (5), (6), (6A) and (6B)(a) of that section, after “under subsection” insert “(3A) or”.”

**Clause 136**

BARONESS WILLIAMS OF TRAFFORD

Page 67, line 43, leave out from beginning to end of line 21 on page 68 and insert –

- “(4) Subject to subsection (7)(a), permission in principle granted by a development order takes effect –
  - (a) when the qualifying document takes effect, if the land in question is allocated for development in the document at that time;
  - (b) otherwise, when the qualifying document is revised so that the land in question is allocated for development.
- (5) For the purposes of subsection (4)(a) –
  - (a) a register maintained in pursuance of regulations under section 14A of the 2004 Act takes effect when it is first published;
  - (b) a development plan document takes effect when it is adopted or approved under Part 2 of the 2004 Act;
  - (c) a neighbourhood development plan takes effect when it is made by the local planning authority.

**Clause 136 - continued**

- (6) Subject to subsection (7)(b), permission in principle granted by a development order is not brought to an end by the qualifying document ceasing to have effect or being revised.
- (7) A development order –
  - (a) may provide that permission in principle does not take effect until such date as the local planning authority may direct;
  - (b) may make provision for permission in principle to cease to have effect;
  - (c) may contain transitional provision and savings in relation to cases where permission in principle ceases to have effect;
  - (d) may make provision in relation to an application for planning permission for development of land in respect of which permission in principle has been granted;
  - (e) may require the local planning authority to prepare, maintain and publish a register containing prescribed information as to permissions in principle granted by a development order.
- (8) The provision that may be made under subsection (7)(b) includes provision for permission in principle to cease to have effect –
  - (a) at the end of a prescribed period, or
  - (b) at the end of such other period (whether longer or shorter) as the local planning authority may direct.
- (9) In exercising a power of direction conferred by virtue of subsection (7)(a) or (8)(b), a local planning authority must have regard to the provisions of the development plan and any other material considerations.
- (10) In exercising any other function exercisable by virtue of this section, or in exercising any function in relation to an application for planning permission for development of land in respect of which permission in principle has been granted, a local planning authority must have regard to any guidance issued by the Secretary of State.”

**After Clause 139**

LORD LUCAS

Insert the following new Clause –

**“Planning freedoms: right for local areas to request alterations to planning system**

- (1) A local planning authority in England shall have the right to submit a proposal to the Secretary of State for the disapplication or modification of any legislation to do with planning (“planning freedoms”) if the authority considers those planning freedoms would contribute to a significant increase in housing delivery in the authority’s area.
- (2) An authority’s area under subsection (1) may comprise the area of one local planning authority, or the area of more than one local planning authority where those authorities are working together to increase housing delivery.

**After Clause 139 - continued**

- (3) Where the Secretary of State is satisfied that the planning freedoms requested in a proposal under subsection (1) will contribute to a significant increase in housing delivery in that authority's (or group of authorities') area, he or she may make regulations to disapply or modify any legislation to do with planning which apply to that area as he or she considers necessary to enable those authorities to increase housing delivery.
- (4) The Secretary of State may by regulation specify the maximum number of authorities in which the Secretary of State may implement planning freedoms at any one time, and that the planning freedoms provided for each area may last no more than 10 years.
- (5) The Secretary of State may by regulations end the planning freedoms in an area where –
  - (a) the local planning authority concerned requests that he or she do so;
  - (b) the Secretary of State considers the local planning authority is failing to deliver the increase in housing delivery committed to in their proposals; or
  - (c) there are any exceptional circumstances.
- (6) Regulations made under subsection (3) may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.
- (7) If a draft of regulations made by the Secretary of State under subsection (6) would, apart from this subsection, be treated for the purposes of the Standing Orders of either House of Parliament as a hybrid instrument, it shall proceed in that House as if it were not such an instrument.”

**After Clause 141**

## LORD TRUE

Insert the following new Clause –

**“Compensation to businesses expelled from premises to enable conversion from office to residential use**

Any property owner, developer, or agent, who gives notice to a solvent and active business in order to enable the conversion of office premises to residential use, shall be required to –

- (a) meet the full costs of the planning authority in advising on and determining such an application;
- (b) make a contribution to the local planning authority of not less than 20% of the net profit gained from the difference between the office and residential value of the property concerned; and
- (c) share not less than 50% of the net profit gained from the difference between the office and residential value of the property concerned with any business or businesses expelled from the premises to enable the change of use.”

**After Clause 141 - continued**

LORD TRUE  
LORD KENNEDY OF SOUTHWARK

Insert the following new Clause—

**“Local determination of the application of prior approval for conversion from office to residential use**

- (1) Notwithstanding paragraphs O.1, O.2 and W of Schedule 2, Part 3, of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any other section of that or any other order or regulation purporting to convey a right to developers to automatic prior approval of the conversion of office (Class B1(a)) premises to residential use (Class C3), consent may be refused by the local planning authority for the conversion of any such office premises to residential use, if the local planning authority has by a majority vote passed a formal resolution stating that the purported right to approval without full planning consideration shall no longer apply within that local authority planning area, or any part of it.
- (2) In reaching any decision on the conversion of offices to residential use the local planning authority shall be able to take account of all representations from the public or businesses, and all aspects of an approved local plan, neighbourhood plan or supplementary local planning document incorporated within its approved plan, provided that it has passed a resolution under subsection (1).
- (3) A resolution under subsection (1) may be adopted if—
  - (a) the local authority can demonstrate that active businesses within its area are being expelled from office space to enable conversion to residential use, or
  - (b) the local authority has concluded that the retention of office space is necessary for the future economic development of its area.”

**After Clause 143**

BARONESS PARMINTER

Insert the following new Clause—

**“Sustainable drainage**

After section 106A(3) of the Water Industry Act 1991 (sustainable drainage) insert—

- “(3A) Other than in exceptional circumstances, a person may only exercise the right under section 106(1) (communication of drains and private sewers with public sewers) if the drainage system is designed according to sustainable drainage principles and constructed as proposed.
- (3B) In determining whether exceptional circumstances apply under this section, a local planning authority must consult relevant water and sewerage undertakers.
- (3C) In this section, “sustainable drainage” has the same meaning as in Schedule 3 to the Flood and Water Management Act 2010.””

**Clause 145**

BARONESS WILLIAMS OF TRAFFORD

Page 74, line 23, leave out subsections (1) and (2) and insert –

- “(1) The Secretary of State may by regulations provide for temporary arrangements in particular areas to test the practicality and desirability of competition in the processing (but not determining) of applications to do with planning.
- (1A) The regulations may make provision –
- (a) for an application for planning permission that falls to be determined by a specified local planning authority in England to be processed, if the applicant so chooses, not by that authority but by a designated person;
  - (b) for any connected application also to be processed by a designated person and not by that authority.
- (2) The regulations must specify a period after which any such provision ceases to apply.
- That period (whether as originally specified or as subsequently extended) must end no later than five years after the first regulations under this section come into force.”

Page 74, line 33, leave out “planning applications for” and insert “applications that relate to”

Page 74, line 36, leave out “planning applications for” and insert “applications that relate to”

Page 74, line 41, at end insert –

- “( ) The regulations may not contain anything that allows or requires, or could allow or require, the responsible planning authority’s duty to determine an application to be carried out, to any extent, by a designated person on the authority’s behalf.
- “( ) Nothing said or done by a designated person appointed under the regulations to process an application is binding on the responsible planning authority when determining the application.
- “( ) Before making the first regulations under this section the Secretary of State must consult such representatives of local planning authorities, and such other persons, as the Secretary of State thinks fit.”

Page 75, line 2, leave out “a planning” and insert “an”

Page 75, line 6, at end insert –

- “(6A) In this group of sections “connected application”, in relation to an application for planning permission that is to be or has been processed by a designated person under the regulations (“the main application”), means –

**Clause 145 - continued**

- (a) an application for approval of a matter reserved under an outline planning permission within the meaning of section 92 of the Town and Country Planning Act 1990 (where the main application resulted in the grant of such permission), or
- (b) an application of a specified description, made under or by virtue of an enactment about planning, that relates to some or all of the land to which the main application relates.”

Page 75, line 16, leave out “application” means an application for” and insert “permission” means”

Page 75, line 18, leave out “a planning application” and insert “an application for planning permission or a connected application”

**Clause 146**

## BARONESS WILLIAMS OF TRAFFORD

Page 75, line 23, leave out subsection (1) and insert –

- “( ) Regulations under section 145 may –
  - (a) require a designated person (subject to any specified exceptions) to process an application for planning permission if chosen to do so by an applicant;
  - (b) provide that, where an application for planning permission is to be or has been processed by a designated person, any connected application must (subject to any specified exceptions) also be processed by that person;
  - (c) allow a responsible planning authority to take over the processing of an application for planning permission, or a connected application, in specified circumstances.”

Page 75, line 33, leave out “planning applications” and insert “applications for planning permission or connected applications”

Page 75, line 42, leave out paragraph (g)

Page 76, line 2, leave out “a planning” and insert “an”

**After Clause 184**

LORD TRUE

Insert the following new Clause—

**“Local planning authority right to develop in the local interest**

- (1) Where a local planning authority has compiled a register under section 137 or has seen a report under section 184 and considers that a government department, Mayor of London or other public authority, transport undertaking or other statutory undertaking has not prepared, or declines to prepare, a plan for development of previously developed unused or underused land on the register in its possession within the local authority area, it may challenge the owner of the land to present planning proposals to the local planning authority within 6 months in conformity with the adopted plan or plans for the area concerned, unless the Secretary of State has certified such development as against the national interest.
- (2) Where the owner declines to present such a plan in accordance with subsection (1) it must publish within the same 6-month period a response showing good reason why such previously used land in its ownership should not be developed in the local public interest.
- (3) If the local planning authority considers the response not to show good reason why the land should not be developed, it may proceed to present its own proposals for development, to compulsorily purchase the land concerned and to exercise itself any planning consent that is then granted.
- (4) The costs to the local planning authority of any compulsory purchase of the land and the net cost of its development will be remitted by the local planning authority without any profit element to the owner who has declined to develop, in arrears after the land is sold.
- (5) This section does not apply to land within National Parks or the Royal Parks or designated as a site of special scientific interest.”

**Clause 186**

LORD TRUE

Leave out Clause 186

**Clause 190**

BARONESS WILLIAMS OF TRAFFORD

Page 100, line 18, at end insert—

“( ) regulations under section 145 that make provision of the kind referred to in section 145(2), (3), (4) or (6A)(b), section 147 or section 148,”

# Housing and Planning Bill

---

AMENDMENTS  
TO BE MOVED  
ON REPORT

---

*13 April 2016*

---