

APPENDIX A

The West Northamptonshire Development Corporation (Planning Functions) Order 2006
 Proposed amendments to the Planning Functions of the Development Corporation
 Pursuant to the outcome of the quinquennial review

Existing thresholds as set out in paragraphs 5(1)(a) to (g) and 5(2)(a) to (c)	Proposed amendments as agreed by WNDC and NBC	Objective of amendment
(a) development which comprises or includes the provision of 50 or more dwellinghouses;	(a) development which comprises or includes the provision of 200 or more dwellinghouses;	To increase the threshold of the number of dwellinghouses from 50 to 200 as set out in the review of WNDC. This will result in all live and determined applications for 199 dwellinghouses or less to be returned to the relevant local planning authorities on the 6 th April 2011. WNDC will then deal with all applications and associated submissions of 200 dwellinghouses and above after this date..
(b) development which comprises or includes the provision of dwellinghouses, where the development occupies one hectare or more of land;	Deleted	Considered not to be necessary. Appears to have originally been intended to cover outline applications. Such applications now have to specify amount of development, (a) now covers this
(c) development which is likely to result in the loss of more than 50 dwellinghouses (irrespective of whether the development would also entail the provision of new dwellinghouses);	(c) development which is likely to result in the net loss of more than 200 dwellinghouses;	To increase the threshold of the number of dwellinghouses from 50 to 200 in recognition of (a) above
(d) development which is likely to prejudice the residential use of land, where that land exceeds one hectare and is used for residential use;	(d) development which is likely to prejudice the residential use of land, where that land is currently in residential use and has more than 200 dwellinghouses;	This reflects the above changes increasing the threshold from 50 to 200. Reference to an area of land is now not considered necessary

<p>(e) development which comprises or includes the provision of, or is likely to result in the loss of, 2,500 or more square metres of floorspace for a mixed use;</p>	<p>(e) development which is likely to result in the loss of 2,500 or more square metres of floorspace for a use falling within any or all of the following classes of the Use Classes Order and / or uses—</p> <ul style="list-style-type: none"> (i) class A1 (shops); (ii) class A3 (restaurants and cafes) (iii) class A4 (drinking establishments); (iv) class A5 (hot food takeaways); (v) class B1 (business); (vi) class B2 (general industrial); (vii) class B8 (storage or distribution); (viii) a mixed use; (ix) class C2 (residential institutions); (x) class D1 (non-residential institutions); (xi) class D2 (assembly and leisure); 	<p>To simplify existing thresholds (e) (g) and (i) which in effect say the same thing and also to bring the floor area of 1000sqm specified in (i) in line with 'e' and 'g'. Also, splits threshold into the 'loss' of floor area as set out in new 'e' and the 'provision' of floor area as set out in new 'g' below</p>
<p>(f) development which comprises or includes a mixed use where the development occupies one hectare or more of land;</p>	<p>No change – existing wording retained</p>	

<p>(g) development which comprises or includes the provision of, or is likely to result in the loss of, 2,500 or more square metres of floorspace for a use falling within any or all of the following classes of the Use Classes Order—</p> <ul style="list-style-type: none"> (i) class A1 (shops); (ii) class A3 (restaurants and cafes) (iii) class A4 (drinking establishments); (iv) class A5 (hot food takeaways); (v) class B1 (business); (vi) class B2 (general industrial); (vii) class B8 (storage or distribution); 	<p>(g) development which comprises or includes the provision of 2,500 or more square metres of floorspace for a use falling within any or all of the following classes of the Use Classes Order and / or uses—</p> <ul style="list-style-type: none"> (i) class A1 (shops); (ii) class A3 (restaurants and cafes) (iii) class A4 (drinking establishments); (iv) class A5 (hot food takeaways); (v) class B1 (business); (vi) class B2 (general industrial); (vii) class B8 (storage or distribution); (viii) a mixed use; (ix) class C2 (residential institutions); (x) class D1 (non-residential institutions); (xi) class D2 (assembly and leisure); 	<p>To simplify existing thresholds (e) (g) and (i) which in effect say the same thing and also to bring the floor area of 1000sqm specified in (i) in line with 'e' and 'g'. Also, splits threshold into the 'loss' of floor area in new 'e' above and the 'provision' of floor area in new 'g'</p>
<p>(h) development which comprises or includes the provision for a use falling within class B1, B2 or B8 of the Use Classes Order where the development occupies one hectare or more of land;</p>	<p>No change – existing wording retained</p>	

<p>(i) development which comprises or includes the provision of, or is likely to result in the loss of, 1,000 square metres or more of floorspace for a casino or use falling within any or all of the following classes of the Use Classes Order—</p> <ul style="list-style-type: none"> (i) class C2 (residential institutions); (ii) class D1 (non-residential institutions); (iii) class D2 (assembly and leisure); 	<p>Deleted.</p>	<p>Incorporated in amended 'e' and 'g' plus reference to 'casino' deleted as no longer considered to be 'strategic'</p>
<p>(j) development which comprises or includes the provision of a casino or use falling within class D2 of the Use Classes Order where the development occupies one hectare or more of land;</p>	<p>(j) development which comprises or includes a use falling within class D2 of the Use Classes Order where the development occupies one hectare or more of land;</p>	<p>Reference to 'casino' deleted as no longer considered to be 'strategic'</p>
<p>(k) development which comprises or includes the provision of a building which is 15 metres or more in height;</p>	<p>(k) development which comprises or includes the provision of a building which is 15 metres or more in height unless it is for a development which solely comprise or includes less than 200 dwellings and/or the provision of less than 2,500sq m of floorspace for any use within 'g'</p>	<p>To provide clarity to exclude what is deemed to be non strategic development</p>
<p>(l) development on two hectares or more of land which comprises or includes the winning and working of minerals in, on, or under the land, whether by surface or underground working;</p>	<p>Deleted</p>	<p>As set out in the review of WNDC</p>

<p>(m) waste or recycling development to provide an installation with capacity for a throughput of more than 20,000 tonnes a year of refuse or of waste materials produced outside the land in respect of which planning permission is sought;</p>	<p>Deleted</p>	<p>As set out in the review of WNDC</p>
<p>(n) development which includes the provision of 50 or more car parking spaces, whether or not in combination with any other development or use;</p>	<p>(n) development which includes the provision of 50 or more car parking spaces, whether or not in combination with any other development or use unless they form part of a development which solely comprises or includes less than 200 dwellings and/or the provision of less than 2,500sq m of floorspace for any use within 'g'</p>	<p>To provide clarity to exclude what is deemed to be non strategic development</p>
<p>(o) development which comprises, includes the provision of, or extends—</p> <ul style="list-style-type: none"> (i) an aircraft runway, airfield or aerodrome; (ii) a heliport (including a helipad on a building); (iii) an air passenger terminal; (iv) a railway station; (v) a tramway, an underground, surface or elevated railway, or a cable car; (vi) a bus or coach station; (vii) a waterway, river or canal crossing or pier; 	<p>(o) development which comprises, includes the provision of, or extends—</p> <ul style="list-style-type: none"> (i) an aircraft runway, airfield or aerodrome; (ii) a heliport (including a helipad on a building); (iii) an air passenger terminal; (iv) a railway station; (v) a tramway, an underground, surface or elevated railway, or a cable car; (vi) a bus or coach station; (vii) a waterway, river or canal crossing or pier; 	<p>The only change relates to (viii) any highway. The amendment provides clarity to exclude what is deemed to be non strategic development</p>

<p>(viii) any highway (other than a bridleway, cycle way or footpath);</p>	<p>(viii) any highway (other than a bridleway, cycle way or footpath) unless it forms part of a development which comprises or includes the provision of 199 or less dwellinghouses and / or the provision of less than 2,500 square metres of floorspace for any use specified in paragraph (g);</p>	
<p>(p) development which occupies one hectare or more of land and which—</p> <p>(i) is likely to prejudice the use, or lead to the loss of use, of land being used as a playing field; or</p> <p>(ii) is on land which has been—</p> <p>(aa) used as a playing field at any time in the five years before the making of the relevant application for planning permission and which remains undeveloped;</p> <p>(bb) allocated for use as a playing field in a development plan or in proposals for a for such a plan or its alteration or replacement;</p>	<p>(p) development which occupies one hectare or more of land and which—</p> <p>(i) is likely to prejudice the use, or lead to the loss of use, of land being used as a playing field; or</p> <p>(ii) is on land which has been—</p> <p>(aa) used as a playing field at any time in the five years before the making of the relevant application for planning permission and which remains undeveloped;</p> <p>(bb) allocated for use as a playing field in a development plan or in proposals for a for such a plan or its alteration or replacement;</p> <p>unless the development solely comprises or includes the provision of 199 or less dwellinghouses;</p>	<p>Wording at end added to exclude solely residential development of less than 200 dwellinghouses not considered to be strategic</p>

<p>(q) development which is not of a kind specified in any of the preceding sub-paragraphs but which forms part of more substantial proposed development of such a kind on the same land or adjoining land in the development area.</p>	<p>Deleted</p>	<p>The need for WNDC to have control over the nature of the development this threshold covers is no longer deemed necessary. There have been few occasions when it has been triggered and it captures a scale of development which does not influence the delivery of strategic development.</p>
<p>5(2) In deciding whether development forms part of more substantial proposed development, there shall be taken into account other development of the same land or adjoining land in the development area—</p> <p>(a) in respect of which an application for planning permission has been made but not finally determined on the date the relevant application is received;</p> <p>(b) in respect of which planning permission has been granted within the period of five years immediately preceding that date; or</p> <p>(c) which has been substantially completed within the period of five years immediately preceding that date.</p>	<p>Deleted</p>	<p>It follows that if ‘q’ is deleted then there is no need for this wording.</p>

Note: Other key changes agreed to the existing Order are the deletion of Section 4 which refers to ‘Planning functions of the development corporation in the central planning functions area and the need to reverse the roles of the development corporation and the local planning authorities as set out in Sections 7 and 8 which respectively refer to ‘Transitional provision: applications to local planning authorities’ and ‘Transitional provision: compensation’.