

PLANNING APPLICATIONS

Glossary of terms

The following reports will contain abbreviations of commonly used terms. For ease of reference, those most frequently used are listed below:

BIAM	Biodiversity Impact Assessment Metric
CAA	Conservation Area Appraisal
CCG	Clinical Commissioning Group
CDC	Critical Drainage Catchment
CEMP	Construction Environmental Management Plan
CIL	Community Infrastructure Levy
CPO	Compulsory Purchase Order
DAS	Design and Access Statement
DPD	Development Plan Document
EA	Environment Agency
EHO	Environmental Health Officer
EIA	Environmental Impact Assessment
ES	Environmental Statement (under the EIA Regulations)
FRA	Flood Risk Assessment
GCN	Great Crested Newt(s)
GPDO	Town & Country (General Permitted Development) Order 2015 (as amended)
HER	Historic Environment Record
HIA	Health Impact Assessment
HMO	House in Multiple Occupation
LEAP	Local Equipped Area for Play
LEMP	Landscape and Ecology Management Plan
LLFA	Lead Local Flood Authority
LNR	Local Nature Reserve
LVIA	Landscape and Visual Impact Assessment
LWS	Local Wildlife Site (pLWS = Potential LWS)
MKC	Milton Keynes Council
NDG	National Design Guide
NDSS	Nationally Described Space Standard
NEAP	Neighbourhood Equipped Area for Play
NP	Neighbourhood Plan
NPPF	National Planning Policy Framework
POS	Public Open Space
PPG	Planning Practice Guidance
PRoW	Public Right of Way
s106	Section 106 (Agreement)
SPD	Supplementary Planning Document
SPG	Supplementary Planning Guidance
SSSI	Site of Special Scientific Interest
SuDS	Sustainable Drainage System
TA	Transport Assessment
TPO	Tree Preservation Order

Application types and scope of discussion/decision

Outline applications

These establish [the principle of development](#), with details reserved for later consideration. The 'reserved matters' cover (1) the means of access; (2) the layout of features; (3) the scale of buildings; (4) the appearance of buildings and spaces; and (5) the landscaping of the site. Outline applications can be made with all matters reserved, or with up to 4 matters to be considered. Most common is for access to be considered.

Assessment should establish whether a satisfactory form of development could be advanced at the reserved matters stage. The consideration of flood risk and drainage, likely effect on biodiversity and heritage assets, impacts on existing infrastructure, and housing tenure are all relevant considerations. Conditions and/or planning obligations can be used, including to set parameters for the reserved matters, but conditions duplicating detail required by the reserved matters should not be attached.

Reserved matters applications

Submitted subsequent to an outline permission, these seek approval of one or more of [the reserved matters](#). A reserved matter can also be considered in part. Where the matter has already been considered in full at the outline stage, a reserved matters application cannot vary that detail, nor can the principle of development or other issues be reconsidered (e.g. impact on existing infrastructure). Separate applications can be submitted for each reserved matter.

Full applications (including householder applications)

These establish [the principle and detail of a development](#). They also cover householder extensions and changes of use. Much of the above guidance applies. Conditions and/or planning obligations can be used to mitigate impacts, secure finer detail (e.g. facing materials) and control long-term use (e.g. by limiting permitted development rights).

Listed Building Consent (LBC)

For when work to listed buildings is proposed. Consideration is limited to the effect on the desirability of preserving the listed building or its setting (or any features of special architectural or historic interest which it possesses). Other considerations, such as the effect on highway safety, are not relevant.

Variation/removal of conditions (including [minor material amendments](#))

These applications seek to vary the wording of, or remove, one or more conditions attached to a permission or consent. Minor material amendments usually seek to vary the condition listing the approved plans. Assessment must be confined to the subject matter of the condition(s) and cannot be used to reassess the principle of development.

An approval results in a fresh permission, separate to the original permission. The decision notice will carry all other conditions which remain relevant, adjusted to reflect any progress on site and whether prior approval requirements have been satisfied. Planning obligations need to be 'carried forward' through a revised or existing section 106 agreement.

Advertisement consent

Applications must be considered with respect to [visual amenity and public safety](#). These applications do not have to be made in conjunction with a 'host' application, such as a new shopfront.

Prior notification and Prior approval

The Town and Country Planning (General Permitted Development) Order 2015 ('the GPDO') grants permission for various works and changes of use, subject to a [prior notification or prior approval](#).

Prior notifications are normally limited to agricultural or forestry development or demolition of non-heritage buildings. A limited period exists for the Council to require the submission of specific detail, such as proposed materials.

For prior approvals, a range of building works and changes of use benefit from the 'in principle' permission and the Council is limited to considering certain, specified impacts. The Council may also consider whether the proposal complies with criteria set out in the GPDO.

Tree works

Permission is required for [works affecting trees](#) protected under a Tree Preservation Order (TPO). These are assessed against the amenity value of the tree(s) and whether it is in the best interests of the health of the tree(s). This consideration can occasionally include heritage or biodiversity issues. Notification is also required for works to, or removal of, trees above a certain size within a conservation area.

Lawful Development Certificates (LDCs) (also known as Certificates of Lawfulness)

Used to establish if an existing or proposed development is [lawful in planning terms](#). Assessment rests on whether, based on the facts of the case, the specific matter is or would be lawful. Planning merits and policies in the Development Plan are not relevant, so the impact of the development cannot be considered. If the Council is satisfied that, on the balance of probability, the appropriate tests are met, it must grant an LDC to confirm that:

- (a) an existing use, building works, or breach of a planning condition, is lawful under section 191 of the 1990 Act;
- (b) a proposed use or building works would be lawful for planning purposes under section 192; or
- (c) proposed works to a listed building would not affect its character as a building of special architectural or historic interest.

Approval of details required by condition (discharge of condition)

The scope of a decision is confined to [confirming whether the details provided are satisfactory](#) to address the requirements of the condition. It is possible for multiple applications to be made, to allow for the phased delivery of sites, or to allow for revisions to previously approved details.

Non-material amendments

These [do not have a material effect on the development](#). This is a matter of judgement and is assessed against the original permission. As long as the effect is non-material, these applications can be used to vary the description of a development, approved plans, or introduce/vary the wording of a condition.

Scale of planning applications (not applicable to prior approvals, notifications, etc.)

'Major' applications

- the provision of 10 or more dwellings, or, where the number of dwellings is not known (outline applications), the site has an area of 0.5 hectares or more;
- the provision of a building or buildings where the floor space to be created is 1,000 square metres or more;
- operations or a material change of use carried out on a site of 1 hectare or more;
- the winning and working of minerals or the use of land for mineral-working deposits; or
- waste development.

'Minor' applications

- the provision of 1 to 9 dwellings, or, where the number of dwellings is not known (outline applications), the site has an area of less than 0.5 hectares;
- the provision of a building or buildings where the floor space to be created is less than 1,000 square metres; or
- operations carried out on a site of less than 1 hectare.

'Other' applications

- proposals for householder development (but not that covered by prior approval allowances);
- applications for consent to display advertisements;
- changes of use which do not create dwellings or fall under the 'Major' category;
- works to, or demolition of, listed buildings; or
- applications to demolish certain buildings or enclosures within a conservation area (where no replacement development is proposed or requires an application for planning permission).

Planning Policy and Guidance

Up-to-date planning policy and guidance is available on the links below:

- [Neighbourhood Plans](#)
- [MKC Planning Policies](#) (including Plan:MK, Site Allocations Plan, Minerals & Waste Policy)
- [MKC Supplementary Planning Documents](#)
- [Emerging MKC Planning Policies](#)
- [Other MKC Planning Policy documents](#) (including evidence base)
- [National Planning Policy Framework](#)
- [Planning Policy for Traveller Sites](#)
- [National Planning Policy for Waste](#)
- [Planning Practice Guidance](#)
- [National Model Design Code](#) and the [National Design Guide](#)

Use classes

Use	Before 1 Sept 2020	From 1 Sept 2020	Use	Before 1 Sept 2020	From 1 Sept 2020
Shops <= 280sqm mostly selling essential goods at least 1km from another shop	A1	F2	Hotels, boarding and guest houses	C1	C1
Shops	A1	E	Residential institutions	C2	C2
Financial and professional services	A2	E	Secure residential institutions	C2a	C2a
Restaurants and cafés	A3	E	Dwellinghouses	C3	C3
Pub or drinking establishment	A4	Sui generis	Houses in multiple occupation (for 3 to 6 persons)	C4	C4
Hot food takeaway	A5	Sui generis	Clinics, health centres, crèches, day nurseries and day centres	D1	E
Offices (not financial/professional services)	B1(a)	E	Schools, training centres, galleries, courts, museums, libraries, places of worship, public halls	D1	F1
Research and development of products or processes	B1(b)	E	Cinemas, concert halls, bingo halls and dance halls	D2	Sui generis
Industrial processes without causing detriment to amenity in a residential area	B1(c)	E	Gymnasiums and indoor recreation not involving motor sports or firearms	D2	E
Industrial	B2	B2	Hall or meeting place for the principal use of the local community	D2	F2
Storage or distribution	B8	B8	Swimming pools, skating rinks, and outdoor recreation not involving motor sports or firearms	D2	F2

Changes of use within the same class are not development. Use classes prior to 1 September 2020 will remain relevant for certain change of use permitted development rights, until 31 July 2021. The new use classes comprise:

Class E (Commercial, Business and Service)	Class F (Learning and non-residential institutions)	Class F.2 (Local community uses)
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Material planning considerations

The Development Plan for the Borough comprises Plan:MK and, where relevant, policies of the Site Allocations Plan, Minerals Local Plan, Waste Development Plan Document and Neighbourhood Plans.

When considering an application against the Development Plan, Councillors should only take into account 'material planning considerations' when considering the comments of interested parties. The most common of these are (this is not an exhaustive list):

- National planning policy and guidance;
- Emerging Development Plan policy;
- Ministerial statements;
- Subordinate and other legislation, including case law;
- Previous planning decisions (including appeal decisions);
- The scope of permitted development rights in achieving the same or a similar development;
- Evidence on the capacity of local infrastructure, including schools, healthcare and highways;
- Incompatible or unacceptable uses;
- Overshadowing and overlooking/loss of privacy;
- Landscape impacts and visual amenity (but not loss of private view);
- Adequacy of parking, loading and turning space;
- Highway safety;
- Noise, odour/air quality and disturbance from existing and proposed uses;
- Hazardous materials and contaminated land;
- Flood risk and surface water drainage;
- Effect on trees, hedgerows and biodiversity;
- Effect on heritage assets; and
- Character and appearance (including density, pattern of development, scale and landscaping (where relevant to the application)).

Depending on the type of application, only some of the matters above will be relevant.

The weight attached to material considerations is a matter of judgement. However, it is necessary to demonstrate that, in reaching a decision, all relevant matters have been considered. Generally, greater weight is attached to issues raised which are supported by substantiated or technical evidence.

Matters are sometimes raised which cannot be taken into account, these normally being:

- Perceived effect on property value;
- Business competition;
- Land ownership and restrictive covenants;
- Boundary and neighbour disputes;
- The ability to comply with other legislation, such as Building Regulations;
- Loss of a private view;
- Private disputes between neighbours; or
- The morals or intent of an applicant.

Retrospective applications

A retrospective application must be considered in the same manner as one made in advance. These can be submitted on request, following an enforcement complaint, or under due diligence of the applicant. It does not mean that permission should be automatically given, although likely success of taking enforcement action (expediency) is a material planning consideration.

Planning conditions and obligations

The NPPF encourages consideration of whether otherwise unacceptable development could be made acceptable through [the use of conditions](#) or planning obligations.

Conditions should be kept to a minimum and only imposed where:

- necessary;
- relevant to planning;
- relevant to the development concerned;
- enforceable;
- precise; and
- reasonable.

[Pre-commencement conditions](#) should be avoided, unless there is a clear justification.

[Planning obligations](#) should only be used where it is not possible to address unacceptable impacts through a planning condition. They must meet all of the following legal tests:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

Informatives

Alongside statutory requirements relating to rights of appeal and purchase notices, advisory notes (more commonly called informatives) may be appended to a decision notice. These alert the applicant or developer to matters which may assist in addressing conditions attached to an approval, clarify matters in relation to a refusal, or draw attention to the responsibilities of the developer in complying with other legislation/matters.

The following reports may include informatives relevant to that particular proposal and the recommended decision. Decision notices may also carry further 'standard' informatives, where relevant to the proposal concerned, such as:

- A planning permission does not override other legislative and civil requirements, such as Building Regulations, the Wildlife and Countryside Act, licensing, or restrictive covenants, and that those requirements do not authorise deviation from a planning permission; and/or
- The Council is responsible for the street naming and numbering of property and the developer should apply at the appropriate time.