

APPENDIX D

Planning: Planning Applications - Residential Quality Guide

Incorporating an integrated waste solution within developments is of paramount importance and the Council's Waste Guidance must be adhered to by all residential developments.

Each individual household must be able to contain a minimum area that would house 4 x 240L bins externally.

WASTE CAPACITY

Bins and bin stores should be well designed and not dominate the threshold of a property. If possible, bin stores should be located to the rear of properties, or within communal waste storage areas so they are not visible from the street.

Waste storage areas must be accessible to the local authority refuse collection service, or be collected by a private contractor. Waste management strategies will be secured via Planning Conditions or Planning Obligations to ensure they are maintained for the life of the consent.

In higher density developments other options should be considered, such as chutes, communal collection points and mini recycling hubs.

Larger scale projects may also consider the use of integrated Combined Heat and Power (CHP) systems or anaerobic digestion, if practical and can be maintained for the life of the building.

Planning: Short Term Lets - Legislation and Planning Guidance (additional information)

The Government reviewed the situation of temporary sleeping accommodation but this was for Greater London only in 2015 - making subsequent amendments under the Deregulation Bill, following extensive consultation. The policy review document from the Department of Communities and Local Government was published in February 2015 and stated that (in its view) there are no planning issues in relation to temporary sleeping accommodation outside of London, the opening paragraph reads:

"While in all other parts of the country residents are able to let out their homes for short periods as a matter of course, in London short-term use is strictly regulated under legislation dating back to the 1970s. Short-term use as temporary sleeping accommodation is only permitted once planning permission is obtained from the local authority, which is a bureaucratic and disproportionate process for all concerned."

These controls were officially relaxed by s.44 of the Deregulation Act 2015, with s.25A providing exceptions with certain conditions. One of the new conditional

requirements in London is that the person or persons providing the temporary accommodation are liable to pay Council Tax.

On 22 February 2018, the Government updated the National Planning Practice Guidance, and confirmed that *'Planning permission is not required elsewhere in England to short-term let a dwellinghouse... In addition, and irrespective of its planning status, where the short-term letting is causing disruption that could be a "statutory nuisance" under the Environmental Protection Act 1990, a local authority is required to take reasonably practicable steps to investigate the complaint and where it is satisfied that such a nuisance exists, it must issue an abatement notice against the person responsible'*

The interpretation of 'dwellinghouse' for planning purposes primarily comes from the judgement in *Gravesham BC v SoS & O'Brien* 1982, this was expressed clearly in the now cancelled Circular 10/97: Enforcing Planning Control. This stated:

*"Where a single, self-contained set of premises comprises a unit of occupation, which can be regarded as a separate planning unit from any other part of a building containing them; are designed or adapted for residential purposes, containing the normal facilities for cooking, eating and sleeping associated with use as a dwellinghouse: and are used as a dwelling, **whether permanently or temporarily**, by a single person or more than one person, living together as, or like, a single family, those premises can properly be regarded as being in use as a single dwellinghouse, for the purposes of the 1990 Planning Act."*