



Issue 2

MARCH 2021

As members will be aware, the Government is in the process of revamping the National Planning Policy Framework and has published a draft National Design Guide. The Guide proposes that the Code will “set a baseline standard of quality and practice across England” and help to “set out

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clear parameters for what good quality design looks like (in a particular area)”. The intention is for the National Model Design Code to ensure that a greater consistency of design quality is delivered, through preparation, application and enforcement of local design code criteria applied by the private sector on new development, and by planning authorities. This will help to ensure that principles for the design of places and buildings are more specific, drawing on established principles of good urban design and local character.’ In other words, an end to the public sector ‘subsidising ugliness’. Members may like to know that the question of design was raised at a meeting between N.O.R.A. representatives and the then Chief Planner and other officials at

a meeting on the 20th November 2018 which resulted in the Building Better, Building Beautiful Consultation.

N.O.R.A. has made observations in response to the Consultation (members will have received a copy via email).

N.O.R.A. will continue to press the Government to recognise that the views and concerns of local communities are important and central to the planning process.

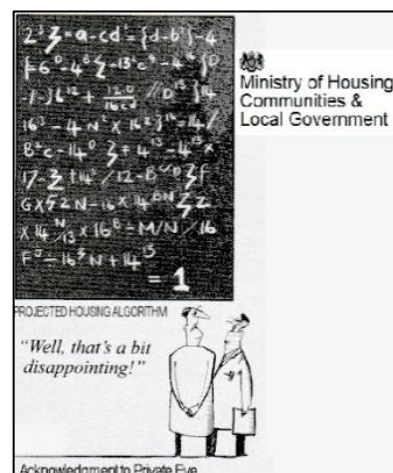
There have been reports in the media about new houses being substandard, with purchasers reporting serious faults. A new independent body was launched at the beginning of February to champion buyers' interests. The New Homes Quality Board said it wanted to put pressure on developers to deliver quality homes and treat their customers well.

The NHQB plans to create a new industry code of practice to 'place considerably more responsibility on developers to deliver quality homes and better consumer outcomes

The New Homes Ombudsman will step in to help homebuyers with issues from sloppy brick work to faulty wiring – and will have statutory powers to award compensation, ban rogue developers from building, and order developers to fix poor building work. Currently, dissatisfied home owners and tenants have had very little recourse. They face the unhappy choice of approaching the national press or manoeuvring between at least four different services just to work out where to register a complaint.

It is hoped the move will instil more confidence in the new homes industry, which enjoys overwhelmingly positive feedback from the majority of its punters.

New laws will also require all developers to belong to the Ombudsman, giving all homebuyers access to swift redress.



As part of the Government's wider work to raise the standard of homes across the country, new measures have also been confirmed that make sure all homes sold under the future Help to Buy scheme meet higher standards – **and ensure developers put quality first.** ■

### HOUSE BUILDERS 'SHOULD DROP APPALLING GAGGING ORDERS'

House builders that carry out repairs on newly built homes need to be more open about what work has been required, according to the Chairman of Parliament's Housing Committee. Some home owners say they were asked to sign non-disclosure agreements (NDAs) as a condition of repairs being done.

The practice was "appalling" according to Clive Betts MP in a recent radio Radio 4 programme.

The Home Builders Federation said NDAs were "not widely used" by developers.

Mr Betts said housebuilders should be obliged to inform home owners when systematic defects were identified that might affect their property, which he said would be normal practice in other areas.

"If this kind of thing happens in the car industry for example, car companies have to tell their customers, issue a recall, and get the problem fixed.

"I don't see why it should be any different when it comes to buying houses," he said. ■

*Source: BBC News*

### GREENER SPACES FOR URBAN AREAS

The National Trust is planning to plant dozens of blossoming trees, including cherry, hazel and plum, at different sites around the UK. As part of the plan, a circle of 33 trees will be planted across the capital, one representing each borough and the City of London. Designs are being finalised for groves in Nottingham, Newcastle and Plymouth - and other sites will follow.

The project will help improve access to nature for those in towns and cities.

Research carried out for the National Trust last year showed that almost half a million people live in "grey deserts " with no trees or green spaces nearby. The project, part-funded by the People's Postcode Lottery, and supported by Historic England.

With the Government's proposal for Design Codes (N.O.R.A. has submitted its comments), residents will have a say in how new and existing developments can benefit. ■

### MIND BOGGLING DESIGNS

With the Government's focus on better designs, here are a few which may raise a few eyebrows...



...and these, believe it or not, are real!!!

### WILL YOUR CAR RUN ON THE NEW E10 FUEL?

Filling stations across the UK will switch from E5 to E10 petrol in September, the Department for Transport has confirmed.



The greener petrol is designed to cut vehicle emissions but will likely increase fuel bills slightly for owners of newer cars - and may astronomically hike running costs for those driving older vehicles that can't use it.

Models produced up until as recently as the early 2000s may not be compatible with the new fuel, due to its higher bioethanol mix that can cause significant damage to components in older vehicles.

In order to avoid the risk of impairing their cars, drivers of older cars, of which there are around 700,000 on the road - will need to switch to super unleaded, which will continue to use a 5 per cent E5 mix.

Many of your residents may not know this (and you might like to circulate this information) that they can [check online if a car, motorcycle or moped can use E10 petrol](#). ■

### CYBER SCAMS AND HOW TO AVOID THEM

A member contacted us recently concerned about some of their more vulnerable residents falling prey to cyber scams.

Attached to the email accompanying this Newsletter are some tips which you might like to distribute to your own residents

### MORE ABOUT GULLS



Readers will remember the piece in our January Newsletter on Urban Gulls nesting on rooftops in cities and towns; and the widening problems this causes. We pointed out that Natural England had withdrawn permission for Local Authorities to carry out their usual gull control measures this year (removal of nests, egg oiling and egg replacement), replacing this with a much more complicated and burdensome procedure involving individual application for treatment of each nest, which would be frankly unworkable. So, a group of Local Authorities, supported by NORA, insisted on a meeting with DEFRA and Natural England in February, the result of which was that two cities with particularly bad gull problems (Bath and Worcester) would be granted, as an experiment, a new 'Organisational Licence' to carry out non-lethal gull control measures, between April and August, rather similar to those in previous years. This has attracted attention in the National media (the Daily Telegraph on 6<sup>th</sup> March and Daily Mail on 22<sup>nd</sup> March), but so far without any sign of a licence to permit work to start. Of course, if these control measures don't take place in Bath and Worcester, these cities will suffer from more than usual gull noise, aggressive behaviour, and copious defecation in 2021; increasing each year, because the chicks habitually return to the place of their birth to breed. Moreover, for other affected cities and towns (such as Bristol, Gloucester, Cardiff, Devizes, Canterbury, Scarborough, Whitby, Cheltenham, Lowestoft, Wells....) it will be even worse, because they are being prevented from carrying out any such measures in 2021. ■

### IN CASE YOU MISSED IT...

[The Town and Country Planning \(Use Classes\) Order 1987](#) (as amended) puts uses of land and buildings into various categories known as 'Use Classes' which are detailed below.

'Change of use' can occur within the same use class or from one use class to another.

Depending on the specifics of any proposed change of use, including any building work associated with the proposal, it may require an application for planning permission or prior approval.

The relevant building regulations also need to be considered for any proposed change of use.

### **Changes to Use Classes from 1 September 2020**

Based on amendments to the Use Classes, it is important to read the notes associated with each class below.

Generally:

From 1 September 2020, for purposes of Use Class, A1/2/3 & B1 to be treated as Class E

For any planning applications submitted before 1 September 2020, the Use Classes in effect when the application was submitted will be used to determine the application.

For any reference to Permitted Development rights, and for restrictions to them or applications for Prior Approval, the Use Classes in effect prior to 1 September 2020 will be the ones used until the end of July 2021 (this is defined as the 'material period' in legislation so may be referred to as such).

However, it is advised that you confirm the specifics of any such situation with the relevant Local Planning Authority.

### **Class A**

Class A is **revoked** from 1 September 2020.

Class A 1/2/3 are effectively replaced with the new Class E (a,b,c)

A4/5 uses are not covered by the new Class E and become defined as 'Sui Generis'

It is included here for reference and use in specific situations where it remains valid (as detailed above).

**A1 Shops** - Shops, retail warehouses, hairdressers, undertakers, travel and ticket agencies, post offices, pet shops, sandwich bars, showrooms, domestic hire shops, dry cleaners, funeral directors and internet cafes

**A2** Financial and professional services - Financial services such as banks and building societies, professional services (other than health and medical services) and including estate and employment agencies. It does not include betting offices or pay day loan shops - these are now classed as "sui generis" uses (see below)

**A3** Restaurants and cafés - For the sale of food and drink for consumption on the premises - restaurants, snack bars and cafes

**A4** Drinking establishments - Public houses, wine bars or other drinking establishments (but not night clubs) including drinking establishments with expanded food provision

**A5** Hot food takeaways - For the sale of hot food for consumption off the premises.

### **Class B**

B1 Business is **revoked** from 1 September 2020. It is effectively replaced with the new Class E(g).

It is included here for reference and use in specific situations where it remains valid (as detailed above).

**B1 Business** – Uses which can be carried out in a residential area without detriment to its amenity. This class is formed of three parts:

- **B1(a) Offices** - Other than a use within Class A2 (see above)
- **B1(b) Research and development of products or processes**
- **B1(c) Industrial processes**

Uses B2 and B8 remain valid.

**B2 General industrial** - Use for industrial process other than one falling within class E(g) (previously class B1) (excluding incineration purposes, chemical treatment or landfill or hazardous waste)

**B8 Storage or distribution** - This class includes open air storage.

### **Class C**

Class C is not affected by the 1 September 2020 changes.

- **C1 Hotels** - Hotels, boarding and guest houses where no significant element of care is provided (excludes hostels)
- **C2 Residential institutions** - Residential care homes, hospitals, nursing homes, boarding schools, residential colleges and training centres
- **C2A Secure Residential Institution** - Use for a provision of secure residential accommodation, including use as a prison, young offenders institution, detention centre, secure training centre, custody centre, short-term holding centre, secure hospital, secure local authority accommodation or use as a military barracks

**C3 Dwelling houses** - This class is formed of three parts

- C3(a) covers use by a single person or a family (a couple whether married or not, a person related to one another with members of the family of one of the couple to be treated as members of the family of the other), an employer and certain domestic employees (such as an au pair, nanny, nurse, governess, servant, chauffeur, gardener, secretary and personal assistant), a carer and the person receiving the care and a foster parent and foster child
- C3(b) covers up to six people living together as a single household and receiving care e.g. supported housing schemes such as those for people with learning disabilities or mental health problems
- C3(c) allows for groups of people (up to six) living together as a single household. This allows for those groupings that do not fall within the C4 HMO definition, but which fell within the previous C3 use class, to be provided for i.e. a small religious community may fall into this section as could a homeowner who is living with a lodger
- C4 Houses in multiple occupation - Small shared houses occupied by between three and six unrelated individuals, as their only or main residence, who share basic amenities such as a kitchen or bathroom.

#### **Class D**

Class D is **revoked** from 1 September 2020.

- D1 is split out and replaced by the new Classes E(e-f) and F1
- D2 is split out and replaced by the new Classes E(d) and F2(c-d) as well as several newly defined 'Sui Generis' uses.

It is included here for reference and use in specific situations where it remains valid (as detailed above).

**D1 Non-residential institutions** - Clinics, health centres, crèches, day nurseries, day centres, schools, art galleries (other than for sale or hire), museums, libraries, halls, places of worship, church halls, law court. Non-residential education and training centres

**D2 Assembly and leisure** - Cinemas, music and concert halls, bingo and dance halls (but not night clubs), swimming baths, skating rinks, gymnasiums or area for indoor or outdoor sports and recreations (except for motor sports, or where firearms are used).

#### **Class E - Commercial, Business and Service**

Class E is introduced from 1 September 2020.

In 11 parts, Class E more broadly covers uses previously defined in the revoked Classes A1/2/3, B1, D1(a-b) and 'indoor sport' from D2(e):

- E(a) Display or retail sale of goods, other than hot food
- E(b) Sale of food and drink for consumption (mostly) on the premises
- E(c) Provision of:
  - E(c)(i) Financial services,
  - E(c)(ii) Professional services (other than health or medical services), or
  - E(c)(iii) Other appropriate services in a commercial, business or service locality
- E(d) Indoor sport, recreation or fitness (not involving motorised vehicles or firearms)

- E(e) Provision of medical or health services (except the use of premises attached to the residence of the consultant or practitioner)
- E(f) Creche, day nursery or day centre (not including a residential use)
- E(g) Uses which can be carried out in a residential area without detriment to its amenity:
- E(g)(i) Offices to carry out any operational or administrative functions,
- E(g)(ii) Research and development of products or processes
- E(g)(iii) Industrial processes

### **Class F - Local Community and Learning**

Class F is introduced from 1 September 2020.

In two main parts, Class F covers uses previously defined in the revoked classes D1, 'outdoor sport', 'swimming pools' and 'skating rinks' from D2(e), as well as newly defined local community uses.

- F1 Learning and non-residential institutions – Use (not including residential use) defined in 7 parts:
- F1(a) Provision of education
- F1(b) Display of works of art (otherwise than for sale or hire)
- F1(c) Museums
- F1(d) Public libraries or public reading rooms
- F1(e) Public halls or exhibition halls
- F1(f) Public worship or religious instruction (or in connection with such use)
- F1(g) Law courts
- F2 Local community – Use as defined in 4 parts:
- F2(a) Shops (mostly) selling essential goods, including food, where the shop's premises do not exceed 280 square metres and there is no other such facility within 1000 metres
- F2(b) Halls or meeting places for the principal use of the local community
- F2(c) Areas or places for outdoor sport or recreation (not involving motorised vehicles or firearms)
- F2(d) Indoor or outdoor swimming pools or skating rinks

### **Sui Generis**

'Sui generis' is a Latin term that, in this context, means 'in a class of its own'.

Certain uses are specifically defined and excluded from classification by legislation, and therefore become 'sui generis'. These are:

- theatres
- amusement arcades/centres or funfairs
- launderettes
- fuel stations
- hiring, selling and/or displaying motor vehicles
- taxi businesses
- scrap yards, or a yard for the storage/distribution of minerals and/or the breaking of motor vehicles
- 'Alkali work' (any work registerable under the Alkali, etc. Works Regulation Act 1906 (as amended))
- hostels (providing no significant element of care)
- waste disposal installations for the incineration, chemical treatment or landfill of hazardous waste
- retail warehouse clubs
- nightclubs
- casinos
- betting offices/shops
- pay day loan shops
- public houses, wine bars, or drinking establishments – from 1 September 2020, previously Class A4

- drinking establishments with expanded food provision – from 1 September 2020, previously Class A4
- hot food takeaways (for the sale of hot food where consumption of that food is mostly undertaken off the premises) – from 1 September 2020, previously Class A5
- venues for live music performance – newly defined as ‘Sui Generis’ use from 1 September 2020
- cinemas – from 1 September 2020, previously Class D2(a)
- concert halls – from 1 September 2020, previously Class D2(b)
- bingo halls – from 1 September 2020, previously Class D2(c)
- dance halls – from 1 September 2020, previously Class D2(d)

Other uses become ‘sui generis’ where they fall outside the defined limits of any other use class.

For example, C4 (Houses in multiple occupation) is limited to houses with no more than six residents. Therefore, houses in multiple occupation with more than six residents become a ‘sui generis’ use. ■

*(This is a general guide only and is not a definitive source of information. If you are in any doubt you should contact your Local Authority.)*

### GOOD NEWS FOR LEASEHOLDERS

Builders Taylor Wimpey and Countryside told to remove 'unacceptable' leasehold terms. The Competition and Markets Authority has acted over contracts that mean leaseholders have to pay ground rents that double every 10 to 15 years.

The competition watchdog has ordered the housebuilders Taylor Wimpey and Countryside Properties to remove terms in contracts that have made it impossible for some homeowners to get a mortgage or sell their properties.

The Competition and Markets Authority has told the two firms to remove certain contract terms that mean leaseholders have to pay ground rents that double every 10 to 15 years.

“These ground rent terms can make it impossible for people to sell or get a mortgage on their homes, meaning they find themselves trapped,” said Andrea Coscelli, the chief executive of the CMA. “This is unacceptable. Countryside and Taylor Wimpey must entirely remove all these terms from existing contracts to make sure they are on the right side of the law. If these developers do not address our concerns, we will take further action, including through the courts, if necessary.”

The CMA has written to the businesses stating that their practices break consumer protection law, giving them the opportunity to sign formal commitments, known as undertakings, to remove the terms from contracts.

Robert Jenrick, the Housing Secretary, said that the CMA’s action would bring “justice to homeowners”.

“Unfair practices, such as crippling ground rents, have no place in our housing market,” said Jenrick. “This behaviour must end and I look forward to appropriate redress being forthcoming for leaseholders.”

In a statement to investors Taylor Wimpey acknowledged that it has received the letter from the CMA and said it would cooperate.

“We have now received a letter from the CMA setting out its concerns and confirming that it intends to move to the next stage of formal consultation,” the company said. “We will continue to cooperate with the CMA and work with them to find a satisfactory resolution, within the required timescale.”

The CMA’s action follows the launch of an investigation in September into the UK’s four biggest housebuilders, including Barratt and Persimmon, after uncovering evidence that buyers of leasehold properties were misled and charged excessive fees. ■



## HAS YOUR CAR BEEN DAMAGED BY A POTHOLE?



You may want to distribute the following information to your members:

It may be possible to claim compensation if a vehicle has been damaged by a road. The organisation that should be contacted depends on where the road is and the type of road.

No compensation can be claimed compensation if debris from another vehicle caused the damage. In this case, the Insurance Company should be contacted.

### How to make a claim

Contact the organisation responsible to tell them:

- what the damage was
- why you think they are responsible
- the specific location where the damage took place - the road name and the nearest marker post number or feature which identifies the part of the road you were on
- the date and time the damage was caused

**Trespassing on a motorway is a criminal offence.** Do not visit or try to photograph the location where the vehicle was damaged.

### **England**

#### London red routes

[Check if the road is a red route.](#) If it is, contact Transport for London about compensation.

Transport for London customer services

Telephone: 0343 222 1234

8am to 8pm, Monday to Sunday including public holidays

[Find out about call charges](#)

#### Most A-roads and motorways

[Check if Highways England manages the road](#) your car was damaged on. If it does, contact Highways England for compensation.

Highways England

Telephone: 0300 123 5000

24-hour service

[info@highwaysengland.co.uk](mailto:info@highwaysengland.co.uk)

[Find out about call charges](#)

#### Other English roads

**Contact the local council that manages the road** to ask about compensation. You can see [which council manages the road](#) if you know the postcode where your vehicle was damaged.

You can also [report the problem with the road](#) to alert other drivers. ■





FROM THE PLANNING PORTAL:

## JUDGING THE 2021 MASTER BUILDER AWARDS

Chris Jones, Director at the Planning Portal, has joined a panel of judges to review nominations for the regional Master Builder Awards in the Housebuilder category hosted by the Federation of Master Builders.

The biennial Master Builder Awards celebrate high-quality craftsmanship, exceptional customer service and building excellence delivered by Master Builders across the UK. The 'Celebrating the Housebuilder' category allows the focus to shine on smaller creative projects, providing a platform to commend the significant contribution that small and medium-sized construction companies make to the UK construction industry.

Chris said, "Congratulations to everyone who entered this year's Master Builder Awards. The Planning Portal have worked closely with the Federation of Master Builders for many years, and I am grateful to be part of the events celebrating the amazing work we have seen across the country."

This year, regional events will be held throughout May and June with the national event, hosted by Nick Knowles, on Friday 24 September 2021. [Click here](#) if you would like more information about the awards ceremony and to book your tickets.

## THE NEW, IMPROVED PLANNING PORTAL!

The Planning Portal is in the process of re-platforming the service. The Planning Portal receives nearly One million visits each month from over 630,000 users, viewing more than 3.2 million pages. On average, a planning application is submitted every 15 seconds. The Portal supports all Local Planning Authorities in England and Wales and facilitate about 90% of all application submissions online. However, there are still challenges that are faced in the planning process. These include high rates of invalidation, a disconnect between planning and building control processes and the data used, and the handling and indexing of data and documents. Through a rigorous process of research and of listening to its customers and partners about their experiences and challenges, they are aiming to combat these issues.

The Portal will work with Local Planning Authorities to reduce invalidation rates; use innovative technology to simplify the planning process; make data available to help open up the process and to join up the end-to-end processes to improve efficiency – saving everyone time and money.

### **What is the new system?**

The Planning Portal is developing a brand-new, cloud-based application service that is flexible enough to cater for the needs of its customers and partners both now and in the future. The launch is expected in late Q2 this year.

The new platform is being developed in-house by its TerraQuest colleagues in Birmingham. It combines our knowledge and insight, gained from nearly 20 years of facilitating online planning submission, and the experience of a team of developers, product owners and user experience specialists.

The new platform will bring initial improvements in usability, but more importantly it will give it the platform needed to continually improve the service and deliver the transformation the planning and building industry needs.

## So, what are the benefits?

There are a number of benefits that will be seen throughout the development of the new system:

An easier and more intuitive platform – Feedback from many regular users and multiple Local Authorities to identify the ‘sticking points’ in the current process. This is coupled this with best-in-class in user experience.

A more efficient and joined up process – the new service will take a ‘project-based’ approach, linking applications related to a single development. Over time, this will be extended to cover everything from pre-app to building completion.

Easier access to share data across platforms – interoperability with other systems will be integrated, in order to improve data flows and access to data for agents, applicants, Local Authorities and others.

Fewer invalid applications – The Portal is taking a standard national approach to tackle key issues faced across England and Wales, and in the future it will be looking to join up the process more spatially across the development management and local plan processes.

## ...and finally, laughter is the best medicine?

