PLANNING AND BUILDING CONTROL ADVICE NOTE

What consents do I need for my development?

This advice note is designed to help our customers use the Planning & Building Control Services in Croydon. These services will guide you through the process of carrying out developments in the Borough.

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INTRODUCTION

This advice note explains the difference between the development management (sometimes called development control) function of planning and the controls found in the building regulations. It has advice on what approvals you may need for any building works or change of use that you may want to carry out to your property.

WHAT DOES THE COUNCIL CONTROL?

We are aware that there is often confusion between the two separate controls of planning and the building regulations. This is not surprising as TV programmes and DIY books regularly get the two mixed up. Essentially planning tries to get the right things built in the right place, in a way that looks good and does not cause problems to the area, whereas building control makes sure that what we build stays up and is safe and efficient. A more detailed explanation of these two controls is set out below.

What is development management?

Development management is the part of the planning system where we regulate the provision of new buildings and other structures or the change of use of land and existing buildings by making sure that they meet the requirements for that location laid down in the development plan. This plan helps to match the community’s need for uses of land and buildings such as homes, shops, offices, factories and schools, with the need to protect and improve the environment.

The planning process tries to balance the conservation of the built and the natural environment with the provision of development that is necessary for economic prosperity or social need. We also try to make sure that new development is environmentally sustainable. This means that it meets our present needs without affecting the ability of future generations to meet theirs. The process involves balancing the needs of the applicant against the possible effect that a development might have on neighbours and other people living or working nearby. The aim of the process is to make the best decision on each application in accordance with government and locally determined timescales.

What is building control?

The main purpose of building control and the building regulations is to protect the health and safety of people in and around buildings. More recently, the welfare and convenience of building users and the conservation of energy have been included.

The control of buildings can be traced back to the Great Fire of London in 1666, after which King Charles II decreed that walls between buildings must be built of brick or stone and that buildings with timber cladding must be built far enough apart to prevent the spread of fire from one building to another. The modern building regulations set minimum standards for the design and construction of buildings. Building regulations were first introduced in 1966 and have been added to and amended periodically since.

What approvals do you need?

Before making your application you need to make sure that you are making the right type of submission. Under the Town and Country Planning Act, and other pieces of planning legislation, there are a number of activities that require approval from the development management service. These include:

- Planning permission for carrying out development
• Listed building consent for carrying out works to a listed building
• Advertisement consent to display certain advertisements
• Consent to carry out works to a protected tree

You may also need approval under the building regulations from us. How to find out if you need these consents and how to apply for them if you do are explained below. Consents that you may need from other parts of the council and other organisations before you can start work are explained towards the end of this advice note.

HOW TO GET ADVICE?

The best way to find out whether a proposal that you have needs permission from us in the first instance is to visit the planning portal website which lists common projects that can be added to properties and advising what the permitted development rights are for that project, please find a link to the page https://www.planningportal.co.uk/info/200130/common_projects

Visit our web site

Our planning and building control pages (www.croydon.gov.uk) have a lot of information that you might find useful, including links to related guidance. You can download all the advice notes that you will need.

Contacting planning officers

If you find that you do not understand the information that is shown on the planning portal or that you have more specific questions that you need answering about your project, you could make an appointment to see a duty planning officer to discuss these matters. The duty officer meeting is a chargeable service and only discusses certain types of developments to households such as extensions or alterations and very minor commercial developments. It does not include work in conservation areas, listed buildings or the creation of new residential units. The duty officer operates between 9am and 4pm Monday - Friday (the offices are closed on Bank and Public Holidays). To make an appointment to see a duty officer please book online at https://www.croydon.gov.uk/planningandregeneration/duty-planning-officer-service.

Contacting building control officers

There is a duty officer available to answer technical enquiries and give general advice between 9am and 4pm Monday to Friday (the offices are closed on Bank and Public Holidays).

More information on building control and the building regulations can be found in the government's explanatory booklet, “Building Regulations” at communities.gov.uk (follow links for building/building regulations).

If you want to discuss a particular proposal or obtain pre-application advice on a major project, you should contact the officer who deals with the area where your building is situated. If you contact us on (020) 8760 5637, we can arrange an appointment with the right officer at our offices.

CONSENTS YOU MAY NEED FROM THE DEVELOPMENT MANAGEMENT SERVICE

For all the applications you may need to make to us, there are application forms and advice notes available from our reception or our web site. Each application type is explained below.
Planning permission

You need to apply for planning permission if you carry out “development”. This is defined in law, but generally it means erecting, extending or altering buildings and other structures or changing the use of land or buildings. Advice on whether a proposal is “development” can be obtained from the duty planning officer although sometimes this can be a complex area and a more formal route will be needed (see under “Lawful Development Certificates” below).

Permitted development

Not all new buildings or changes of use require planning permission. Planning legislation specifies types of development which can be carried out as “permitted development” without our planning approval. The most common of these permitted development rights relate to extensions and alterations to dwelling houses, although they also apply to industrial, agricultural and other types of development. They also allow certain changes of use. The legislation is very complicated relating to what you can do without having to apply for planning permission. It is beyond the scope of this advice note. If, however, you want written advice from us on a particular proposal (perhaps because the issue is more complex) we will need detailed information form you. You should therefore submit an application for a Lawful Development Certificate (see below).

Lawful Development Certificates

If you want a definitive answer there are formal procedures for seeking a legal determination on the need for planning permission known as “Lawful Development Certificates”. These certificates are a wise safeguard as they give a definitive decision on what can be complex matters and can be very useful if you ever decide to sell your property.

There are essentially two types of certificate: Section 191 certificates for existing developments and section 192 certificates for proposed developments. You will need to complete the appropriate form through the planning portal and submit this with plans and other documentation to support your submission and the application fee.

Heritage consents

You will need to apply for listed building consent if either of the following cases apply:

- You want to demolish a listed building
- You want to alter or extend a listed building in a manner that would affect its character as a building of special architectural or historic interest

You may also need listed building consent for any works to separate buildings within the grounds of a listed building. You do not need listed building consent for the erection of new buildings in the curtilage of a listed building. These will usually require planning permission though.

If you live in a conservation area, you will need conservation area consent for the demolition of most non-listed buildings. However, small unlisted buildings with a volume of less than 115 cubic metres and some gates, fences, walls or railings may be demolished without consent.

Check the position carefully with us - it is a criminal offence to carry out work that needs listed building or conservation area consent without obtaining it beforehand. It is therefore very important that you do NOT proceed to carry out such works without first having obtained the necessary consent.
We will be able to confirm to you whether a building is listed or is in a conservation area if you are not sure. Don’t forget that you may also need planning permission for what you want to do.

For specialist advice on listed building or conservation area matters please contact our conservation officers on (020) 8760 6800.

**Advertisement consent**

You may need to apply for advertisement consent to display an advertisement bigger than 0.3 square metres on the front of, or outside, your property. The government's free booklet, “Outdoor advertisements and signs: a guide for advertisers” contains useful advice and is available from our reception or from communities.gov.uk.

*Please note that it is a criminal offence to display an advert that requires our consent without first receiving that consent.* It is therefore very important that you do NOT proceed to carry out such works without first having obtained the necessary consent.

The regulations cover many other types of advertisement proposals. For advice on advertisement control please contact the duty planning officer (see above).

**Works to a protected tree**

Many trees are protected by a tree preservation order, which means that you will normally need our consent to prune or fell them. In addition, there are controls over most trees in conservation areas. A free government leaflet “Protected Trees: a guide to tree preservation procedures” should assist you and is available from our reception or from communities.gov.uk.

*Please note that it is a criminal offence to carry out works (or to cause or permit such works) to any tree that is protected by a tree preservation order or is in a conservation area, without our prior consent.* It is therefore very important that you do NOT proceed to carry out works to trees subject of a tree preservation order, or in a conservation area, without first having obtained the necessary authorisation. Unlike some other types of planning permission, there is NO provision for retrospective applications.

We will be able to confirm to you whether a tree is protected by an order or if it is in a conservation area, if you are not sure.

For specialist advice on trees and some other nature conservation matters please contact our tree officers on (020) 8760 6800.

**Demolition of buildings**

The need for consent to demolish a listed building or to demolish a building in a conservation area is covered under “Heritage consents” above.

The definition of development for planning permission includes the demolition of buildings. Planning permission will not be needed:

- to demolish a domestic building such as a garage or shed of less than 50 cubic metres;
- if the demolition is urgently necessary for health and safety reasons;
- if the demolition is required under other legislation;
- where the demolition is on land which has been given planning permission for redevelopment; or
• to demolish a gate, fence, wall or other means of enclosure around a house or flat(s). In all other cases we may wish to agree the details of how you intend to carry out the demolition and how you propose to restore the site afterwards. You will need to apply for a formal decision on whether we wish to approve these details. This is called a “prior approval application”.

Demolition also requires notice to be given to Environmental Health.

Hazardous substances consent

The presence on, over or under land of any hazardous substance in excess of the controlled quantity, requires consent from the Hazardous Substances Authority: which is the London Borough of Croydon. The Secretary of State has power to specify the control figures, and to carve out exceptions from control. These are found in the Planning (Hazardous Substances) Regulations 1992. The forms, certificates and notices for these applications are also contained in these regulations. They are available from HM Stationery Office or via their website (opsi.gov.uk).

The regulations are administered by the Council’s Pollution Control Service

CONSENTS YOU MAY NEED FROM THE BUILDING CONTROL SERVICE

New building work is required to comply with the building regulations. These prescribe minimum standards for health and safety and relate to the structural integrity of the building (including foundations), drainage, means of escape in case of fire, avoiding heat loss, access etc. The regulations also apply to certain changes of use of existing buildings.

Building regulations approval

You will usually need building regulations approval if you plan to carry out any of the following work:

• Build a new building or extend an existing building, unless the building or extension is exempt from the regulations (see below)
• Make structural alterations to an existing building (including underpinning)
• Change the use of a building (in certain cases) or convert to flats
• Change the energy status of part or the whole of a building
• Provide, extend or alter drainage facilities
• Fit a heat-producing appliance (appliances installed by people approved under the Gas Safety Regulations are usually exempt from the Building Regulations)
• Install cavity-wall insulation
• Install an un-vented-hot water storage system
• Installation of fixed low or extra-low voltage electrical installations
• Change, alter or recover a roof
• Replace windows, rooflights or doors (unless you use a FENSA registered glazing company)

Regularisation Certificates

If building work has been carried out since 11 November 1985 without the required building regulation approval and you want to apply for a Regularisation Certificate you should obtain the appropriate application form from our reception or website. Please note that work carried out before this date can only be assessed for compliance by your own professional advisor.
What can you do without approval?

The following list sets out the more common types of building work that are exempt from the building regulations. The list does not include all exempt buildings and work.

- A detached single-storey building (eg a shed) with a floor area less than 15m² which has no bedrooms or less than 30m² where:
  - no point of the building is less than one metre from the boundary of its grounds; or
  - the building is mainly built of materials that are non combustible
- Extending a building at ground level by less than 30m² by adding:
  - a conservatory, porch, covered yard or covered way; or
  - a carport which is open on at least two sides
  The conservatory must be thermally separated from the house, must have a translucent roof and the glass to a conservatory or porch must meet the requirements of Part N of schedule 1 – (if you are not sure ask us for details).
- Repair or replace drainage (except for new drainage or plumbing systems)
- Carry out minor repairs and building maintenance work that does not involve structural alterations or changes in partition or room layouts

In all cases it is advisable to contact us for advice before proceeding. The building control service will be able to tell you whether you need building regulations approval and how to apply. A free explanatory booklet, “Building Regulations” and other advice notes are available from our reception or communities.gov.uk (follow links for building/building regulations). Contact building control on (020) 8760 6800 for further advice.

Demolition

If you intend to carry out demolition work you must first notify Environmental Health using the appropriate form from our reception or website (see bottom of front page for details). Work cannot commence until the Council’s counter notice is issued or until the expiry of six weeks from the date of notification.

CONSENTS YOU MAY NEED FROM THE OTHER PARTS OF THE COUNCIL

Environmental Health & Trading Standards

Before operating, some businesses may need to obtain licences, registrations or other approvals relating to public entertainments, the sale of alcohol, hours of use, noise, pollution or food.

Persons altering or converting living accommodation for their own use or to rent out to others may need to obtain advice about room sizes with particular reference to lighting, ventilation and overcrowding. There are special requirements for rooms, the floors of which are more than 0.9m below ground level (habitable basements), or where they are to be used as bed-sits in multi-occupied houses where such things as the number of shared facilities, means of escape from fire, etc must be taken into account. These controls may affect the detail of the development and you should take this into account before you apply for planning permission.

Advice on all these items can be obtained from Environmental Control on (020) 8760 6800.

Highways

If your proposals involve any works that affect a public highway (such as a new access to a road) then you should obtain advice from the highways maintenance team on (020) 8726 7100. Please do not forget that you may also need planning permission.
Vehicle crossovers

If your access requires the construction of a pavement crossover you will require licensed consent from the highway authority (contact the highways maintenance team on (020) 8726 7100). They will arrange for an estimate and carry out the works at your cost. Please remember that some accesses (such as onto main roads) require planning permission. The Council has produced a leaflet on crossovers that explains the necessary procedures.

Rights of way

If your proposed development would obstruct a public path that crosses your property, you should discuss the proposals with the highways maintenance team on (020) 8726 7100 at an early stage. The granting of planning permission will not give you the right to interfere with, obstruct or move the path. A path cannot be legally diverted or closed unless we have made an order to divert or close it to allow the development to go ahead. The order must be advertised and anyone may object. You must not obstruct the path until any objections have been considered and the order has been confirmed. You should bear in mind that confirmation is not automatic; for example, an alternative line for the path may be proposed.

CONSENTS YOU MAY NEED FROM OTHER ORGANISATIONS OR INDIVIDUALS

The Party Wall Act

If you wish to build close to or go onto your neighbour’s land to construct or externally finish your extension, you will have to obtain their consent. A planning permission or building regulation approval does not give that consent nor override any private legal obligation. If you intend to carry out building work which involves one or more of the following categories:

- work on an existing wall or structures shared with another property;
- building a free-standing wall or a wall of a building up to or astride the boundary with a neighbouring property; or
- excavating near a neighbouring building,

you must find out whether the work falls within the Party Wall etc Act 1996.

If it does, you must notify all affected neighbours. The government’s free booklet “The Party Wall etc Act 1996: explanatory booklet” is available from our reception, however we cannot advise you on these matters. You will need to take your own independent advice from a surveyor.

Covenants and private rights

Covenants or other restrictions in the deeds to your property or conditions in the lease may require you to get someone else’s agreement before carrying out some kinds of work to your property. There may exist a restrictive covenant on your property that prevents or limits its extension. This may be the case even if you do not need to apply for planning permission. You may also find that some properties enjoy historic rights. The council has no involvement in checking or enforcing your private rights such as a “right to light”, a private right of way or a restrictive covenant. We cannot therefore advise you on these matters, you will need to take your own independent advice from a solicitor or a surveyor.

Wildlife

Some buildings may hold roosts of bats and some land may contain badger, beetle, slow worm or protected bird habitats or provide a refuge for other protected species. The Wildlife and Countryside Act 1981 gives special protection to bats and other species because of their
habitat requirements. English Nature must be notified of any proposed action (for example, remedial timber treatment, renovation, excavation, demolition and extensions) that is likely to disturb protected species in their habitats. English Nature must then be allowed time to advise on how best to act in these circumstances. For more information contact Natural England on 0845 600 3078 or visit naturalengland.org.uk.

Land Drainage Consent

This will be required from the Environment Agency for any development within 8 metres of a main river or 16 metres of a tidal river. Contact the Environment Agency for advice.

Other consents

There are a range of consents that are sometimes necessary from other statutory bodies and utility suppliers such as water companies, drainage boards, gas and electric companies etc. Contact the organisations direct for advice.

WHAT HAPPENS NEXT?

Having established whether you need consent from the council, the next step is to prepare your application. Our advice note 1, “Pre-application advice”, explains how to get the pre-application advice that you need.