

UNIVERSITY COLLEGE LONDON

University of London

EXAMINATION FOR INTERNAL STUDENTS

For The Following Qualification:—

M.Sc.

ESG053: Planning Law

COURSE CODE : ENVSG053

DATE : 10-MAY-05

TIME : 10.00

TIME ALLOWED : 3 Hours

Answer FOUR questions only.

Start each answer on a fresh sheet of paper. Show your notes and essay plan at the start of each answer. The examiners attach great importance to clear, relevant and logical answers that provide your reasoning and explain the principles on which your conclusions are based. Illustrate your answers with reference to legislation, case law, case examples and guidance as appropriate.

1. Outline planning applications for major proposals pose particular issues in terms of Environmental Impact Assessment. What are these issues? What implications do they have for the nature and scope of such applications and the way that planning permissions are framed?

Illustrate your answer by reference to legislation, case law and guidance as appropriate.

2. The enforcement officer at East Shire District Council has discovered that the company owning and using a 16th Century Country House on the edge of Little Ham has recently undertaken a number of works to their premises. The house and its outbuildings are used as a conference centre, for which use planning permission was granted several years ago.

The works that have been undertaken, include:

- removal of the fireplace in the entrance hall;
- insertion of UPVC windows in the rear elevation;
- removal of internal walls in the adjoining stable block; and
- removal of a statue from the forecourt.

What action would you advise the local authority to take and why?

Illustrate your answer by reference to legislation, case law and guidance as appropriate.

3. 'Snacks' - a firm occupying shop premises in New Town - has recently installed six tables with chairs in their ground floor 'shop' unit, and a further 3 tables on the area immediately outside the front of the premises. A small rear extension has been built to accommodate an enlarged kitchen, and the shop front has been painted canary yellow. 'Snacks' has also extended the range of products it sells from teas and coffees, sandwiches, cakes and cold drinks to a wide range of hot food, including soups, pies and chips.

What additional information would you seek, and why, in order to determine whether there have been any breaches of planning control? If there have been any breaches, what action would you advise the local authority to take? State your reasons with reference to legislation, case law and guidance as appropriate.

CONTINUED

4. Oldcastle FC has submitted proposals for a new football stadium on the outskirts of Oldcastle a mile from the club's existing ground. The new stadium would be built on the Old Mills Industrial Estate. The site is at the edge of the Estate and adjoins residential properties. It is currently occupied by four small industrial firms. The application includes a 10,000 m² retail superstore and 100 'luxury' flats. The club says that a new ground is necessary as their existing ground does not meet the Premier League requirements, and cannot be easily adapted. They claim that the superstore and luxury flats are necessary to make the scheme viable. The existing ground would be sold for housing.

There have been numerous objections from local people, fans, existing businesses on the Old Mills Industrial Estate, nearby shopkeepers and the town centre retail forum.

Explain which of the following objections the Council will need to take into account as material considerations when considering the application, and how much weight each should be given:

- the fans' desire for the club to stay at the existing stadium;
- the Trades Council's concerns about the loss of industrial employment on the Old Mills Industrial Estate;
- the Town Centre Management Group's concern about the loss of trade from the town centre caused by the retail superstore;
- a concerns of a pharmacist occupying a shop adjoining the Industrial Estate that the superstore's pharmacy will lead to a loss of his trade;
- Oldcastle Tenants Forum's objections about the lack of affordable housing in the proposal;
- the concerns of residents adjoining the site about the loss of daylight and sunlight, the loss of the view of the surrounding hills from their rear windows and overlooking of their premises from the flats; and
- several objectors' views that the proposal is contrary to the Planning Brief agreed by the Council's Planning Committee last year.

Illustrate your answer by reference to legislation, case law and guidance as appropriate.

5. What do you understand by the term 'plan led system'? What status/role does the development plan currently have in the determination of planning applications in England? Outline examples where the state has used, uses or proposes to use development plans, planning schemes or Orders to grant planning permission for development.

CONTINUED

6. You have been asked to advise the occupier of a late 19th Century cottage in the centre of the village of Little Whittering who wishes to make a number of changes to her property. The works she wishes to undertake include:

- the replacement of the original timber front door with a glass panelled door;
- painting of the front elevation; and
- removal of the chimney, side porch and small rear extension.

The occupier has no knowledge of planning legislation, but she has been told by a neighbour that the cottage is situated in a conservation area and is covered by an Article 4 Direction. What additional information would you seek from the local planning authority before advising your client and what advice might you expect to give her after you have received this information?

Illustrate your answer by reference to legislation, case law and guidance as appropriate.

7. Mr. Smith has recently purchased a three-storey 1950s semi-detached house. The property has a single storey garage attached to the side of the property. The house is neither listed nor in a conservation area, and has not been altered since its construction. The volume of the property, including the attached single storey garage, is 600 cubic metres. Mr. Smith wants to do the following:

- Erect a single storey lean-to conservatory 6 metres wide and 3 metres deep. The conservatory will have a mono-pitch glass roof, which will slope upwards towards the existing rear elevation to meet it at a height of 4.2 metres above ground level across the entire width of the rear of the house. The volume of the conservatory would be 75.6 cubic metres;
- Insert windows flush with the front roof on the house i.e. facing the highway
- Use the existing garage for his small-scale car repair business
- Pave over the front garden and replace the 1 metre high front wall adjoining the pavement with a fence 1.5 metres high

Mrs. Smith has 3 pedigree cats, and wants to begin a small-scale breeding programme. She would have 10 cats living at the premises at any one time. Explain whether express planning permission is needed from the local planning authority for any of the works or uses proposed? State your reasons with reference to legislation, case law and guidance as appropriate

8. Discuss the basis on which S106 Agreements are negotiated. Do such agreements allow local planning authorities to sell planning permissions? Illustrate your answer by reference to legislation, case law and guidance as appropriate.

END OF PAPER