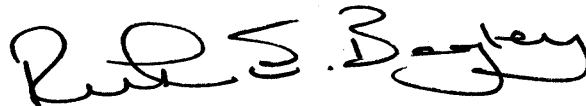


Date of issue: 21st November, 2012

MEETING	PLANNING COMMITTEE (Councillors Carter (Chair), Dar, Hussain, O'Connor, Plenty, Rasib, Sharif, Smith and Swindlehurst)
DATE AND TIME:	THURSDAY, 29TH NOVEMBER, 2012 AT 6.30 PM
VENUE:	SAPPHIRE SUITE 5, THE CENTRE, FARNHAM ROAD, SLOUGH, SL1 4UT
DEMOCRATIC SERVICES OFFICER: (for all enquiries)	SHABANA KAUSER 01753 875013

NOTICE OF MEETING

You are requested to attend the above Meeting at the time and date indicated to deal with the business set out in the following agenda.



RUTH BAGLEY
Chief Executive

AGENDA

PART 1

AGENDA
ITEM

REPORT TITLE

PAGE

WARD

Apologies for absence.

<u>AGENDA ITEM</u>	<u>REPORT TITLE</u>	<u>PAGE</u>	<u>WARD</u>
CONSTITUTIONAL MATTERS			
1.	Declaration of Interest (Members are reminded of their duty to declare personal and personal prejudicial interests in matters coming before this meeting as set out in the Local Code of Conduct).		
2.	Minutes of the Last Meeting held on 17 October 2012	1 - 4	
3.	Human Rights Act Statement	5 - 6	
PLANNING APPLICATIONS IN THE WESTERN PART OF THE BOROUGH			
4.	S-00694-000 Baylis Court Nursery School, Oatlands Drive, Slough	7 - 14	Baylis & Stoke
5.	Tree Preservation Order 3 of 2012 - Land at 87-121 Laburnham Grove, Slough	15 - 18	Colnbrook with Poyle
6.	Consolidated Local Plan - Self Assessment of Policies compared to the National Planning Policy Framework	19 - 60	All
7.	Consultation on Extending Permitted Development Rights for Homeowners and Businesses	61 - 98	All
MATTERS FOR INFORMATION			
8.	Planning Appeal Decisions	99 - 102	
9.	Members Attendance Record	103 - 104	

Press and Public

You are welcome to attend this meeting which is open to the press and public, as an observer. You will however be asked to leave before the Committee considers any items in the Part II agenda. Special facilities may be made available for disabled or non-English speaking persons. Please contact the Democratic Services Officer shown above for further details.

Planning Committee – Meeting held on Wednesday, 17th October, 2012.

Present:- Councillors Carter (Chair), Dar, Hussain, O'Connor, Plenty, Rasib, Sharif (arrived at 6.35pm), Smith and Swindlehurst

Also present under Rule 30:- Councillors Plimmer, Shah and Sohal

PART I

32. Declaration of Interest

Agenda item 4: Priory School, Orchard Avenue – Councillor O'Connor stated that her home address was in close proximity to the school.

Agenda item 5: Brook and Future House, Poyle Road, Colnbrook – Councillor Smith stated that he although he was a Member of Colnbrook with Poyle Parish Council, he absented himself from the Parish Council meeting when the application was discussed.

Agenda Item 6: 138 The Normans - Councillor Rasib declared that the Applicant had contacted him by telephone. Councillor Rasib stated that he advised the Applicant he was unable to discuss the matter with him and would consider the application with an open and clear mind.

Agenda item 6: 138 The Normans - Councillor Swindlehurst declared that a Ward Councillor for this application had contacted him to look at the case file, which he had done so. Councillor Swindlehurst stated that he would consider the application with an open and clear mind.

Agenda item 7: Garage Compound rear of 5-17, 85-101 Grampian Way & 51-67 Cheviot Road – Councillor Plenty declared that constituents had contacted him regarding the application and that he had advised that they contact an alternative ward member.

33. Minutes of the Last Meeting held on 5th September 2012

Resolved:- That the minutes of the Planning Committee meeting held on 5th September 2012 be approved as a correct record.

34. Human Rights Act Statement

Noted.

35. Amendment Sheet

Details were tabled in the amendment sheet of alterations and amendments received to applications since the agenda was circulated. Committee Members were given the opportunity to read the amendment sheet.

Planning Committee - 17.10.12

Oral representations were made to the Committee prior to planning application P/06015/026 Priory School, Orchard Avenue, Slough by an objector, Mr Roberts.

Oral representations were made to the Committee prior to planning application P/15326/000 Garage compound rear of 5-17, 85-101 Grampian Way & 51-67 Cheviot Road Slough by an objector, Ms Shipway and local ward members, Councillors Plimmer and Shah.

Oral representations were made to the Committee prior to planning application P/15126/002 138 The Normans, Slough by local ward member, Councillor Sohal.

Resolved:- That the decision be taken in respect of the planning applications as set out in the amendment sheet tabled at the meeting and subject to any further amendment and conditions as agreed by the Committee.

(Councillor Sharif joined the meeting)

36. P/06015/026 - Priory School, Orchard Avenue, Slough

Application	Decision
Erection of 9 x single storey modular units to create 3 x additional classrooms. A single storey extension to south east elevation to create 2 x additional new classrooms, new administration area and new reception / entrance area. A single storey extension to the school hall, alterations to staff car park to provide 25 additional spaces and a cycle store.	Delegated to the Head of Planning, Policy and Projects in consultation with the Chairman of the Planning Committee being satisfied with the mitigating measures implemented to address the parking concerns. In the event that the Chairman is not satisfied with the proposed measures the application would be referred back to the Planning Committee for determination.

37. P/15326/000 - Garage Compound rear of 5-17, 85-101 Grampian Way & 51-67 Cheviot Road, Slough

Application	Decision
Demolition of 12 No. existing garages and erection of one pair of semi detached bungalows with hipped and pitched roofs and provision of 4 No. car parking spaces with access from Grampian Way.	Deferred to allow officers to discuss parking concerns /facilities with the applicant.

Planning Committee - 17.10.12

38. P/15126/002 - 138 The Normans, Slough

Application	Decision
Erection of a single storey front extension with a mono pitched roof for disabled person	Refused

39. P/0996/002 - Brook and Future House, Poyle Road, Colnbrook, Slough.

Application	Decision
Erection of a new building for class B1b (research, development, high technology) and or B1c (light industrial) and / or B2 (general industry) and / or B8 (storage or distribution) with improved access, new perimeter fence, parking and landscaping. Outline planning application with access to be approved and appearance, landscaping, layout and scale to be reserved.	Delegated to Head of Planning, Policy and Projects (HPPP) for consideration of any substantive objection from statutory consultees, finalising conditions and S106 Agreement for Travel Plan monitoring fee and final determination for approval. In the event that the outstanding issues can not be satisfactory resolved that the HPPP retains the right to refuse planning permission.

40. Renewal of Slough Trading Estate Simplified Planning Zone

Mr Stimpson, Head of Planning, Projects and Policy informed Members that a Simplified Planning Zone (SPZ) was a planning mechanism which allowed the granting of planning permission in advance for specified types of development within a defined area or zone, for a fixed time period.

It was noted that an SPZ would provide SEGRO, the owners of the Slough Estate, a number of commercial advantages which included:

- **Flexibility** to respond quickly and effectively to changes in market demands and tenants' requirements
- **Certainty** for owners and occupiers about what development is acceptable to the Council under the scheme, and will therefore not require detailed planning approval
- **Speed** of development being brought forward- as individual applications are not required and consistent parameters are established by the SPZ, they are not subject to the normal planning permission timeframes
- **Marketability** of the Estate in a way which enhances the perception of the trading estate for investment, and has led directly to companies choosing to locate on the estate.

Planning Committee - 17.10.12

Members were reminded that the current SPZ was due to expire in November 2014 and that negotiations were taking place with SEGRO to both agree general principles and begin the process of renewing the SPZ.

Resolved -

- (a) That the Council work with SEGRO to prepare a new Simplified Planning Zone for Slough Trading Estate in accordance with the general principles set out in the report.
- (b) That the Council write to the Secretary of State to confirm its intention to prepare a new SPZ scheme for the Slough Trading Estate.

41. Appeal Decisions

Resolved – That the report be noted

42. Members' Attendance Record

Noted.

Chair

(Note: The Meeting opened at 6.30 pm and closed at 9.32 pm)

The Human Rights Act 1998 was brought into force in this country on 2nd October 2000, and it will now, subject to certain expectations, be directly unlawful for a public authority to act in a way which is incompatible with a Convention Right. In particular Article 8 (Respect for Private and Family Life) and Article 1 of Protocol 1 (Peaceful Enjoyment of Property) apply to planning decisions. When a planning decision is to be made, however, there is further provision that a public authority must take into account the public interest. In the vast majority of cases existing planning law has for many years demanded a balancing exercise between private rights and public interest, and therefore much of this authority's decision making will continue to take into account this balance.

The Human Rights Act 1998 will not be referred to in the Officers Report for individual applications beyond this general statement, unless there are exceptional circumstances which demand more careful and sensitive consideration of Human Rights issues.

Please note the Ordnance Survey Maps for each of the planning applications are not to scale and measurements should not be taken from them. They are provided to show the location of the application sites.

CLU / CLUD	Certificate of Lawful Use / Development
GOSE	Government Office for the South East
HPSP	Head of Planning and Strategic Policy
HPPP	Head of Planning Policy & Projects
S106	Section 106 Planning Legal Agreement
SPZ	Simplified Planning Zone
TPO	Tree Preservation Order
LPA	Local Planning Authority

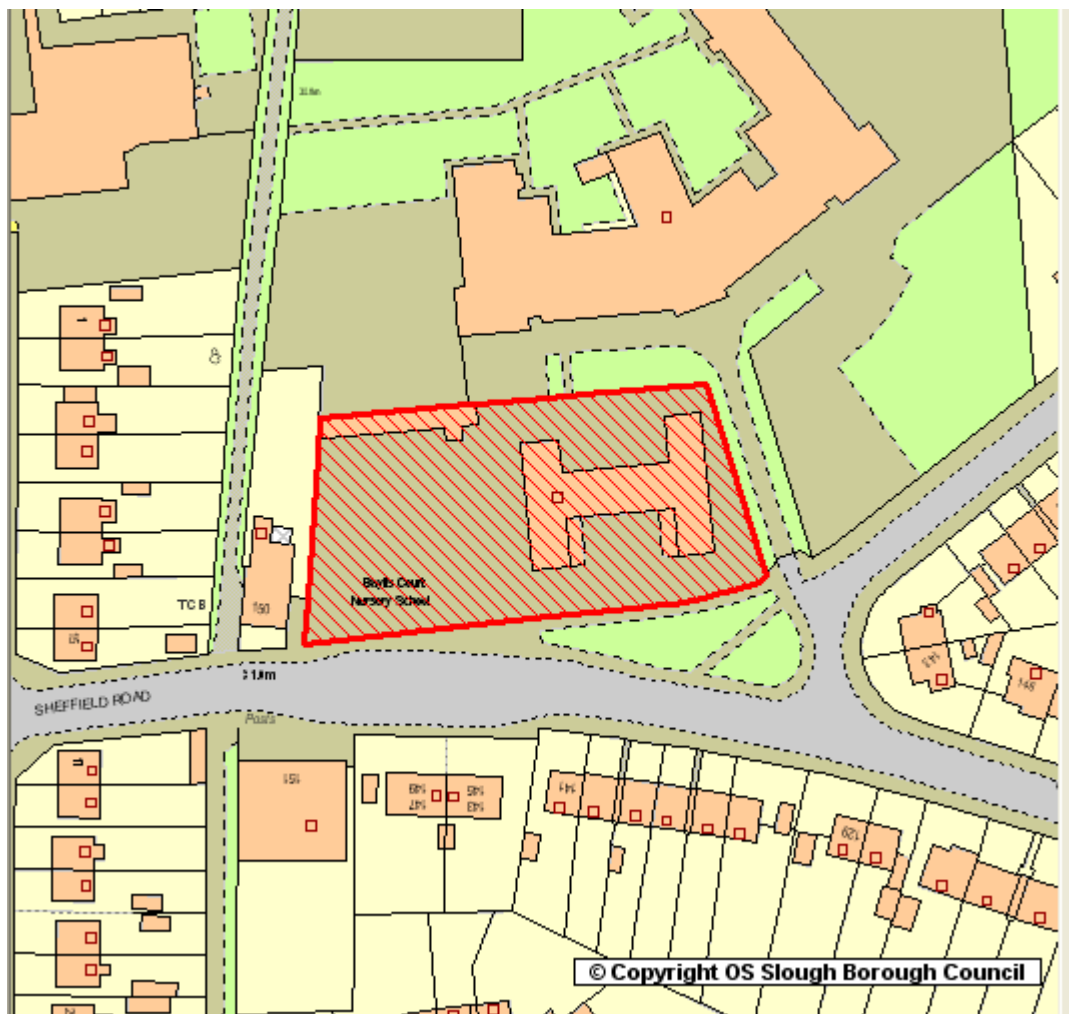
	USE CLASSES – Principal uses
A1	Retail Shop
A2	Financial & Professional Services
A3	Restaurants & Cafes
A4	Drinking Establishments
A5	Hot Food Takeaways
B1 (a)	Offices
B1 (b)	Research & Development
B1 (c)	Light Industrial
B2	General Industrial
B8	Warehouse, Storage & Distribution
C1	Hotel, Guest House
C2	Residential Institutions
C2(a)	Secure Residential Institutions
C3	Dwellinghouse
C4	Houses in Multiple Occupation
D1	Non Residential Institutions
D2	Assembly & Leisure

	OFFICER ABBREVIATIONS
WM	Wesley McCarthy
EW	Edward Wilson
HB	Hayley Butcher
CS	Chris Smyth
RK	Roger Kirkham
HA	Howard Albertini
IH	Ian Hann
AM	Ann Mead
FI	Fariba Ismat
PS	Paul Stimpson
JD	Jonathan Dymond
GB	Greg Bird

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Registration Date:	26-Sep-2012	Applic. No:	S/00694/000
Officer:	Mr. M. Brown	Ward:	Baylis and Stoke
		Applic type:	13 week date:
Applicant:	Mr. James Craig, Slough Borough Council		
Agent:	Mr. Adam Taplin, Carless & Adam Partnership 6, Progress Business Centre, Whittle Parkway, Bath Road, Slough, Berkshire, SL1 6DQ		
Location:	Baylis Court Nursery School, Oatlands Drive, Slough, SL1 3HS		
Proposal:	ERECTION OF A 60 SQM FLAT ROOFED MODULAR BUILDING TO PROVIDE TEACHING FACILITIES FOR 4 NO. SPECIAL EDUCATIONAL NEEDS STUDENTS (S.E.N'S).		

Recommendation: Approve, subject to conditions.



1.0 **SUMMARY OF RECOMMENDATION**

1.1 Having considered the relevant policies set out below, the representations received from consultees and other interested parties, and all other relevant material considerations, it is recommended that the application be approved.

1.2 This application has been referred to the Planning Committee for consideration as a letter of objection has been received and relates to an application on Council owned land.

PART A: BACKGROUND

2.0 **Proposal**

2.1 This is a full planning application for the proposed erection of a new modular building to provide classroom accommodation for 4 additional Special Educational Needs (SEN) students.

2.2 The proposed modular building was in situ during a site visit as of 6th November 2012.

2.3 The modular building is located to the rear of the main administrative area of the school and is located in close proximity to the boundary with the Godolphin Middle school. The proposal will result in an additional 60 square metres of classroom space.

3.0 **Application Site**

3.1 The Nursery site is 0.25 hectares in size and is located on the north side of Oatlands Drive close to where the road merges with Sheffield Road.

3.2 The school itself is located on irregular shaped site. To the west of the site is an access way for Godolphin School. All the school buildings are of a modular design and are single storey.

4.0 **Site History**

4.1 **Recent applications relating to the site are as follows:**

P/05565/002 – Retention of three temporary classroom

Approved 20th January 1992

P/05565/001- Renewal of temporary permission for temporary

nursery school.
Approved 7th August 1980

5.0 **Neighbour Notification**

5.1 Godolphin Junior School, 50 Oatlands Drive, 2-16 York Avenue (evens), 1-15 York Avenue (odd), 17 York Avenue, 127 to 151 Oatlands Drive (odd).

5.2 1 letter of objection has been received from the occupier of 149 Oatlands Avenue.

5.3 The following points were raised in this letter,
-The parking is already “diabolical” in the lay-bys on both sides of the road.
-Loss of a view of children’s play area, due to construction of building.

6.0 **Consultation**

6.1 Traffic and Road Safety/Highways Development. The following comments were raised. This is a proposal for an extension to the school measuring a total of 60sqm to provide teaching accommodation for 4 special educational needs children. The traffic impact of the development will be negligible.

PART B: PLANNING APPRAISAL

7.0 **Policy Background**

7.1 The following policies are considered most relevant to the assessment of this application:

National Planning Policy Framework and the Technical Guidance to the National Planning Policy Framework

Building a strong, competitive economy
Promoting sustainable transport
Requiring good design
Promoting healthy communities
Meeting the challenge of climate change, flooding and coastal change
Conserving and enhancing the natural environment
Conserving and enhancing the historic environment
Facilitating the sustainable use of minerals

The Slough Local Development Framework, Core Strategy 2006 – 2026, Development Plan Document

Core Policy 1 – Spatial Strategy
Core Policy 5 – Employment
Core Policy 6 – Retail, Leisure and Community Facilities
Core Policy 7 – Transport
Core Policy 8 – Sustainability and the Environment
Core Policy 9 – Natural and Built Environment
Core Policy 10 – Infrastructure
Core Policy 11 – Social Cohesiveness
Core Policy 12 – Community Safety

The Local Plan for Slough, Adopted March 2004

Policy EN1 – Standard of Design
Policy EN2 – Extensions
Policy EN3 – Landscaping Requirements
Policy EN5 – Design and Crime Prevention
Policy T2 – Parking Restraint
Policy T8 – Cycling Network and Facilities
Policy OSC8 – Green Spaces

Other Relevant Documents/Statements

Slough Borough Council Developer's Guide Parts 1-4
Ministerial Statement, Planning for Growth, (March 2010)

7.2 The main planning issues relevant to the assessment of this application are considered to be as follows:

- 1) Principle of development;
- 2) Design and Impact on the street scene;
- 3) Potential impact on neighbouring properties;
- 4) Transport, parking/highway safety.

8.0 **Principle of Development**

8.1 The proposal is required to provide facilities for the increasing number of pupils that will be attending Baylis Court Nursery School. The new unit will accommodate the requirements of children with Special Education Needs.

8.2 It is stated on the application forms that the proposed unit will result in an increase of 4 students. This is not considered to result in an unreasonable intensification of the use of the site

8.3 The school has opted to purchase superior quality modular buildings which will have a silicon render finish with UVPC windows and a flat roof, the materials have been selected to adhere to the surroundings.

- 8.4 The National Planning Policy Framework states at para. 72 that “local planning authorities should take a proactive, positive and collaborative approach to ... development that will widen choice in education.”
- 8.5 Core Policy 6 of The Slough Local Development Framework, Core Strategy 2006 – 2026, Development Plan Document similarly supports the provision of community facilities including education uses.
- 8.6 The principle of the proposal is therefore considered to be acceptable. The principle of the proposal would comply with Core Policies 5 and 6 of The Slough Local Development Framework, Core Strategy 2006 – 2026, Development Plan Document, December 2008, and the National Planning Policy Framework.
- 9.0 **Design and Impact on the street scene**
- 9.1 The building is of modular construction, 6.4m deep, 9.5m wide and 3m high with a flat roof. Internally the building will predominantly be used as a classroom, with a disabled toilet and a regular WC. The modular unit will be accessible via access ramps.
- 9.2 It is considered that the design and appearance of the proposed buildings would be in-keeping with the design and appearance the existing built form.
- 9.3 It is considered that the proposed building would be well related to the existing school buildings. It is considered that the proposed buildings would have no adverse impact on the street scene as it is not will be visible from the public highway.
- 10.0 **Potential Impact on Neighbouring Properties**
- 10.1 The proposed modular building is located in areas as not to impact the visual amenities of neighbouring properties and is single storey in height. This would not be visible to neighbouring properties. The building itself is considered to be well-related to the existing school buildings and would have no potential adverse impact on neighbour amenity.
- 10.2 Although loss of view is not a planning consideration the building is not visible from any adjoining residential properties.
- 10.3 The proposal would thus comply with Core Policy 8 of The Slough Local Development Framework, Core Strategy 2006 – 2026, Development Plan Document, December 2008; Policy 8 of The Adopted Local Plan for Slough 2004; and the National Planning Policy Framework.

11.0 **Transport, Parking/Highway Safety**

11.1 Core Policy 7 of The Slough Local Development Framework, Core Strategy 2006 – 2026, Development Plan Document sets out the Planning Authority’s approach to the consideration of transport matters. The thrust of this policy is to ensure that new development is sustainable and is located in the most accessible locations, thereby reducing the need to travel.

11.2 Policy T2 of The Adopted Local Plan for Slough 2004 seeks to restrain levels of parking in order to reduce the reliance on the private car through the imposition of parking standards.

11.3 The proposed modular building is not considered to substantially increase the demand for parking and will therefore not exacerbate the existing situation as mentioned by the objector.

11.4 It is pertinent to include a condition limiting the number of students using the modular building. This will ensure that the site is developed in accordance with the submitted details and will not result in an increased demand for parking.

12.0 **Summary**

12.1 The proposal has been considered against relevant development plan policies, and regard has been had to the comments made by neighbouring residents, and all other relevant material considerations.

12.2 It is recommended that the application be approved.

PART C: RECOMMENDATION

13.0 Approve, subject to conditions.

1. The development hereby permitted shall be commenced within three years from the date of this permission.

REASON To prevent the accumulation of planning permissions, and to enable the Council to review the suitability of the development in the light of altered circumstances and to comply with the provisions of Section 91 of the Town and Country Planning Act 1990.

2. The development hereby approved shall be maintained only in accordance with the following plans and drawings hereby approved by the Local Planning Authority:

(a) Drawing No.102 rev A , Dated Jun 12 Recd On 20th AUG 2012

REASON To ensure that the site is developed in accordance with the submitted application and to ensure that the proposed development does

not prejudice the amenity of the area and to comply with the policies in The Local Plan for Slough 2004.

3. During the construction phase of the development hereby permitted, there shall be no deliveries to the site outside the hours of 08.00 to 18:00 hours on Mondays - Fridays, 08.00 - 13.00 hours on Saturdays and at no time on Sundays and Bank/Public Holidays.

Within the permitted delivery times there shall be no deliveries made during normal school dropping off and picking up times in accordance with details which shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of development

REASON To protect the amenity of residents within the vicinity of the site in accordance with Planning Policy Statement 23 Planning and Pollution Control.

4. The development hereby permitted shall be occupied by a maximum of 4 students only. Any increase in numbers shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of the development hereby approved.

REASON To ensure that the site is developed in accordance with the submitted application and to ensure that the proposed development does not prejudice Highway safety in line with Policy T2 of The Local Plan for Slough 2004.

Informatives

1. The decision to grant planning permission has been taken having regard to the policies and proposals in the Local Plan for Slough 2004, as set out below, (to Supplementary Planning Guidance) and to all relevant material considerations.

National Planning Policy Framework, Core Policies 7 (Transport) and 8 (Sustainability & the Environment) of The Slough Local Development Framework, Core Strategy 2006 - 2026, Development Plan Document, December 2008 and Policies EN1 (Standard of Design), T2 (Parking Restraint) and OSC2 (Protection of School Playing Fields) of The Adopted Local Plan for Slough, 2004.

This informative is only intended as a summary of the reasons for the grant of planning permission. For further detail on the decision please see the application report by contacting the Development Control Section.

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SLOUGH BOROUGH COUNCIL

REPORT TO: Planning Committee **DATE:** 29TH November 2012

CONTACT OFFICER: Sharon Belcher - Senior Monitoring Officer
Julian Turpin - Tree Officer
(For all Enquiries) (01753) 875872

WARD(S): Colnbrook and Poyle

PART I
FOR DECISION

TREE PRESERVATION ORDER NO. 3 OF 2012 IN RESPECT OF LAND AT 87-121 LABURNHAM GROVE, SLOUGH

1. **Purpose of Report**

To seek confirmation of Tree Preservation Order No. 3 of 2012.

2. **Recommendation(s)/Proposed Action**

The Committee is requested to resolve that Tree Preservation Order No. 3 of 2012 be confirmed.

3. **Community Strategy Priorities**

- **A Cleaner, Greener place to live, Work and Play**

The protection of trees will help to maintain a green environment and encourage local ecology and diversity.

4. **Other Implications**

(a) Financial There are no financial implications of proposed action.

(b) Risk Management There are no risk management implications of proposed action.

(c) Human Rights Act and Other Legal Implications There are no implications for the Human Rights Act.

5. **Supporting Information**

- 5.1 It came to the attention of the planning department on 02/02/12 that there was an intension to remove a tree within the grounds of the flats in laburnum Grove in the near future. This was later confirmed by some of the members of the Laburnham Grove Residents Association.

- 5.2 The tree was inspected and assessed on 07/02/12 by the tree management officer. The tree, a horse chestnut, located at Laburnum Grove Slough is a maturing specimen sited at the end of the flats and adjacent to a public road. It is clearly visible from this road and some adjacent and opposite properties. This tree affords amenity as a prominent sizable individual tree. The tree has a wider impact in that it contributes to the tree cover of this area which is limited due the density of the residential properties.
- 5.3 In the absence of any protection the tree can be removed and this would be detrimental to the visual amenity and character of the area.
- 5.4 Four letters of objection have been received. A summary of the objections and response are below.

Objection - The tree could interfere with the drains and underground services.

Tree Officers Response - Roots from any vegetation can grow into and block drains which are broken. The solution to blocked drains is to clear and then repair the drain which will prevent the roots from re-entering. It should be noted that water loss from a drain can cause damage to property giving further reason to keep the drains watertight. Roots rarely cause broken drains or disturb services; this would only happen if the services are entangled with those roots which are subject to thickening growth or movement, i.e. very close to the trees trunk. At this time no damage is reported and close proximity of any underground services has not been established, so this does not seem to be the case in this instance. However, if repairs to underground services were needed involving work to the tree, then permission would be granted for any work necessary to resolve the problem.

Objection - The tree is showing signs of bleeding canker.

Tree Officers Response - The Chestnut which is subject to the TPO does not display the symptoms of bleeding canker, there is a black mark on the trunk but this does not at present show the distinctive discharge indicative of bleeding canker. Further just because a tree is of a species that could eventually succumb to a disease, this does not make the tree unsuitable to be protected by a TPO.

Objection - concerned that paving slabs of the adjacent path have been lifted making it necessary to remove the tree.

Tree Officers Response - Light structures like paths are often lifted by the action of roots expanding in girth; this would not require the removal of the tree, other solutions are available such using a different path construction, rerouting the path or in some cases removing small secondary roots.

Objection - The tree is too close to the flats and the tree might cause subsidence.

Tree Officers Response - Trees cause subsidence when they dry and shrink the ground which supports the foundations of a building and when the buildings foundations are not of insufficient depth. This only happens when a soil is of a type that shrinks when dried, these are mainly clay soils.

The soil types in this area of the Borough do have a clay element, however the foundations of the flats are likely to be substantial and no damage is reported. For many years regulations have been in place as to the depth of foundations required to support buildings built on clay soils and this is checked during construction. Buildings do commonly exist without damage next to mature trees in clay soil areas. It is not considered desirable or necessary to remove all trees adjacent to buildings as a general measure. However if a tree subject to TPO was to be proven to be causing subsidence permission would be given for any works which were required to stabilize the affected building.

Objection - The TPO will prevent maintaining the tree in a safe condition.

Tree Officers Response – Work can be carried out to a tree subject to TPO with the permission of the Council. All applications for permission to carry out work to a tree subject to TPO are considered on their own merits. However work required for public safety would be granted permission.

Objection - The tree will require constant and costly maintenance.

The tree is in good health and is not likely to need excessive maintenance. All property needs some maintenance and this is true of trees, this fact alone would not make the tree unsuitable to be protected by a TPO.

5.5 Eight letters of support have been received.

5.6 Due to the time period for the original Tree Preservation Order No. 1 of 2012 lapsing, and the change in the Tree Preservation Order procedure, a new order was made on 17th August 2012. Residents again were notified and the original objections and letters of support have been included within this report.

6. **Comments of Other Committees**

None.

7. **Conclusion**

In light of the above it is being recommended that Tree Preservation Order No. 1 of 2012 be confirmed.

8. **Background Papers**

None.

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SLOUGH BOROUGH COUNCIL

REPORT TO: Planning Committee **DATE** 29th November 2012

CONTACT OFFICER: Paul Stimpson
Head of Planning Policy & Projects
01753 87 5820

WARD(S): All

PART I
FOR DECISION

CONSOLIDATED LOCAL PLAN: SELF ASSESSMENT OF POLICIES COMPARED TO THE NATIONAL PLANNING POLICY FRAMEWORK

1 Purpose of Report

The next stage towards producing a “Consolidated” Local Plan for Slough is to carry out a self assessment of how all of the policies that make up Slough’s Development Plan comply with the new National Planning Policy Framework. The purpose of this report is therefore to seek Members’ approval for the publication of a “Self Assessment” of Slough’s policies for public comment.

2 Recommendation

That a “Self Assessment” of Slough’s planning policies in terms of their compliance with the National Planning Policy Framework be published for public comment.

3 Community Strategy Priorities

The Council’s Local Planning policies are an important spatial element of the Community Strategy and will help to contribute to the following emerging priorities:

- **A Cleaner, Greener place to Live, Work and Play**
- **Prosperity for All**

4 Other Implications

(a) **Risk Management**

There are no specific issues directly arising from this report

(b) **Human Rights Act and Other Legal Implications**

It is considered that there are unlikely to be any significant implications in relation to the Human Rights Act.

(c) **Equalities Impact Assessment**

It is not intended to review any of the Local Planning policies at this stage and so an Equalities Impact Assessment is not necessary.

(d) Workforce

The proposed actions can be carried out within the existing work programme.

5 Supporting Information

Introduction

- 5.1 There are currently a number of plans which together form the adopted “Development Plan” for Slough. These are the Core Strategy (2008) and Site Allocations development Plan Documents (DPD) (2010) plus the “saved” policies from the Local Plan for Slough (2004), Replacement Minerals Plan for Berkshire (2001) and Waste Local Plan for Berkshire (1998).
- 5.2 Members will recall that at the meeting on 17 October 2012 it was decided that it was not necessary to carry out a full scale review of these plans at this stage. The Core Strategy covers the period up to 2026 and its Spatial Strategy of “concentrating development” has proved to be robust and we still have a five and 15 year housing supply. We are also in the process of successfully implementing the comprehensive regeneration schemes in the Site Allocations DPD.
- 5.3 As a result it was decided that instead of reviewing all of the various plans they should all be republished in a single “consolidated” Local Plan for Slough.
- 5.4 Before doing so, it is necessary to establish that the policies still comply with the National Planning Policy Framework (NPPF) because in future plans will only be given due weight according to their degree of consistency with the new Framework. There is also the opportunity at this stage, to see if we need to continue to keep all of the “saved” Local Plan policies.
- 5.5 As a result we have carried out a “Self Assessment” of all of the current planning policies in Slough based upon the methodology devised by the Planning Advisory Service (PAS), which is particularly useful because it identifies the main areas where the NPPF has changed policy and identifies the key issues that have to be considered.
- 5.6 The initial conclusions from this exercise, which are set out below, suggest that with one or two exceptions the policies in the Slough Plans perform well when compared with the NPPF. In order to test this it is proposed to make this “Self Assessment” available for public comment in the new year so that the Council can then make a more informed decision about how to proceed with the “consolidated version” of the Slough Local Plan.
- 5.7 The full “Self Assessment” document is included as Appendix 1 to this report but the key points are summarised below.

Presumption in Favour of Sustainable Development

- 5.8 At the heart of the National Planning Policy Framework (paragraph 14) is a “presumption in favour of sustainable development” which should be seen as a golden thread running through both plan making and decision taking.
- 5.9 In practice, to demonstrate this commitment to deliver this “presumption”, all new plans that have been approved since the NPPF came in to force have a “model policy” inserted at the beginning which states that the Council will work proactively with

applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

- 5.10 Whilst none of the plans that cover Slough currently have such a model policy, this does not necessarily mean that they do not comply with the NPPF. The policy is effectively a statement of intent and so it would be possible for the Council to agree to this without it being part of adopted planning policy.
- 5.11 The other key points for plan making in the NPPF (14) are that:
- Local planning authorities should positively seek opportunities to meet the development needs of their area and
 - Local Plans should meet objectively assessed needs, with sufficient flexibility to adapt to rapid change.
- 5.12 All of Slough's strategic policies which deal with needs are set out in the Core Strategy which is in compliance with the allocations in the South East Plan. Whilst the Council continues to monitor development and update its evidence base, it is not considered necessary to carry out a review of the underlying assumptions behind the strategic policies in the Core Strategy.
- 5.13 As a result the "Self Assessment" has not sought to reassess Slough's needs. The main focus of the exercise is therefore to identify how the policies can be applied with sufficient flexibility to adapt to any identified changes in circumstances.
- 5.14 At the same time, as explained above, it is not considered necessary to review the existing Spatial Strategy of "concentrating development in the town centre".
- 5.15 In order to implement this spatial strategy it is necessary to have some strategic "place shaping" policies which seek to direct development to appropriate locations. Whilst some of these policies may not appear to comply with the NPPF they are in accordance with one of the core planning principles in the Framework (17) which states that we should have a plan led system which empowers local people to shape their surroundings.
- 5.16 Having set out the general principles as to how the "Self Assessment" should work, each of the various topics areas are considered in detail below.

Housing

- 5.17 The NPPF (49) makes it clear that policies should not be considered up to date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites.
- 5.18 Slough has a good record of housing delivery. The latest Housing Trajectory in the Annual Monitoring Report shows that we have a five and fifteen year supply of housing in Slough. This takes account of the need for an additional buffer of 5% as required by the NPPF (47).

- 5.19 The housing supply figures are based upon the requirement set out in the South East Plan which represents the latest objective assessment of housing need for the area which is consistent with the policies in the Framework.
- 5.20 The Core Strategy also complies with the NPPF (50) in that it has identified that affordable housing is needed in Slough and set out a policy for meeting this need. Core Policy 4 requires between 30 and 40% of housing to be affordable on sites with 15 units or more. The NPPF allows this minimum threshold to be reduced but it is not intended to review this at this stage.
- 5.21 A recent assessment of housing needs shows the scale of demand for affordable units is still very high in Slough. The Council will take into account viability when deciding upon the proportion of affordable housing that should be provided, but only on a site by site basis.
- 5.22 Several developments have been approved since the start of the economic down turn that include a substantial amount of affordable housing which indicates that the existing policy, as currently applied, is workable in many cases. As a result it is not considered that the affordable housing policies need to be reviewed in order to comply with the NPPF.
- 5.23 The Core Strategy also complies with the NPPF (50) in that it has identified the type of housing that is required in particular locations but directing flats to the town centre and only allowing predominantly family housing elsewhere.

Retail and Town Centres

- 5.24 The key thrust of the NPPF (23) is that planning policies should positively promote competitive town centre environments as well as a hierarchy of other centres. The spatial strategy of concentrating development in the town centre which is set out in the Core Strategy and implemented through the Site Allocations DPD is entirely consistent with the Framework. The “saved” Local Plan policies set out the development control type policies that the NPPF requires.
- 5.25 The main policy tool for promoting town centres set out in the NPPF (24) is the application of the sequential test for main town centre uses. Core Policy 6 sets out a sequential test for retail uses which is broadly in line with the NPPF. The main difference is that the Core Strategy states that developers will be required to demonstrate that there is a “need” for the development. The Framework does not include this as a requirement but states that the “impact” of the proposed development on existing or proposed investment in the centre needs to be assessed. In Slough these assessments cannot be carried out without establishing what the overall demand for retail floor space will be. As a result, although it will no longer be treated as a policy requirement, the question of need will remain as a key consideration in the quantification of retail impact.
- 5.26 The NPPF (23) requires plans to allocate sites to meet the scale and type of retail, leisure, commercial, cultural, community and residential development needed in town centres. This has been done through the Site Allocations DPD which has allocated sites in Slough town centre, the Farnham Road and at Langley. There are no restrictions on the amount of development that can take place.

Business and Employment

- 5.27 The NPPF (19) makes it clear that the Government is committed to ensuring that the planning system does everything that it can to support sustainable economic growth and that authorities should plan proactively to meet the development needs of business and support the economy (20).
- 5.28 The Core Strategy sets out a clear economic vision and strategy for Slough in accordance with the NPPF (20). There are no restrictions upon the amount of development that can take place.
- 5.29 The Core Strategy “saved” Local Plan policies control the location of where different types of employment should go in accordance with the Spatial Strategy. They identify areas for economic regeneration, strategic employment sites, infrastructure provision and environmental enhancement in accordance with the Framework (21).
- 5.30 The Site Allocations DPD expanded the Town Centre boundary where business uses would be suitable (22).

Green Belt

- 5.31 The NPPF has not introduced any significant changes to Green Belt policy and retains the presumption against inappropriate development unless there are “very special circumstances”.

Minerals

- 5.32 It is recognised that the strategy within the Replacement Minerals Plan for Berkshire (2001) is completely out of date. As a result the only policies that have been “saved” for continued use are the development control type policies that the NPPF (143) states are required.
- 5.33 As a result there is no allocation for Slough and no policy to ensure that there is sufficient supply of material to meet needs. The NPPF (142) acknowledges, however, that minerals can only be worked where they are found. The position in Slough is that virtually all available mineral resources have been dug. The Minerals Plan identifies two “Preferred Areas” for mineral extraction which effectively constitute Slough’s entire potential supply.
- 5.34 Whilst it is acknowledged that there is a strategic policy gap as far as minerals planning in Slough are concerned, it is considered that the “saved” policies in the Minerals Local Plan continue to provide the necessary development control policies that are needed. The only one which may not comply with the presumption in favour of sustainable development in the NPPF is Policy 10 which sets out a presumption against minerals extraction outside of the Preferred Areas. As a result this may have to be deleted. This would not, however, make any difference in practice because, as explained above, there is little scope for minerals extraction outside of these areas.

Promoting Healthy Communities

- 5.35 The NPPF uses this term as an umbrella for the role planning has in facilitating community cohesion and wellbeing. It states that planning policies and decisions should
- aim to achieve places which promote safe and accessible environments and developments which address crime and the fear of crime (69).
 - deliver the social, recreational and cultural facilities and services the community needs. This includes guarding against the unnecessary loss of valued facilities including schools, local shops, sports venues, cultural buildings and places of worship (70).
 - protect existing open spaces, playing fields, public rights of way and access (74,75).
- 5.36 While these issues are not grouped together in one policy in the Core Strategy and Local Plan, there are policies which cover and are fully compatible with the NPPF objectives to deliver healthy, inclusive communities. These include Core Policy 2 (Green Belt and Open Spaces); Core Policy 10 (Infrastructure), Core Policy 11 (Social Cohesiveness), Core Policy 12 (Community Safety) and EN5 (Design and Crime Prevention); Core Policy 6 (retail, leisure and community facilities).

Transport

- 5.37 The Council's existing policies are in general conformity with the NPPF. The new Framework has removed the requirement to have maximum car parking standards but it is considered that Core Policies parking cap for commercial development should be retained because it is an integral part of the Council's transport strategy and a key tool for ensuring Spatial Strategy of concentrating development in the town centre. It is also consistent with the NPPF policy of support a pattern of development that facilitates the use of sustainable modes of transport.

Natural and Built Environment

- 5.38 It is considered that the Council's policies for the built environment, natural and historic environment, including design, biodiversity and measures to adapting to climate change, conform with the NPPF.
- 5.39 The Council has an up to date flood risk management strategy, and is working on measures to address flooding across the borough. Supplementary guidance can deal with the NPPF policy that seeks a policy to support energy efficiency in existing buildings that is not covered by building control.

Other Topics

- 5.40 The NPPF does not cover Waste issues and Gypsies and Travellers are subject to separate exercise. As a result these have not been included in the Self Assessment.

Next Stages

- 5.41 It is proposed to write or send an email to all of the people and organisations on the planning policy Local Development Framework database asking them for comments on the Council's "Self Assessment". It is recognised that this is a very technical exercise and so the main audience will be adjoining authorities, the DCLG and other statutory consultees such as the Environment and Highways Agencies.
- 5.42 Whilst we would not expect many comments from members of the public, any that we do receive will obviously be taken into account.
- 5.43 It is envisaged that the exercise will take place in the new year. The results will then be reported back to Committee with a recommendation as to how to proceed with the publication of the Consolidated Plan.
- 5.44 A decision can also be made at this stage as to what other supplementary planning policies may need to be produced to fill in any identified gaps, or if some of the "saved" Local Plan policies no longer need to be used for development control purposes.
- 5.45 The overall effect of this process should be to ensure that the Council's suite of planning policies continue to be fit for purpose for the foreseeable future.

6 Conclusion

Members' approval is being sought for the publication of a "Self Assessment" of the extent to which the Council's existing Plans comply with the National Planning Policy framework. Comments upon this will be sought in the New Year so as to inform the way in which a new "Consolidated" version of the Local Plan will be published.

7 Background Papers

- '1' The Local Plan for Slough (2006)
- '2' The Slough Core Strategy (2008)
- '3' Slough Site Allocations DPD (2010)
- '4' Replacement Berkshire Minerals Plan (2001)
- '5' National Planning Policy Framework (2012)

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**CONSOLIDATED LOCAL PLAN:
DRAFT
SELF ASSESSMENT OF POLICIES
COMPARED TO THE NATIONAL
PLANNING POLICY FRAMEWORK**

November 2012



planning advisory service

**Local Plans
and the
National Planning Policy Framework**

Compatibility Self-Assessment Checklist

This checklist which will help you assess the content of your new or emerging local plan¹ against requirements in the National Planning Policy Framework (NPPF) that are new or significantly different from national policy set out in PPGs and PPSs.

1A: Achieving sustainable development

The presumption in favour of sustainable development and core planning principles (para 6-17)			
What NPPF expects local plans to include to deliver its objectives	Questions to help understand whether your local plan includes what NPPF expects	Does your local plan address this issue and meet the NPPF's expectations?	How significant are any differences? Do they affect your overall strategy?
<p><i>Policies in local plans should follow the approach of the presumption in favour of sustainable development and guide how it should be applied locally (15).</i></p>	<p><i>Does the plan positively seek opportunities to meet the development needs of the area?</i></p> <p><i>Does the plan meet objectively assessed needs, with sufficient flexibility to adapt to rapid change, (subject to the caveats set out in para14)?</i></p>	<p>The NPPF (6) states that the purpose of the planning system is to contribute to the achievement of sustainable development and has an economic, social and environmental role (7).</p> <p>The Core Strategy has a positive "Spatial Vision" and "Strategic Objectives" which are reflected in the spatial strategy.</p> <p>None of the policies in the Core Strategy seek to limit the quantum of development that can take place.</p> <p>The Site Allocations Development Plan Document (DPD) has proactively identified key sites for comprehensive redevelopment which meet the specific needs of local communities.</p>	<p>There are no conflicts with the NPPF.</p>
		<p>All of Slough's strategic policies which deal with needs are set out in the Core Strategy. This was prepared upon an assessment of the needs at the time. It is also in compliance with the South East Plan.</p> <p>The Council is not carrying out a review of its plans and so it is not considered necessary to carry out a review of the underlying assumptions behind the strategic policies in the Core Strategy.</p> <p>The Council continues to monitor development and update its evidence base as required but it is not</p>	<p>The Slough Plans met the objectively assessed needs at the time that existed at the time that they were prepared and have sufficient flexibility to meet changes in circumstances. As a result they are compatible with the NPPF.</p>

considered necessary to carry out a complete review of development needs as part of this "Self Assessment" exercise.

Flexibility is built into the Core Strategy policies.

For example the housing allocation set out in Core Policy 3 (Housing Distribution) is expressed as a "minimum" and has been adjusted to take account of the increase in Slough's allocation in the South East Plan.

The Housing Trajectory shows that the Council is not treating this figure as a maximum in that it has already approved or allocated sites for a much higher number of dwellings.

In selected key locations Core Policy 1 (Spatial Strategy) allows for *"some relaxation of policies and standards where this can be justified by the overall environmental, social and economic benefits that will be provided to the wider community"*.

Those policies which are not positively framed, such as the protection of the Green Belt, are the type of policies which the Framework recognizes should either be restrictive (14) or should actively manage patterns of growth (17).

This is explained in more detail in the assessment of individual topics set out below.

Do you have a policy or policies which reflect the principles of the presumption in favour of

Because all of the plans that cover Slough pre-date the NPPF, none of them contain the recommended "model policy" which sets out the presumption in favour of sustainable development.

None of the plans contain the "model policy".

This is effectively a

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	<p><i>sustainable development? A model policy is provided on the Planning Portal in the Local Plans section, as a suggestion (but this isn't prescriptive).</i></p>		<p>statement of intent that in applying policy the Council will work proactively with applicants to approve applications where possible. As a result it would be possible to adopt this statement of intent even though it is not currently part of the statutory development plan.</p>
<p><i>The NPPF sets out a set of 12 core land-use principles which should underpin plan-making (and decision-making) (17)</i></p>		<p>The core planning principles set out in the NPPF (17) include the requirement that planning should:</p> <ul style="list-style-type: none"> • Be plan-led, empowering local people to shape their surroundings; • Proactively support sustainable economic development; • Secure high quality design and good amenity; • Take account of the different roles and character of different areas; • Protect the Green Belt; • Support the transition to a low carbon future • Conserve and enhance the natural environment and reduce pollution; • Encourage the use of brownfield land; • Promote mixed use developments; • Conserve heritage assets; • Make fullest possible use of public transport, walking and cycling, focus significant development in sustainable locations; • Improve health, social and cultural wellbeing. 	<p>There are no conflicts with the NPPF.</p>

		<p>It is considered that the combination of the Core Strategy, Site Allocations DPD and the "saved" policies in the Local Plans implement these core planning principles.</p> <p>The extent to which individual policies comply with the NPPF is examined in the relevant sections below.</p>	
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1B: Delivering sustainable development

1. Building a strong, competitive economy (paras 18-22)			
What NPPF expects local plans to include to deliver its objectives	Questions to help understand whether your local plan includes what NPPF expects	Does your local plan address this issue and meet the NPPF's expectations?	How significant are any differences? Do they affect your overall strategy?
<p><i>Set out a clear economic vision for the area which positively and proactively encourages sustainable economic growth (21).</i></p>		<p>The NPPF (18) states that the Government is committed to securing economic growth in order to create jobs and prosperity.</p> <p>The Core Strategy Spatial Vision includes a number of economic elements. These include encouraging "...the comprehensive redevelopment of parts of the town centre so that it can fulfill its role as a regional hub and maintain its position as an important regional shopping, employment and transport hub."</p>	<p>There are no conflicts with the NPPF.</p>
		<p>It also states that "<i>The existing business areas in Slough will have an important role in maintaining a thriving local economy and providing a range of jobs for an increasingly skilled workforce.</i>"</p> <p>The Strategic Vision and Objectives are reflected in Core Policy 5 (Employment) which promotes office development in the town centre and parts of Slough</p>	

	<p>Trading Estate, all other employment generating uses with the Existing Business Areas and major warehousing and distribution developments in the eastern part of the Borough.</p> <p>Detailed development control requirements are set out in Local Plan Policy EMP 2 (Criteria for Business Developments) and specific policies for the specific business areas are set out in Policies EMP6 to EMP8.</p> <p>The Site Allocations DPD has been proactive in meeting the development needs of business by identifying priority areas for economic regeneration, infrastructure and environmental enhancement in accordance with the NPPF (21).</p>
<p><i>Is there an up to date assessment of the deliverability of allocated employment sites, to meet local needs, to justify their long-term protection (taking into account that LPAs should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of an allocated site being used for that purpose) para (22)?</i></p>	<p>As a result it is not considered that the employment planning policies in the Slough Plans are an impediment to encouraging sustainable growth.</p> <p>There are no new sites allocated for employment use. The only sites protected for employment use are the Existing Business Area which are already fully developed and well established. As a result there are no new allocations that need to be reviewed in accordance with paragraph 22 of the NPPF. There is no policy restriction to the alternative use of other commercial sites where redevelopment or change of use applications will be treated on their merits. (22)</p>

2. Ensuring the vitality of town centres (paras 23-27)			
What NPPF expects local plans to include to deliver its objectives	Questions to help understand whether your local plan includes what NPPF expects	Does your local plan address this issue and meet the NPPF's expectations?	How significant are any differences? Do they affect your overall strategy?
<p><i>Set out policies for the management and growth of centres over the plan period (23).</i></p>		<p>The NPPF (23) states that planning policies should promote competitive town centre environments and support their viability and vitality.</p> <p>There is general support for the town centre through the Core Strategy spatial vision, objective and core policies which support the vitality, viability and growth of the centre's over the plan period.</p> <p>The Spatial Strategy for Slough can be summarized as being one of '<i>concentrating development but spreading the benefits to help builds local communities</i>'. This identifies the town centre as being the key location for major change.</p> <p>Core Policy 1 (Spatial Strategy) states '<i>that proposals for high density housing, intensive employment generating uses, such as major retail or leisure will be located in the appropriate parts of the town centre</i>'. This recognizes town centre's as the heart of the community and supports their viability and vitality (23).</p> <p>Core policy 6 (Retail, Leisure and Community Facilities) states '<i>all new major retail, leisure and community developments will be located in the shopping areas of Slough town centre</i>'. This supports the town centre first approach.</p> <p>This is implemented through the use of a sequential</p>	<p>The part of Core Policy 6 (Retail, Leisure and Community Facilities) which requires developers to demonstrate the need for an out of centre retail development is not fully compatible with the NPPF.</p> <p>There are no other conflicts with the NPPF.</p>

	<p><i>Have you undertaken an assessment of the need to expand your town centre, considering the needs of town centre uses?</i></p>	<p>test set out in Core Policy 6 (Retail, Leisure and Community Facilities) which is in accordance with the NPPF (24) in all respects apart from the fact that the Core Policy requires developers to demonstrate that there is a "need" for the development.</p> <p>NPPF does not include a requirement to demonstrate need but it does, however, require an assessment of the impact of the proposed development on existing, committed and planned investment and an assessment of the impact on the vitality and viability of town centres (26). These assessments cannot be carried out without establishing what the overall demand for retail floorspace will be and so the question of need remains a key consideration in the quantification of retail impact.</p> <p>The need to expand the designated area of Slough town centre was considered as part of the preparation of the Core Strategy. This resulted in the Town Centre boundary being expanded northwards and westwards in order to accommodate more town centre type uses. The only change to the <i>Shopping Area</i> within the town centre was to include the Tesco Store within it in recognition of the fact that it had become an integral part of the centre.</p> <p>The decision not to enlarge the town centre shopping area was based upon the conclusion that there was a need to consolidate the existing centre and improve the quality, scale and range of new retail facilities within it.</p> <p>This will primarily be achieved through the redevelopment and reconfiguration of the Queensmere and Observatory shopping centres as set out in the Site Allocations DPD which is designed to improve the</p>	
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	<p><i>Have you identified primary and secondary shopping frontages?</i></p>	<p>range and attractiveness of Slough retail offer.</p> <p>Monitoring has shown that the town centre has continued to decline and has an 8% retail vacancy rate. The key retail scheme on the High Street with planning permission has not been implemented. As a result it is considered that the need for retail development can be met in full within Slough town centre in accordance with the NPPF (23) without the need to expand the town centre boundary.</p> <p>Local Plan Policy S1 (Retail Hierarchy) identifies the Farnham Road and Langley Village as District Centres. The Core Strategy identified the need to enlarge the anchor supermarkets in Farnham Road and the need for a new supermarket adjoining the Harrow Market centre in Langley.</p> <p>These improvements are being implemented through the Site Allocations DPD which also enlarged the size of the Farnham Road shopping centre.</p> <p>It is not considered necessary for there to be any further need to expand the boundaries of these centres.</p> <p>Local Plan Policy S8 (Primary and Secondary Frontages) identifies primary and secondary shopping frontages in the town and district centres and sets out which uses are permitted in each location. To protect the retail functions of the town centre core, primary shopping frontages are restricted to predominately retail use with the exception of bank's, building societies and A3 uses.</p>	
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3. Supporting a prosperous rural economy (para 28)			
What NPPF expects local plans to include to deliver its objectives	Questions to help understand whether your local plan includes what NPPF expects	Does your local plan address this issue and meet the NPPF's expectations?	How significant are any differences? Do they affect your overall strategy?
<i>Policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development (28).</i>	<i>Do your policies align with the objectives of para 28?</i>	Slough does not have any significant rural areas and so there are no policies in the plans which deal with the rural economy.	There are no conflicts with the NPPF.
4. Promoting sustainable transport (paras 29-41)			
What NPPF expects local plans to include to deliver its objectives	Questions to help understand whether your local plan includes what NPPF expects	Does your local plan address this issue and meet the NPPF's expectations?	How significant are any differences? Do they affect your overall strategy?
<i>Policies that facilitate sustainable development but also contribute to wider sustainability and health objectives (29).</i> <i>Different policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas (29).</i>		The NPPF (29) states that the transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. The Spatial Strategy of 'concentrating development in the town centre' is intended to ensure that intensive trip generating uses are located where the need to travel will be minimised and the use of sustainable transport modes maximized in accordance with the NPPF (34). This facilitates sustainable development but also contributes to wider sustainability and health objectives as required by the Framework (29). Other policies support the provision and protection of	There are no conflicts with the NPPF.

	<p><i>If local (car parking) standards have been prepared, are they justified and necessary? (39)</i></p> <p><i>(The cancellation of PPG13 removes the maximum standards for major non-residential development</i></p>	<p>pedestrian, cycle and bus routes (Saved policies T7 Rights of Way, T8 Cycling Network and facilities, and T9 Bus Networks and facilities) (35).</p> <p>Policies also promote other measures for transport solutions: Core Policy 7 requires Travel Plans for major trip generating uses to implement mitigation measures (36), and these may include the use of technologies to promote and monitor alternative modes of transport (29).</p> <p>The control of parking is an important tool for the implementation of the Spatial Strategy. As a result Core Policy 7 (Transport) states that no overall increase in parking will be allowed for commercial redevelopment, unless required for safety or operational reasons, and maximum restraint will be applied to residential schemes in the town centre.</p> <p>Elsewhere, the Core Strategy parking policy does not in general set a maximum but the policy requires appropriate provision to be made taking into account local conditions.</p> <p>The detailed parking standards were originally included in Appendix 3 of the Local Plan but are now set out in supplementary guidance.</p> <p>It is considered that these local parking standards comply with the NPPF (39) in that they take account of the type of development and its accessibility.</p> <p>The parking policies continue to apply maximum standards for non-residential development. This continues to be justified in order to meet the Core Strategy spatial strategy and strategic objectives of</p>	
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	<p><i>set out in Annex D. PPS4 allowed for non-residential standards to be set locally with Annex D being the default position. There is no longer a requirement to set non-residential parking standards as a maximum but that does not preclude LPAs from doing so if justified by local circumstances).</i></p> <p><i>Has it taken into account how this relates to other policies set out elsewhere in the Framework, particularly in rural areas? (34).</i></p>	<p>focusing development in accessible locations and supporting the Local Transport Plan’s aim of reducing car based modes of travel and increasing non car modes of travel.</p> <p>The parking policies are also consistent with the NPPF (30) (32) which support of a pattern of development that facilitates the use of sustainable modes of transport.</p>	
	<p><i>Have you worked with adjoining authorities and transport providers on the provision of viable infrastructure?</i></p>	<p>Slough is an urban area with no large rural areas requiring a different approach to travel.</p> <p>Neither the Core Strategy nor the Local Plan proposes car based highway infrastructure that affects adjacent authorities.</p> <p>The other transport infrastructure referred to in Core Policy 7 (Transport), such as the development of Slough as a Regional Transport Hub, improved links to Heathrow, improvements to the railway stations and the creation of a transport hub within Slough Trading Estate, have been the subject of discussion with the relevant parties. Some of these have also been subject to more detailed consultation through the Site Allocations DPD.</p> <p>The Council has worked with a range of partners to secure the funding for a new passenger rail link to Heathrow airport.</p>	

5. Supporting high quality communications infrastructure (paras 42-46)			
<i>There are no new or significantly different requirements for the policy content of local plans in this section of the NPPF.</i>		<p>The NPPF (43) states that local planning authorities should support the expansion of electronic communications networks.</p> <p>Local Plan Policy EN7 (Telecommunications Development) sets out the criteria for dealing with such developments and there are no blanket bans on telecommunications equipment which are prohibited in the NPPF (44).</p>	There are no conflicts with the NPPF.
6. Delivering a wide choice of high quality homes (paras 47-55)			
What NPPF expects local plans to include to deliver its objectives	Questions to help understand whether your local plan includes what NPPF expects	Does your local plan address this issue and meet the NPPF's expectations?	How significant are any differences? Do they affect your overall strategy?
<p><i>Identify and maintain a rolling supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirements; this should include an additional buffer of 5% or 20% (moved forward from later in the plan period) to ensure choice and competition in the market for land (47).</i></p> <p><i>Illustrate the expected rate of housing delivery through a trajectory and</i></p>		<p>The NPPF (47) states that local planning authorities should significantly boost the supply of housing.</p> <p>Slough's housing requirement is based upon Core Policy 3 (Housing Distribution) which states that "a minimum of 6,250 new dwellings will be provided in Slough between 2006 and 2026".</p> <p>The policy also allows for a higher amount of housing to take place in accordance with South East Plan. As a result the minimum requirement for Slough, as set out in the regional plan, is 6,300 new dwellings are built in Slough over the period 2006-2026. This equates to an average of 315 new dwellings per year. This will continue to be the housing target for Slough even though the Regional Spatial Strategy is in the process of being abolished by the Localism Act.</p>	There are no conflicts with the NPPF.

<p><i>set out a housing implementation strategy describing how a five year supply will be maintained (47).</i></p>	<p><i>What is your record of housing delivery?</i></p> <p><i>Have you identified:</i></p> <p><i>a) five years or more supply of specific deliverable sites;</i></p> <p><i>b) an additional buffer of 5% (moved forward from later in the plan period), or</i></p> <p><i>c) If there has been a record of persistent under delivery have you identified a buffer of 20% (moved forward from later in the plan period)? [Para 47].</i></p> <p><i>Does this element of housing supply include windfall sites; if so, to what extent is there 'compelling evidence' to justify their inclusion (48)?</i></p>	<p>Completions over the first 5 years of the plan period have averaged 437 a year which is significantly above the required average of 315 per annum</p> <p>The updated housing trajectory and the latest five years land supply assessment in the AMR 11/12 which was produced in August 2012 shows there is a five and fifteen year supply of specific deliverable sites in accordance with the NPPF. (47)</p> <p>Slough also has five year land supply when the need for an additional 5% buffer as set out in the NPPF (47) is taken into account</p> <p>As explained above, Slough has exceeded its housing allocation in the first five years of the plan. As a result it does not have a record of persistent under delivery and does not have to identify a buffer of 20% additional housing in accordance with the NPPF. (47)</p> <p>Nevertheless the latest housing trajectory shows that even if a 20% buffer was required Slough still has a five years land supply.</p> <p>The housing supply does not rely of the inclusion of windfalls to meet the housing supply. As a result it complies with the NPPF (48) and additional sites could come forward in the plan period.</p>	
	<p><i>To what extent does the removal of national and regional brownfield</i></p>	<p>Core Strategy-Core Policy 1 <i>'states that all development will take place in the built up area, predominately on previously developed land'</i></p>	

	<p><i>targets have an impact on housing land supply?</i></p>	<p>Core policy 3 (Housing Distribution) recognizes, however, that there will be major Greenfield developments in the form of urban extensions.</p> <p>The latest Annual Monitoring Report shows that 66% of dwellings were built on previously developed land. It is expected that this figure will increase once the Greenfield sites have been completed.</p> <p>There are no policies which prevent the development of garden land, which has now been reclassified as "brownfield".</p> <p>As a result it is not considered that the removal of national and regional brownfield targets will have an impact on housing land supply in Slough.</p>	
<p><i>Plan for a mix of housing based on current and future demographic and market trends, and needs of different groups (50), and caters for housing demand and the scale of housing supply to meet this demand (para 159)</i></p>		<p>Objective C of the Core Strategy is <i>'to provide housing in appropriate locations which meets the needs of the whole community, is of an appropriate mix, type, scale and density; is designed and built to high quality standards and is affordable'</i></p> <p>The housing figures in the Core Strategy are consistent with the South East Plan which took account of objectively assessed needs.</p> <p>Core policy 3 (Housing distribution) sets out that a minimum of 3000 dwellings we be built in the town centre, urban extensions around 750 dwellings, major sites in other urban areas around 1,350 dwellings and small sites within the urban area around 600 dwellings.</p> <p>Core Policy 4 (Type of Housing) states that <i>"high</i></p>	

	<p><i>Does the plan include policies requiring affordable housing? Do these need to be reviewed in the light of removal of the national minimum threshold?</i></p> <p><i>Is your evidence for housing provision based on up to date, objectively assessed needs</i></p>	<p><i>density housing should be located in Slough town centre” and that in the urban areas outside the town centre “new residential development will predominantly consist of family housing”. This policy allows a mix of housing to come forward which caters for different groups within the community.</i></p> <p>To maintain our housing stock and the high demand for family housing Core Policy 4 (Type of Housing) states that there <i>‘is no net loss of family accommodation as a result of flat conversions. Change of use or redevelopment’</i></p> <p>The combination of these policies will therefore provide a mix of housing for current and future demographic and market trends (50)</p> <p>A key element of Objective C of the Core Strategy is to provide housing that is affordable</p> <p>Affordable housing policy is set out in Core Policy 4 (Type of Housing) which states that <i>“all sites of 15 or more dwellings (gross) will be required to provide between 30% and 40% of the dwellings as social rented along with other forms of affordable housing’</i>. More information on the breakdown of forms of affordable housing and how this policy is to be implemented is provided in the Developers Guide.</p> <p>The Core Strategy reduced the minimum threshold for affordable housing from 25 units to 15. It is not intended to review this threshold at this stage.</p> <p>The assessment of need that informed the Core Strategy shows that the demand for affordable housing is great enough for there to be a requirement of between 30 and 40%. A recent update (2012) of that</p>	
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		<p>assessment shows the scale of demand for affordable units still exists.</p> <p>The Core Strategy refers to viability being a factor when deciding upon the proportion of affordable housing. Supplementary guidance in the form of the Developers Guide Part 2 makes it clear that viability of new development will be considered when applying affordable housing policy on a site by site basis.</p> <p>Several developments have been approved since the start of the economic down turn that include a substantial amount of affordable housing indicating that the existing policy, as currently applied, workable in many cases.</p> <p>The housing mix and the number of affordable homes are monitored through the Annual Monitoring Report.</p>	
<p><i>In rural areas be responsive to local circumstances and plan housing development to reflect local needs, particularly for affordable housing, including through rural exception sites where appropriate (54).</i></p>	<p><i>Have you considered whether your plan needs a policy which allows some market housing to facilitate the provision of significant additional affordable housing to meet local needs?</i></p>	<p>There are no significant rural areas in Slough and so this issue does not apply.</p>	
	<p><i>Have you considered the case for setting out policies to resist inappropriate development of residential gardens? (This is discretionary)(para 53)</i></p>	<p>There is no policy in the Core Strategy to resist the development of residential gardens.</p>	

<p><i>In rural areas housing should be located where it will enhance or maintain the vitality of rural communities.</i></p>	<p><i>Examples of special circumstances to allow new isolated homes listed at para 55 (note, previous requirement about requiring economic use first has gone).</i></p>	<p>There are no significant rural areas in Slough and so this issue does not apply.</p>	
<p>7. Requiring good design (paras 56-68)</p>			
<p><i>There are no new or significantly different requirements for the policy content of local plans in this section of the NPPF.</i></p>		<p>The NPPF places great importance upon the need to achieve a high quality of design for all development (57) and states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area (64).</p> <p>Core Policy 8 (Sustainability and the Environment) fully reflects this objective with an emphasis upon development reflecting the street scene and the local distinctiveness of an area. This is supplemented by the Residential Extensions SPD.</p> <p>More detailed design criteria are set out in the "saved" Local Plan. These include Policies EN1 (Standard of Design), EN2 (Extensions), EN3 (Landscaping Requirements) and EN5 (Design and Crime Prevention).</p> <p>There are no new or significantly different issues raised by the NPPF on design.</p>	<p>There are no conflicts with the NPPF.</p>

8. Promoting healthy communities (paras 69-78)			
What NPPF expects local plans to include to deliver its objectives	Questions to help understand whether your local plan includes what NPPF expects	Does your local plan address this issue and meet the NPPF's expectations?	How significant are any differences? Do they affect your overall strategy?
<p><i>Policies should plan positively for the provision and use of shared space, community facilities and other local services (70).</i></p>	<p><i>Does the plan include a policy or policies addressing community facilities and local services?</i></p> <p><i>To what extent do policies plan positively for the provision and integration of community facilities and other local services to enhance the sustainability of communities and residential environments; safeguard against the unnecessary loss of valued facilities and</i></p>	<p>The NPPF (69) states that the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities through the connected themes of safe and accessible environments; social, formal and informal recreational facilities, cultural facilities and services.</p> <p>Objective F of the Core Strategy is <i>'To maintain and provide for community services and facilities in appropriate locations that are easily accessible.'</i></p> <p>Core Policy 11 (Social Cohesiveness) states that <i>"The development of new facilities which serve the recognized diverse needs of local communities will be encouraged."</i></p> <p>The Site Allocations DPD makes provision for new community facilities as part of the comprehensive regeneration of key areas.</p> <p>Core Policy 12 (Community Safety) allows for provision of facilities to be laid out and designed to create safe and attractive environments, and is supported by Local Plan policy EN5 (Design and Crime Prevention).</p> <p>Core Policy 10 (Infrastructure) includes health, leisure and community facilities as necessary infrastructure,</p>	<p>There are no conflicts with the NPPF.</p>

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	<p><i>services; ensure that established shops, facilities and services are able to develop and modernize; and ensure that housing is developed in suitable locations which offer a range of community facilities and good access to key services and infrastructure?</i></p>	<p>and requires new development will only be permitted where it is supported by existing or new infrastructure. Where existing provision is insufficient the developer will be required to provide the necessary educational, health, leisure, community and cultural services.</p> <p>This requirement is also set out in Local Plan Policy OSC15 (Provision of Facilities in New Residential Developments).</p> <p>Core Strategy Core Policy 6 (Retail, leisure and community facilities) also states <i>that all community facilities/ services should be retained. In exceptional circumstances, it is agreed that that community facilities/ services may be lost or reduced in size to accommodate new development; developers will be required to contribute towards new or enhanced community facilities/ services locally.</i></p> <p>Core Policy 2 provides strategic protection for public open spaces, and Local Plan policies OSC 1, OSC9 and OSC17 also cover the need to protect open spaces, allotments and community or religious facilities. Policy OSC5 sets out Public Open Space requirements for housing developments.</p> <p>Local Plan Policies CG1 (Colne Valley Park); Linear Park (CG2); CG4 (Slough Arm of the Grand Union Canal) and T7 (Rights of Way) all provide for the protection and enhancement of opportunities for informal recreation.</p>	
<p><i>Enable local communities, through local and neighbourhood plans, to identify special protection green areas of particular</i></p>	<p><i>Do you have a policy which would enable the protection of Local Green Spaces and manage any development within it in a</i></p>	<p>The NPPF (77) states that local communities should be able to designate land as Local Green Space where new development will be able to be ruled out.</p> <p>Land outside of the urban area is already designated</p>	

<p><i>importance to them – 'Local Green Space' (76-78).</i></p>	<p><i>manner consistent with policy for Green Belts? (Local Green Spaces should only be designated when a plan is prepared or reviewed, and be capable of enduring beyond the end of the plan period. The designation should only be used when it accords with the criteria in para 77).</i></p>	<p>as Green Belt and all significant open space within the urban area is protected by Core Policy 2 (Green Belt and Open Space) which states that "existing private and public open spaces will be preserved and enhanced".</p> <p>Further protection is set out in the following Local Plan policies:</p> <p>OSC 1 Protection of Public Open Space OSC 2 Protection of School Playing Fields OSC 3 Protection of School Playing Fields declared surplus OSC 4 Protection of Private Playing Fields and Courts OSC 8 Green Spaces OSC 9 Allotments</p> <p>As a result it is unlikely that it will be necessary to designate land in Slough as Local Green Space.</p>	
<p>9. Protecting Green Belt land (paras 79-92)</p>			
<p>What NPPF expects local plans to include to deliver its objectives</p>	<p>Questions to help understand whether your local plan includes what NPPF expects</p>	<p>Does your local plan address this issue and meet the NPPF's expectations?</p>	<p>How significant are any differences? Do they affect your overall strategy?</p>
<p><i>The general extent of Green Belts across the country is already established. New Green Belts should only be established in exceptional circumstances (82)</i></p> <p><i>Local planning authorities</i></p>		<p>The NPPF (79) states that the Government attaches great importance to green Belts. This is reflected in planning policy in Slough</p> <p>Following a major review of Green Belt in the Local Plan, Core Strategy Policy 2 (Green Belt and Open Spaces) states that opportunities will be taken to designate additional areas as Green Belt which have no development potential.</p>	<p>There are no conflicts with the NPPF.</p>

<p><i>with Green Belts in their area should establish Green Belt boundaries in their Local Plans which set the framework for Green Belt and settlement policy (83).</i></p> <p><i>Boundaries should be set using 'physical features likely to be permanent' amongst other things (85)</i></p>		<p>A review of potential sites was carried out through the Site Allocations DPD which identified the areas of land to be put back into the Green Belt.</p> <p>As a result the plans have established the extent of the Green Belt in Slough using permanent physical features as boundaries in accordance with NPPF (83).</p>	
	<p><i>If you are including Green Belt policies in your plan, do they accurately reflect the NPPF policy?</i></p> <p><i>For example:</i></p> <p><i>LPAs should plan positively to enhance the beneficial use of the Green Belt. Beneficial uses are listed in para 81. PPG2 set out that 'Green Belts have a positive role to play in fulfilling objectives. Para 1.6 of PPG2 set out the objectives – some of these have been rephrased/ amended and 'to retain land in agricultural, forestry and related uses' has been omitted.</i></p> <p><i>Ensure consistency with the Local Plan strategy for</i></p>	<p>The only policy requirement set out in Core Policy 1 (Spatial Strategy) is that all development will take place within the built up area "unless there are very special circumstances that would justify the use of Green Belt land". This was the test set out in PPG2 which is repeated in paragraph 87 of the NPPF.</p> <p>There are no detailed development control type policies Local Plan or Core Strategy that deal with Green Belt. As a result there is no conflict with the policies in the NPPF which have replaced PPG2.</p> <p>The Core Strategy Policy 2 (Green Belt and Open Spaces) states that Wexham Park Hospital and Slough Sewage Works will continue to be designated as Major Existing Developed Sites within the Green Belt but once again there are no development control policies relating to these in the plans. As a result the omission of any reference to Major Existing Developed Sites in the NPPF does not create any conflict in policy.</p> <p>The Strategic Gap part of Core Policy 2 is derived from the Spatial Strategy in Core Policy 1. As a result it is a place making policy which is needed to help implement the Spatial Strategy of "concentrating development".</p> <p>The Strategic Gap policy has been found by the Courts</p>	

meeting identified requirements for sustainable development (85).

*Does it allow for the extension or alteration of a **building**, provided that it does not result in disproportionate additions over and above the size of the original building? (89). PPG2 previously referred to dwelling. Original building is defined in the Glossary.*

*Does it allow for the replacement of a **building**, provided the new building is in the same use and not materially larger than the one it replaces? (89) PPG2 did not have a separate bullet point – replacement related to dwellings rather than buildings.*

Does it allow for limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land) whether redundant or in continuing use (excluding temporary buildings), which would not have a

to be an additional layer of policy restraint over and above that of Green Belt and a very high bar to development. As a result the Green Belt policy set out in the NPPF is not applicable to the Strategic Gap and Colne Valley Park elements of Core Policy 2.

There are no detailed development control policies in the Local Plans which deal with alterations or the replacement of buildings, infilling or the development of park and rides in the Green Belt.

Local Plan policies on the protection of the Green Belt were not saved in order to avoid duplication with the then national Planning Policy Guidance. As a result there is no conflict with the policies in the NPPF

*greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development? (89)
 (PPG2 referred to 'major existing developed sites')*

Change from 'Park and Ride' in PPG2 to local transport infrastructure and the inclusion of 'development brought forward under a Community Right to Build Order' in relation to other forms of development that are not inappropriate in the Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt. (90).

10. Meeting the challenge of climate change flooding and coastal change (paras 93-108)

What NPPF expects local plans to include to deliver its objectives	Questions to help understand whether your local plan includes what NPPF expects	Does your local plan address this issue and meet the NPPF's expectations?	How significant are any differences? Do they affect your overall strategy?
<i>Adopt proactive strategies to mitigate and adapt to climate change taking full</i>	<i>Have you planned new development in locations and ways which reduce</i>	Slough is highly urbanized and experiences flooding from fluvial and surface water sources.	There are no conflicts with the NPPF.

<p><i>account of flood risk, coastal change and water supply and demand considerations (94).</i></p>	<p><i>greenhouse gas emissions?</i></p>	<p>Core Strategy Strategic Objective J sets out the Council's intention to reduce areas subject to flooding, and control the location of development to protect people and their property from the effects of flooding.</p> <p>Core Policy 8 (sustainability and the Environment) states that <i>"development will only be permitted where it is safe and it can be demonstrated that there is minimal risk of flooding"</i> and <i>"must manage surface water arising from the site in a sustainable manner which will reduce the risk of flooding and improve water quality"</i>.</p> <p>The quality of watercourses is protected under Local Plan Policy EN24 which requires development measures to avoid detriment, and where possible to enhance watercourses.</p> <p>The Core Strategy spatial strategy (CP1) requires all development to be in the built up area and for development to be concentrated in the town centre or accessible locations. This reduces travel demand and encourages use of non car modes of travel thus reducing emissions.</p> <p>The Site Allocations Development Plan Document promotes the development of key sites in order to implement the Core Strategy.</p>	
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<p><i>Does your plan actively support energy efficiency improvements to existing buildings?</i></p>	<p>Core Strategy Policy 8 (Sustainability and the environment) requires all development to be sustainable and address the impact of climate change. Consequently the policy does not conflict with the NPPF. Policy 8 also requires new development to include measures that minimize the consumption of energy. The Strategy does not specifically refer to improvements to existing buildings. However the policy could be implemented in such a way as to ensure that applications for extensions to buildings include overall energy efficiency improvements to the entire building. New developments where there is limited scope for incorporating practical renewable energy installations could be required to fund off site energy efficiency improvements in existing buildings.</p>	
<p><i>When setting any local requirement for a building's sustainability, have you done so in a way that is consistent with the Government's zero carbon buildings policy and adopt nationally described standards? (95)</i></p>	<p>The opportunity for the planning system to influence changes in existing buildings where no planning application is made is limited. The funding of off site works referred to above is likely to be part of the future Allowable Solutions aspect of Government's Zero Carbon Homes standard from 2016 (residential) and 2019 (non residential).</p> <p>In terms of building owners wishing to introduce energy efficiency measures on existing buildings that require planning permission (such as exterior cladding) the implementation of the Council's design policies can be altered to take account of these measures. There is no need to change the Core Strategy policy. Supplementary guidance can explain how the policy is to be implemented such that energy efficiency improvements to existing buildings are supported.</p> <p>The stated method of implementation of Core Policy 8 (re design and construction of development) is to use nationally described standards – BREAAAM, Code for Sustainable Homes and CEEQUAL.</p>	

<p><i>Help increase the use and supply of renewable and low carbon energy (97).</i></p>	<p><i>Do you have a positive strategy to promote energy from renewable and low carbon sources?</i></p>	<p>Core Strategy Policy 8 (Sustainability and the environment) requires all development, where feasible, to include measures to generate energy from renewable resources. The stated method of implementation of the policy makes it clear that 'low carbon' energy is also included as does supplementary guidance (The Developers Guide Part 2 & 4). The supplementary guidance can be altered to specifically refer to opportunities to draw energy from decentralised energy sources in accordance with the NPPF (97).</p>	
	<p><i>Have you considered identifying suitable areas for renewable and low carbon energy sources, and supporting infrastructure, where this would help secure the development of such sources (see also NPPF footnote 17)</i></p>	<p>Because of the small size of the Borough and the extent of built development the Core Strategy does not specifically identify areas suitable for renewable or low carbon energy.</p>	
11. Conserving and enhancing the natural environment (paras 109-125)			
<p>What NPPF expects local plans to include to deliver its objectives</p>	<p>Questions to help understand whether your local plan includes what NPPF expects</p>	<p>Does your local plan address this issue and meet the NPPF's expectations?</p>	<p>How significant are any differences? Do they affect your overall strategy?</p>
<p>Planning policies should minimise impacts on biodiversity and geodiversity (para 117).</p>		<p>The NPPF (109) states that the planning system should enhance the natural and local environment.</p> <p>Objective H of the Core Strategy is "to protect, enhance and wherever practically possible increase the size of the Borough's biodiversity, natural habitats and water environment."</p>	<p>There are no conflicts with the NPPF.</p>

		<p>Core Policy 9 (Natural and Built Environment) requires that development should “<i>enhance and preserve the natural habitats and biodiversity of the Borough</i>” and “<i>protect and enhance the water environment and its margins.</i>”</p> <p>Local Plan Policy EN22 (Protection of Sites with Nature Conservation Interest) requires the impacts of development on identified and potential wildlife heritage sites or areas with ecological value to be minimized and addressed.</p> <p>EN24 (Protection of Watercourses) recognises and protects watercourses with ecological value.</p> <p>Policies such as EN23 (Areas of Local Nature Conservation Interest) CG1 (Colne Valley Park) CG2 (Linear Park) CG4 (Slough Arm of the Grand Union Canal) all refer to the amenity value these sites have, including visual and informal recreational.</p>	
	<p><i>If you have identified Nature Improvement Areas, have you considered specifying the types of development that may be appropriate in these areas (para 117)?</i></p>	<p>The Council has not formally identified any Nature Improvement Areas.</p> <p>The Site Allocations DPD has, however identified seven potential Non-Statutory Informal Nature Reserves where it is proposed to enhance biodiversity.</p>	
<p>Planning policies should plan for biodiversity at a landscape-scale across local authority boundaries (114 & 117).</p>		<p>Paragraph 4.56 of the Site Allocations DPD recognises the importance of the regional ‘Biodiversity Areas of Opportunity’ in and adjoining Slough that are promoted in the South East Biodiversity Action Plan.</p> <p>Core Policy 9 (Natural and Built Environment) sets out a requirement to protect and enhance biodiversity of</p>	

		<p>the Borough, including corridors between biodiversity rich features.</p> <p>Core Policy 2 (Green Belt and open spaces) and Local Plan CG1 (Colne Valley Park) provide protection for the part of the Regional Park that runs through Slough. They recognise its multifunctional role, including its nature conservation value.</p>	
<p>12. Conserving and enhancing the historic environment (paras 126 – 141)</p>			
<p>There are no new or significantly different requirements for the policy content of local plans in this section of the NPPF.</p>		<p>The NPPF states that Local Planning authorities should set out in their Local Plan a positive strategy for the conservation and enjoyment of the historic environment (126).</p> <p>Core Policy 9 (Natural and Built Environment) sets out the principle that development will not be permitted unless it enhances and protects the historic environment and local designations.</p> <p>These local designations are set out in Local Plan Policies EN13, (Conservation Areas), EN17 (Locally Listed Buildings), TC2 (Slough Old Town) and H12 (Residential Areas of Exceptional Character)</p> <p>Further guidance on the protection of the historic environment was not included in the Local Plan in order to avoid duplication with the then national Planning Policy Guidance. As a result there is no conflict with the policies in the NPPF.</p>	<p>There are no conflicts with the NPPF.</p>

13. Facilitating the sustainable use of minerals (paras 142-149)

What NPPF expects local plans to include to deliver its objectives	Questions to help understand whether your local plan includes what NPPF expects	Does your local plan address this issue and meet the NPPF's expectations?	How significant are any differences? Do they affect your overall strategy?
<p>It is important that there is a sufficient supply of material to provide the infrastructure, buildings, energy and goods that the country needs. However, since minerals are a finite natural resource, and can only be worked where they are found, it is important to make best use of them to secure their long-term conservation (142).</p>		<p>The NPPF states that it is essential that there is a sufficient supply of minerals to meet the country's needs (142) and that Local Plans should plan for a steady and adequate supply of aggregates (145).</p> <p>It is recognized that the strategic policies in the Replacement Minerals Local Plan for Berkshire, which deal with the supply of aggregates is completely out of date. As a result there is no minerals allocation for Slough.</p> <p>This is however not necessarily an issue because, as the NPPF (142) acknowledges, minerals can only be worked where they are found. The situation in Slough is that after years of minerals extraction virtually all of the resources have been dug. The Minerals Local Plan identifies two remaining "Preferred Areas" which effectively constitute Slough's entire potential supply.</p> <p>Policy 10 (Outside Preferred Area) of the Minerals Plan sets out a presumption against minerals extraction outside of Preferred Areas based upon previous calculations that there was an adequate supply of minerals in Berkshire. Since the current policy vacuum means that it is not possible to assess whether there still is an adequate supply in Berkshire or Slough, it is not considered appropriate to continue to apply Policy</p>	<p>There is no current minerals allocation for Slough which means that the plan does not fully meet the requirements of the NPPF.</p> <p>It is also considered that the presumption against minerals extraction outside of Preferred Areas in the Minerals Local Plan policy 10 is not compatible with the NPPF.</p> <p>Apart from this there are no conflicts with the NPPF.</p>

		<p>10.</p> <p>This would mean that there would no longer be any policy restrictions that would prevent a sufficient supply of aggregates coming forward in Slough.</p> <p>As a result, although there is a policy gap, it is not considered that there is a conflict with the NPPF.</p> <p>The remaining "saved" policies in the Replacement Minerals Plan meet all of the development control type requirements of the NPPF (143). These include:</p> <ul style="list-style-type: none"> • Safeguarding of sand and gravel deposits • Identified Preferred Areas for Sand and Gravel • Transport of Minerals • Safeguarding of Rail Depots • Oil and Gas 	
	<p><i>Does the plan have policies for the selection of sites for future peat extraction? (143) (NPPF removes the requirement to have a criteria based policy as peat extraction is not supported nationally over the longer term).</i></p>	<p>There are no policies for the extraction of peat.</p>	

SLOUGH BOROUGH COUNCIL

REPORT TO: Planning Committee **DATE:** 29th November 2012

CONTACT OFFICER: Wesley Mc Carthy, Development Control Manager
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WARD(S): All

PART I
FOR DECISION

CONSULTATION ON EXTENDING PERMITTED DEVELOPMENT RIGHTS FOR HOMEOWNERS AND BUSINESSES

1. **Purpose of Report**

The purpose of this report is to inform Members of the consultation document that has been issued by the Department for Communities and Local Government on 12 November 2012. The consultation period will end on 24 December 2012, which is a six week period.

The consultation document proposes changes to the Town and Country Planning (General Permitted Development Order) 1995 (as amended) in order to allow homeowners and businesses the right to extend their properties beyond the current limitations for a period of three years.

2. **Proposed Action**

The Committee is requested to resolve that:

- a) The Head of Planning Policy and Projects proceed to respond to the consultation document, by **objecting** to the changes to the General Permitted Development Order relating to residential extensions and the fact that it will only apply for a three year period, for the reasons set out in this report.
- b) The Head of Planning Policy and Projects proceed to respond to the consultation document, by **responding positively** to the changes to the General Permitted Development Order relating to commercial extensions (shops/financial services/offices/industrial), for the reasons set out in this report.

3. **Other Implications**

(a) Financial

None

(b) Risk Management

No risks.

(c) Human Rights Act and Other Legal Implications

None

4. **Supporting Information**

4.1. In accordance with the General Permitted Development Order (GPDO), certain types of extensions to dwelling houses and businesses do not require planning consent, subject to complying with certain size limitations. It means that the householders or business owners do not have to submit a full planning application, before they construct an extension. However, officers always recommend that they should apply for a Lawful Development Certificate (LDC) in order to receive written confirmation that the development did not need planning consent. The LDC is of particular importance for homeowners that might want to sell their property in future, because the Council receive many requests from solicitors acting for prospective purchasers to confirm the lawfulness of extensions. In accordance with the consultation document, the Government however proposes to *“make it quick, easier and cheaper to build small-scale single-storey extensions and conservatories, while respecting the amenity of neighbours.”* The document states that *“these measures will bring extra work for local construction companies and small traders, as families and businesses who were previously deterred take forward their plans.”* It goes on to say that *“Extending permitted development rights further will promote growth, allowing homeowners and businesses to meet their aspirations for improvement and expansion of their homes and premises.”*

4.2. The changes are proposed in 5 areas:

- Increasing the size limits for the depth of single-storey domestic extensions from **4m to 8m** (for detached houses) and from **3m to 6m** (for all other houses), in non-protected areas, for a period of three years. No changes are proposed for extensions of more than one storey.
- Increasing the size limits for extensions to shop and professional/financial services establishments from **50m² to 100m²**, and allowing the building of these extensions up to the boundary of the property (except where the boundary is with a residential property), in non-protected areas, for a period of three years.
- Increasing the size limits for extensions to offices from **50m² to 100m²**, in non-protected areas, for a period of three years.
- Increasing the size limits for new industrial buildings within the curtilage of existing industrial premises from **100m² to 200m²**, in non-protected areas, for a period of three years.
- Removing some prior approval requirements for the installation of broadband infrastructure for a period of five years.

4.3. In accordance with the document, the Government is of the opinion that the proposed changes will have the following benefits:

- *“Individuals will be able to get on with an extension without needing to go through the slow and costly process of applying for planning permission,*

and more people will be able to properly house their growing families and care for elderly relatives.”

- *“Individual businesses will benefit from the freedom to expand and improve their existing premises. They will be able to grow and thrive without the disruption and cost of relocating. These measures will also bring extra work to small construction businesses and traders.”*
- *“Businesses and communities, particularly in rural areas, will benefit from quicker roll-out of broadband.”*

4.4. In terms of residential extensions, Members will be aware that the Council's adopted Residential Extension Guidelines Supplementary Planning Document state that single storey rear extensions of 4.25m in depth are considered appropriate for detached and semi-detached houses, with 3.65m for terraced properties. If the proposed changes are implemented, it will make it possible for householders to nearly double the depth of single storey rear extensions. The consultation document gives the impression that extensions of 6m and 8m could be implemented with *“limitation and conditions”*, which will ensure that the *“amenity of neighbouring properties is protected”*. Although the document does not provide all these *“limitations or conditions”*, it does state that it will remain the same as the existing, which is worrying. One limitation that is mentioned, relates to the restriction on the level of development *“not exceeding more than 50% of the curtilage of the house”*. What this means is that the total area of the whole site is taken and then the floor area of the original house is subtracted. This limitation only prevents the overdevelopment of the whole site and does not prevent overshadowing of the neighbours windows or private amenity space directly outside the rear door, which is used by most people as the most private area in the rear garden. Another limitation is to restrict extensions to 4m in height, and any extensions which have an eave's height of greater than 3m, must not be within 2m of the boundary. Officers are extremely concerned about the impact of these excessively deep extensions on neighbours that will not construct similar extension, because the existing limitations are not sufficient to protect neighbours. The proposed changes could result in some residents living in mid-terrace properties being enclosed by 6m deep, 3m high extensions on both sides of their gardens. Officers do not allow extensions to have such a tunnelling affect on residents, due to the overshadowing and over-bearing impact on the occupiers that do not have an extension.

4.5. Of particular concern is the impact on areas with larger than normal front gardens, because the front garden adds to the total area of the curtilage. As an example, a mid-terrace property with a front garden of 10m in depth, a total site area of 250m² and the original house measuring 50m², has a curtilage of 200m². The total of any extensions and outbuildings should therefore not cover more than 100m². If this property has an existing outbuilding, which is at the maximum size allowed by the GPDO, a 6m deep rear extension would result in a rear garden of only 4m in depth. The proposed changes to the limits of extensions, in conjunction with the permitted development right to construct outbuildings, will have a significant impact on the level of usable rear amenity space that will be retained for family houses, especially in areas that are already heavily developed. It would therefore reduce the quality of the living conditions for all the residents of these areas.

4.6. The proposed changes to commercial properties (shops/offices/warehouses) do not raise too much concern with officers, because these extensions are normally

adjacent to other commercial properties and the impact is not normally that significant. It is also true that most small extensions to commercial properties are approved. The document is also suggesting that in cases where shops or financial services abut residential properties, a gap of 2m should be retained in order to protect the amenity of the adjoining residential occupiers. In case of offices and industrial uses, the extensions should not exceed 5m in height if it is within 10m of the boundary and new extensions should not be within 5m of the boundary.

- 4.7. In terms of the broadband infrastructure, it is also believed that this change would not have a significant impact on the built environment. The providers will still be required to work with the Council to agree good practise so that all parties are aware of how and when the roll-out of infrastructure will be delivered.
- 4.8. The relaxation of the GPDO will be for a period of three years only and anyone constructing an extension during this time will also have to complete the extension during this time. There will also be a requirement to inform the Council of the completion of the extensions in order that the Local Planning Authority can determine what extensions benefit from these relaxed PD rights for future enforcement purposes. The document does state that *“here this notification is not received by the end of the three-year period, the development will not count as permitted development, and could be subject to enforcement action.”* It is difficult to understand at this stage how and on what basis it would be possible to take enforcement action. If the Government is of the opinion that a 6m or 8m extension is acceptable in terms of the impact on the neighbours, it would be difficult to argue at the expiry of the three year period that extensions of that size and scale are then harmful.
- 4.9. Due to the timing of the release of this consultation document, officers have not had time to fully assess all the implications of the proposed changes and this report acts as background for Members to the proposed changes. Officers will further study the document in detail and prepare a comprehensive response in line with the recommendation in paragraph 2, which will be circulated to all Members.

5 Comments of Other Committees

None

6. Conclusion

Officers are of the opinion that the proposed changes to the GPDO relating to residential extensions will leave a long lasting scar on the built environment of Slough, resulting in a significant detrimental impact on many residents of Slough. It will also make it extremely difficult to implement the Council's adopted guidelines after the expiry of the three years, due to the presence of large extensions that would set an undesirable precedent. The benefits of allowing commercial properties to extend are appreciated and would result in a smaller impact on the town in the long run.

In light of the above Members are requested to favourably consider the recommendation of this report.

7. **Appendices Attached**

'1' Department for Communities and Local Government: Extending permitted development rights for homeowners and business. Technical consultation. November 2012

8. **Background Papers**

None.

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Department for
Communities and
Local Government

Extending permitted development rights for homeowners and businesses

Technical consultation

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Introduction

1. Under the current system, homeowners wishing to extend their home more than a few metres from the property's rear wall have to fill in complicated application forms that can take eight weeks or longer for the council to consider. The large majority of homeowner applications are uncontroversial: around 200,000 are submitted each year, and almost 90 percent are approved, in almost all cases at officer level. The application process adds costs and delays, and in many cases adds little value.
2. We propose to make it quick, easier and cheaper to build small-scale single-storey extensions and conservatories, while respecting the amenity of neighbours. We estimate that up to 40,000 families a year wishing to build straightforward extensions will benefit from our proposals, and will be able to undertake home improvements to cater for a growing family or look after an elderly relative without unnecessary costs and bureaucracy. Some 160,000 homeowner applications will continue to be considered through the planning system as at present, including all the larger, more complex and controversial cases.
3. These measures will bring extra work for local construction companies and small traders, as families and businesses who were previously deterred take forward their plans. For illustration, 20,000 new extensions could generate up to £600m of construction output, supporting up to 18,000 jobs. In addition, each family who benefits will save up to £2,500 in planning and professional fees, with total savings of up to £100m a year.
4. Permitted development already removes hundreds of thousands of developments from the planning system every year, benefiting homeowners and businesses of all sizes, and reducing costs and delays. Extending permitted development rights further will promote growth, allowing homeowners and businesses to meet their aspirations for improvement and expansion of their homes and premises.
5. It is of course important to ensure that any impact on neighbours and communities is acceptable. For this reason, safeguards under planning and other regimes will remain in place, and the changes to permitted development rights for homeowners and businesses will not apply in protected areas such as conservation areas, National Parks, Areas of Outstanding Natural Beauty and Sites of Special Scientific Interest. These proposals do not remove the requirement for separate listed building consent.
6. The Government is proposing action in five areas:
 - Increasing the size limits for the depth of single-storey domestic extensions from 4m to 8m (for detached houses) and from 3m to 6m (for all other houses), in non-protected areas, for a period of three years. No changes are proposed for extensions of more than one storey.
 - Increasing the size limits for extensions to shop and professional/financial services establishments to 100m², and allowing the building of these extensions up to the boundary of the property (except where the boundary is with a residential property), in non-protected areas, for a period of three years.
 - Increasing the size limits for extensions to offices to 100m², in non-protected areas, for a period of three years.
 - Increasing the size limits for new industrial buildings within the curtilage of existing industrial premises to 200m², in non-protected areas, for a period of three years.

- Removing some prior approval requirements for the installation of broadband infrastructure for a period of five years.
7. We also wish to explore whether there is scope to use permitted development to make it easier to carry out garage conversions.
 8. Other changes to permitted development are also being taken forward separately: making it easier for commercial properties to be converted to residential use; and encouraging the reuse of existing buildings through making changes of use easier. These changes have been subject to consultation already, so are not included in this paper.

The Consultation Process and How to Respond

Topic of this consultation:	The freeing up of planning regulation to allow homeowners and businesses to make larger extensions to their homes and business premises without requiring a planning application, and to allow quicker installation of broadband infrastructure.
Scope of this consultation:	The consultation seeks views on the Government's proposals to amend the Town and Country Planning (General Permitted Development) Order 1995 (as amended) to grant increased permitted development rights allowing homeowners, shops and offices to build larger extensions, for industrial premises to construct larger new buildings within their curtilage, and for quicker installation of broadband infrastructure.
Geographical scope:	These proposals relate to England only.
Impact Assessment:	A consultation stage impact assessment is attached to this consultation document.

Basic information

To:	This is a public consultation and it is open to anyone to respond. We would particularly welcome views from: Local planning authorities Developers Businesses Individuals who may be affected by the changes Community representatives and parish councils
Body/bodies responsible for the consultation:	Department for Communities and Local Government
Duration:	The consultation begins on 12 November 2012 and ends on 24 December 2012. This is a six week period.
Enquiries:	Helen Marks E-mail: Helen.marks@communities.gsi.gov.uk
How to respond:	By e-mail to: PlanningImprovements@communities.gsi.gov.uk A downloadable questionnaire form, which can be emailed to us, will be available on our website. Alternatively paper communications should be sent to: Helen Marks Permitted Development Rights – Consultation Department for Communities and Local Government Zone 1/J3 Eland House Bressenden Place London SW1E 5DU

Background

Getting to this stage:	The current framework for permitted development is contained in the Town and Country Planning (General Permitted Development) Order 1995 (as amended).
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Previous engagement:	No changes have been made to these parts of the General Permitted Development Order under this Government.
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Policy Context

9. The measures outlined in this paper will ease the planning restrictions and costly bureaucracy that prevents families and businesses from making improvements to their property. Thousands of people will be helped to move up the property ladder and will be able to expand their homes to accommodate a growing family or take care of an elderly relative without having to relocate. Cutting back municipal red tape in this way will help businesses to grow and thrive, and could provide a particular boost for small traders and small builders. This continues the Government's programme of simplifying and streamlining the planning system and reducing burdens on families and businesses.
10. These added flexibilities will not be at the expense of neighbours and the surrounding community. Protections which are currently in place, both within the planning system and in other regimes, will remain, and these changes will not apply in conservation areas, National Parks, Areas of Outstanding Natural Beauty and Sites of Special Scientific Interest.
11. These proposals will also help to provide essential business infrastructure for a modern economy, and will contribute towards delivery of the Government's ambition for the UK to have the best superfast broadband network in Europe by 2015.

Legal Background

12. The Town and Country Planning Act 1990¹ sets out the changes to land or buildings which constitute 'development' and which are therefore subject to planning control. However, many types of development have only minor impacts, or impacts which can be controlled by standard conditions. It would be an unreasonable burden to require planning applications for these developments, so they are given a national grant of planning permission via permitted development rights.
13. Permitted development rights are set out in the Town and Country Planning (General Permitted Development) Order 1995 (as amended). Schedule 2 contains various Parts, each of which deals with a different aspect of permitted development. The Parts which are relevant to this consultation² are:
 - Part 1 (Development within the curtilage of a dwellinghouse)
 - Part 8 (Industrial and warehouse development)
 - Part 24 (Development by electronic communications code operators)
 - Part 41 (Office buildings)
 - Part 42 (Shops or catering, financial or professional services establishments)
14. The General Permitted Development Order sets out both what is allowed under permitted development, and any limitations and conditions that apply. Where a proposed development does not fall within the permitted development limits, this does not mean

¹ Town and Country Planning Act 1990, s.55.

² A complete and up-to-date version of Part 1 appears in The Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2008 (SI 2008 No. 2362). The Government has also published Technical Guidance on Part 1; this is available at http://www.planningportal.gov.uk/uploads/100806_PDforhouseholders_TechnicalGuidance.pdf. Complete and up-to-date versions of Parts 8, 41 and 42 appear in The Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2010 (SI 2010 No. 654). Part 24 of the General Permitted Development Order was introduced in England by SI 2001 No. 2718 and amended in 2003 by SI 2003 No. 2155. Statutory instruments are available at <http://www.legislation.gov.uk/>

that the development is not acceptable and cannot be built. It means that an application for planning permission needs to be made so that the local planning authority can consider all the circumstances of the case.

15. Permitted development only covers the planning aspects of the development. It does not remove requirements under other regimes (e.g. building regulations, the Party Wall Act³ or environmental legislation). While these permitted development rights may apply to listed buildings outside protected areas, they only grant planning permission and do not remove the requirement for separate listed building consent.
16. There is already scope for local planning authorities to tailor permitted development rights to their own particular circumstances. They can be extended by means of local development orders, following local consultation. Alternatively, if there are genuine local concerns, councils can consult with the community about whether there are exceptional circumstances that merit withdrawal of permitted development rights locally using existing powers known as article 4 directions.⁴ The National Planning Policy Framework is clear that the use of Article 4 directions to remove national permitted development rights should be limited to situations where this is necessary to protect local amenity or the wellbeing of the area.⁵

Proposals for Change

Increased limits for homeowner rear extensions and conservatories

17. At present, single-storey rear extensions with a depth beyond the rear wall of 4m for a detached house, and 3m for any other type of house, are allowed under permitted development rights, subject to various limitations.⁶ To provide greater flexibility for homeowners who wish to improve and enlarge their properties, we propose that in non-protected areas these limits should be increased to 8m for a detached house, and 6m for any other type of house. This would also cover conservatories at the rear of properties.
18. We are not proposing any changes for flats, which do not have permitted development rights for rear extensions, and are not proposing any changes for extensions of more than one storey, which under permitted development can have a maximum depth of 3m beyond the rear wall.
19. To ensure that the amenity of neighbouring properties is protected, other limitations and conditions would remain the same. For example, development will not be able to cover more than 50% of the curtilage of the house, single-storey extensions must not exceed 4m in height, and any extensions which have an eaves height of greater than 3m must not be within 2m of the boundary. In addition, existing protections under other regimes (building regulations, the Party Wall Act or the 'right to light',⁷ for example) will continue to apply. There is no weakening of the National Planning Policy Framework policies which aim to prevent garden-grabbing.

³ See glossary.

⁴ See glossary.

⁵ National Planning Policy Framework, paragraph 200.

⁶ This is set out in Schedule 2, Part 1, Class A, A1(e)(i) of the General Permitted Development Order.

⁷ See glossary.

20. The proposals do not grant permitted development rights for the construction of separate outbuildings for residential accommodation, or for the creation of separate residential units. They do not reduce the wide range of powers which local authorities have to tackle the unauthorised 'beds-in-sheds' development carried out by a small minority of unscrupulous landlords.⁸

Question 1: Do you agree that in non-protected areas the maximum depth for single-storey rear extensions should be increased to 8m for detached houses, and 6m for any other type of house?

Making it easier to carry out garage conversions

21. The Government is keen to support family annexes and is looking at how best to remove council tax and regulatory obstacles. A live-in annex for immediate relatives such as teenagers or their elderly grandparents will help increase housing supply and help ensure the elderly have dignity and security in retirement.

22. The use of existing garages for residential accommodation, where no separate residential unit is created,⁹ does not usually require planning permission, as it does not constitute 'development'. Where alterations are made which change the external appearance, such as the insertion of windows, this may constitute development. In most cases, these alterations can be carried out under permitted development rights. If there is a particular local problem with parking, councils may consider exercising an Article 4 direction, provided that there is a clear justification for doing so in accordance with the National Planning Policy Framework.

23. Local authorities sometimes impose conditions restricting the conversion of garages, particularly in new developments. Such conditions should not be imposed unless they are fully justified, for example there is reason to believe that parking problems would otherwise result. Garages can provide a valuable source of extra space, and wherever possible, families should be able to adapt them to meet their changing needs.

24. Permitted development rights currently allow for improvements and alterations to garages, which can facilitate their conversion.¹⁰ This already helps homeowners to provide extra family accommodation – however, we are keen to explore whether more could be done.

Question 2: Are there any changes which should be made to householder permitted development rights to make it easier to convert garages for the use of family members?

⁸ The Department for Communities and Local Government has published a guide on all the powers councils have to tackle unauthorised development: *Dealing with rogue landlords: A guide for local authorities*
<http://www.communities.gov.uk/publications/housing/roguelandlordsguide>

⁹ Whether a separate residential unit is created depends not just on the physical structures involved, but on the way the annex is used, and by whom – for example, whether the occupant is a close relative, and lives as part of the main household.

¹⁰ Under Class A if the garage is an integral part of the house; under Class E if it is a freestanding outbuilding.

Increased limits for extensions to shops and financial/professional services establishments, with development to the boundary of the premises

25. Shops and financial/professional services establishments are currently able to extend their premises by up to 50m², provided that this does not increase the gross floor space of the original building by more than 25%, and subject to various other limitations.¹¹ We propose that outside of protected areas, these limits should be raised to 100m² and 50%. This will bring significant benefits for businesses, and will allow them to grow quickly without the need for costly and time-consuming planning applications. To give businesses extra flexibility, we also propose that they should be able to build up to the boundary of the premises, except where the boundary is with a residential property, when the requirement to leave a 2m gap along the boundary would remain.
26. Other limitations and conditions would remain the same, and existing protections under other regimes will continue to apply. For example, the height of the building as extended must not exceed 4m, and the development must not consist of changes to a shop front, or extensions beyond a shop front.

Question 3: Do you agree that in non-protected areas, shops and professional/financial services establishments should be able to extend their premises by up to 100m², provided that this does not increase the gross floor space of the original building by more than 50%?

Question 4: Do you agree that in non-protected areas, shops and professional/financial services establishments should be able to build up to the boundary of the premises, except where the boundary is with a residential property, where a 2m gap should be left?

Increased limits for extensions to offices

27. Offices are currently able to extend their premises by up to 50m², provided that this does not increase the gross floor space of the original building by more than 25%, and subject to various other limitations.¹² We propose that outside of protected areas, these limits should be raised to 100m² and 50% in order to provide greater flexibility for business expansion.
28. Other limitations and conditions would remain the same, and protections under other regimes will continue to apply. For example, buildings within 10m of the boundary must not be more than 5m high, in other cases the extension cannot exceed the height of the existing building, and new extensions must not be within 5m of the boundary.

Question 5: Do you agree that in non-protected areas, offices should be able to extend their premises by up to 100m², provided that this does not increase the gross floor space of the original building by more than 50%?

¹¹ This is set out in Schedule 2, Part 42, Class A, A1(a) and (c) of the General Permitted Development Order.

¹² This is set out in Schedule 2, Part 41, Class A, A1(a) of the General Permitted Development Order.

Increased limits for new industrial buildings

29. At present, new industrial buildings or warehouses which are up to 100m² in size can be built within the curtilage of an existing industrial building or warehouse in a non-protected area, provided that this does not increase the gross floor space of the original building by more than 25%.¹³ We propose that outside of protected areas, these limits should be raised to 200m² and 50%. This will allow these businesses to expand quickly without the time and expense of going through the planning process. There are already generous limits for the extension of industrial and warehouse buildings (up to 1,000m²), so no changes are proposed to those limits.
30. To protect local amenity, other limitations and conditions would remain the same, and existing protections under other regimes will continue to apply. For example, buildings within 10m of the boundary must not be more than 5m high, there must be no building within 5m of the boundary, and there must be no reduction in the space available for parking or turning of vehicles.

Question 6: Do you agree that in non-protected areas, new industrial buildings of up to 200m² should be permitted within the curtilage of existing industrial buildings and warehouses, provided that this does not increase the gross floor space of the original building by more than 50%?

A time limit on the changes

31. We propose that these changes to permitted development rights should be in place for a period of three years, starting from the date at which the secondary legislation implementing these changes comes into force. This is because we recognise that current economic circumstances require exceptional measures to assist hard-pressed families and businesses, and to stimulate growth.
32. In order to provide certainty to neighbours and communities, and to make sure that the three-year window is effective, we propose that developments will have to be completed by the end of the three-year period. This is different from planning permissions, which specify a time limit within which the development must commence, but which allow for completion later. Homeowners and businesses wishing to exercise their rights under these changes will be required to notify the local planning authority on completion of the development. Where this notification is not received by the end of the three-year period, the development will not count as permitted development, and could be subject to enforcement action.
33. We will keep the impact of these measures, and whether there may be a case for their continuation at the end of the three-year period, under review.

Question 7: Do you agree these permitted development rights should be in place for a period of three years?

Question 8: Do you agree that there should be a requirement to complete the development by the end of the three-year period, and notify the local planning authority on completion?

¹³ This is set out in Schedule 2, Part 8, Class A, A1(d) of the General Permitted Development Order.

Protected areas

34. In order to make sure that there is no adverse impact on protected areas, we propose that the changes listed above should not apply on 'article 1(5) land'.¹⁴ The main areas this covers are:

- National Parks
- Areas of Outstanding Natural Beauty
- conservation areas
- World Heritage Sites
- the Norfolk and Suffolk Broads

In addition we propose that the changes should not apply on Sites of Special Scientific Interest.

Question 9: Do you agree that article 1(5) land and Sites of Special Scientific Interest should be excluded from the changes to permitted development rights for homeowners, offices, shops, professional/financial services establishments and industrial premises?

Delivery of Superfast Broadband

35. When the permitted development rights were first introduced in 2001, the nature and needs of the technology and the likely impacts on surrounding areas were still being explored. Therefore, an approach was taken which combined permitted development rights with prior approval for certain works in certain areas. At present, under part 24 of the General Permitted Development Order, fixed broadband apparatus such as cabinets, telegraph poles, and overhead lines have permitted development rights, which means they can be installed without the need to apply for planning permission. This is subject to a prior approval process on article 1(5) land which allows planning authorities to consider the siting and appearance of communications apparatus before development commences. These permitted development rights liberalise the planning system and allow for speedier deployment of communications infrastructure, although the prior approval process can create uncertainty for developers and prolong the time taken on installation.

36. We propose to remove this prior approval requirement as it applies to article 1(5) land. This change will be for a period of five years, and all works will have to be completed by the end of that period in order to count as permitted development.¹⁵ The Government will be asking the relevant operators to work with local planning authorities to agree good practice so that all parties are aware of how and when roll-out will be delivered in their area, and the principles governing siting and design.

37. There is now a considerable body of experience and good practice in the delivery of this infrastructure, and it is essential for growth and international competitiveness that we deliver on our ambition for the UK to have the best superfast broadband network in Europe by 2015. This will not only boost UK businesses, but will ensure that rural areas can share the same benefits as cities, and that everyone across the country can be certain of access to a fast reliable network.

¹⁴ 'Article 1(5) land' refers to types of areas set out in article 1(5) of the General Permitted Development Order.

¹⁵ These proposals relate to the infrastructure used for the fixed broadband service, which does not include masts, certain types of antenna, public call boxes, radio equipment housing over a certain size and development ancillary to such radio equipment: see Schedule 2, Part 24, Class A, paragraph A2(4)(b) of the General Permitted Development Order.

38. The prior approval requirement will continue to apply in Sites of Special Scientific Interest in order to ensure that these sensitive sites are not damaged.
39. The Electronic Communications Code (Conditions & Restrictions) Regulations currently require all lines to be placed underground except in certain circumstances such as where poles already exist, or it is not practical to do so. The Department for Culture, Media and Sport will be consulting later this month on a proposal to relax the restriction on overhead lines everywhere except in Sites of Special Scientific Interest.

Question 10: Do you agree that the prior approval requirement for the installation, alteration or replacement of any fixed electronic communications equipment should be removed in relation to article 1(5) land for a period of five years?

Benefits and Impacts from our Proposals

40. These proposals will offer benefits to individuals, businesses and the economy as a whole. Individuals will be able to get on with an extension without needing to go through the slow and costly process of applying for planning permission, and more people will be able to properly house their growing families and care for elderly relatives. Savings to individual homeowners could be up to £2,500, and we estimate that up to 40,000 families a year could benefit from these savings.
41. Individual businesses will benefit from the freedom to expand and improve their existing premises. They will be able to grow and thrive without the disruption and cost of relocating. These measures will also bring extra work to small construction businesses and traders – approximately 30 jobs are supported for every additional £1m spent on housing repairs and maintenance. The amount of extra development which will come forward will depend on how many families and businesses who were previously deterred by the planning application process now decide to develop. For illustration, 20,000 new extensions could generate up to £600m of construction output, supporting up to 18,000 jobs.
42. Businesses and communities, particularly in rural areas, will benefit from quicker roll-out of broadband, and this essential business infrastructure will help to build a modern and competitive economy.
43. It is important that any impacts on neighbours and communities are minimised. Protections and limitations, both within the planning system and other regimes (such as building regulations or the Party Wall Act) will still remain in place, and the changes to permitted development rights for homeowners, offices, shops, professional/financial services establishments and industrial premises will not apply in conservation areas, National Parks, Areas of Outstanding Natural Beauty or Sites of Special Scientific Interest. Larger, more complex and controversial proposals will continue to go through the planning system to ensure that their impacts can be fully considered.

Consultation Questions – Response Form

We are seeking your views to the following questions on the proposals to increase the permitted development rights for homeowners, businesses and installers of broadband infrastructure.

How to respond:

The closing date for responses is 5pm, 24 December 2012.

This response form is saved separately on the DCLG website.

Responses should be sent to: PlanningImprovements@communities.gsi.gov.uk

Written responses may be sent to:

Helen Marks
Permitted Development Rights – Consultation
Department for Communities and Local Government
1/J3, Eland House
Bressenden Place
London SW1E 5DU

About you

i) Your details:

Name:	
Position:	
Name of organisation (if applicable):	
Address:	
Email:	
Telephone number:	

ii) Are the views expressed on this consultation an official response from the organisation you represent or your own personal views?

Organisational response

Personal views

iii) Please tick the box which best describes you or your organisation:

District Council

- Metropolitan district council
- London borough council
- Unitary authority
- County council/county borough council
- Parish/community council
- Non-Departmental Public Body
- Planner
- Professional trade association
- Land owner
- Private developer/house builder
- Developer association
- Residents association
- Voluntary sector/charity
- Other

(please comment):	
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**iv) What is your main area of expertise or interest in this work?
(please tick one box)**

- Chief Executive
- Planner
- Developer
- Surveyor
- Member of professional or trade association
- Councillor
- Planning policy/implementation
- Environmental protection
- Other

(please comment):	
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Would you be happy for us to contact you again in relation to this questionnaire?

Yes No

ii) Questions

Please refer to the relevant parts of the consultation document for narrative relating to each question.

Question 1: Do you agree that in non-protected areas the maximum depth for single-storey rear extensions should be increased to 8m for detached houses, and 6m for any other type of house?

Yes No

Comments

Question 2: Are there any changes which should be made to householder permitted development rights to make it easier to convert garages for the use of family members?

Yes No

Comments

Question 3: Do you agree that in non-protected areas, shops and professional/financial services establishments should be able to extend their premises by up to 100m², provided that this does not increase the gross floor space of the original building by more than 50%?

Yes No

Comments

Question 4: Do you agree that in non-protected areas, shops and professional/financial services establishments should be able to build up to the boundary of the premises, except where the boundary is with a residential property, where a 2m gap should be left?

Yes No

Comments

Question 5: Do you agree that in non-protected areas, offices should be able to extend their premises by up to 100m², provided that this does not increase the gross floor space of the original building by more than 50%?

Yes No

Comments

Question 6: Do you agree that in non-protected areas, new industrial buildings of up to 200m² should be permitted within the curtilage of existing industrial buildings and warehouses, provided that this does not increase the gross floor space of the original building by more than 50%?

Yes No

Comments

Question 7: Do you agree these permitted development rights should be in place for a period of three years?

Yes No

Comments

Question 8: Do you agree that there should be a requirement to complete the development by the end of the three-year period, and notify the local planning authority on completion?

Yes No

Comments

Question 9: Do you agree that article 1(5) land and Sites of Special Scientific Interest should be excluded from the changes to permitted development rights for homeowners, offices, shops, professional/financial services establishments and industrial premises?

Yes No

Comments

Question 10: Do you agree that the prior approval requirement for the installation, alteration or replacement of any fixed electronic communications equipment should be removed in relation to article 1(5) land for a period of five years?

Yes No

Comments

Do you have any comments on the assumptions and analysis set out in the consultation stage Impact Assessment? (See Annex 1)

Yes No

Comments

Thank you for your comments.

Consultation Information

About this consultation

Representative groups are asked to give a summary of the people and organisations they represent, and where relevant who else they have consulted in reaching their conclusions when they respond.

Information provided in response to this consultation, including personal information, may be published or disclosed in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000, the Data Protection Act 1998 and the Environmental Information Regulations 2004). If you want the information that you provide to be treated as confidential, please be aware that under the Freedom of Information Act 2000, there is a statutory code of practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence. In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Department.

The Department for Communities and Local Government will process your personal data in accordance with the Data Protection Act 1998 and in the majority of circumstances this will mean that your personal data will not be disclosed to third parties. Individual responses will not be acknowledged unless specifically requested. Your opinions are valuable to us. Thank you for taking the time to read this document and respond.

If you have any queries or complaints regarding the consultation process, please contact:
DCLG Consultation Co-ordinator
Zone 6/H10 Eland House
London SW1E 5DU
email: consultationcoordinator@communities.gsi.gov.uk

GLOSSARY

Article 4 directions

Article 4 of the General Permitted Development Order allows local planning authorities to consult with their local communities about whether to withdraw particular permitted development rights over a specified area. Where an article 4 direction is in place, those permitted development rights no longer apply, and a planning application must be submitted. Article 4 directions do not affect development which has already been begun or completed under the permitted development rights.

Guidance on the operation of article 4 directions is available at <http://www.communities.gov.uk/documents/planningandbuilding/pdf/2160020.pdf>. This states that local planning authorities should consider making article 4 directions only in those exceptional circumstances where evidence suggests that the exercise of permitted development rights would harm local amenity or the proper planning of the area. While article 4 directions are confirmed by local planning authorities, the Secretary of State must be notified, and has wide powers to modify or cancel most article 4 directions at any point.

Curtilage

In general, the curtilage of a house refers to land within the boundaries of the property, including any closely associated structures and buildings. Precisely what is within the curtilage of a house will vary depending on the nature of the property in question.

'Right to light'

The 'right to light', which operates separately from the planning system, protects the rights of owners of buildings with windows which have received natural light for 20 years or more. It will be important for people thinking of constructing an extension under these proposed changes to make sure they don't infringe their neighbours' right to light.

The Party Wall etc Act 1996

The Party Wall Act provides a framework for preventing and resolving disputes in relation to party walls and excavations near neighbouring buildings. Anyone intending to carry out work of the kinds described in the Act must give the Adjoining Owners notice of their intentions. An Adjoining Owner cannot stop someone from exercising the rights given to them by the Act, but may be able to influence how and at what times the work is done through the drawing up of a Party Wall Award. However, if a Building Owner starts work without having first given notice in the proper way, Adjoining Owners may seek to stop the work through a court injunction or seek other legal redress.

The Department publishes an explanatory booklet which sets out the rights and responsibilities of both parties. It also gives information and guidance which individuals may find useful, such as sample letters. The booklet is available at:

<http://communities.gov.uk/publications/planningandbuilding/partywall>

Title: EXTENDING PERMITTED DEVELOPMENT RIGHTS FOR HOMEOWNERS AND BUSINESSES: TECHNICAL CONSULTATION IA No: Lead department or agency: Department for Communities and Local Government Other departments or agencies:	Impact Assessment (IA)		
	Date: 12 November 2012		
	Stage: Consultation		
	Source of intervention: Domestic		
	Type of measure: Secondary legislation		
Contact for enquiries: Helen Marks			
Summary: Intervention and Options			RPC Opinion: N/A

Cost of Preferred (or more likely) Option				
Total Net Present Value	Business Net Present Value	Net cost to business per year (EANCB on 2009 prices)	In scope of One-In, Measure qualifies as One-Out?	
			Yes	Out

What is the problem under consideration? Why is government intervention necessary?

The policy issue under consideration is whether the thresholds that govern the available permitted development rights for householder extensions and certain non-domestic extensions and new buildings could be increased for a limited period. This would allow more development to take place without the requirement for local authority planning permission and provide an incentive for developers to carry out works in the short term, rather than delay. There would be benefits for businesses who carry out development and businesses wishing to expand. There are also potential growth benefits where development takes place that would not otherwise have done so due to the requirement to obtain local authority planning permission.

Superfast broadband is key to boosting economic growth, increasing competitiveness and creating jobs. Accordingly, Government has allocated £530 million to help take superfast broadband to rural areas and is keen to incentivise greater roll out by easing the planning consideration of associated development.

What are the policy objectives and the intended effects?

- A boost for growth by incentivising developers to carry out work in the short term, rather than delaying, and where development takes place that would not otherwise have done so due to the requirement to obtain local authority planning permission.
- Benefits for businesses who carry out development and businesses wishing to expand. Business will no longer be required to prepare planning applications for certain development.
- Developers will make fee savings from no longer submitting planning applications.
- Reducing the need for local authority assessment of development with more limited impacts to allow them to concentrate on larger development of more strategic benefit to their local area.
- Fast track the roll out of superfast broadband.

What policy options have been considered, including any alternatives to regulation? Please justify preferred option (further details in Evidence Base)

- Option 1 – do nothing: make no changes to permitted development rights.
- Option 2 – deregulate by increasing the permitted development thresholds for householder extensions and certain non-domestic extensions and new buildings. For broadband deployment, remove the requirement for prior approval for electronic communications apparatus in protected areas.

Will the policy be reviewed? Yes		If applicable, set review date:			
Does implementation go beyond minimum EU requirements?			N/A		
Are any of these organisations in scope? If Micros not exempted set out reason in Evidence Base.		Micro	< 20	Small	Medium Large
What is the CO ₂ equivalent change in greenhouse gas emissions? (Million tonnes CO ₂ equivalent)			Traded:		Non-traded: 0

I have read the Impact Assessment and I am satisfied that, given the available evidence, it represents a reasonable view of the likely costs, benefits and impact of the leading options.

Signed by the responsible Minister: _____ Date: _____

Evidence Base (for summary sheets)

The planning system provides a mechanism through which the impacts and external costs of development to third parties can be taken into consideration when new development is proposed. The planning system plays an important role in promoting the efficient use of land and considering and mitigating the adverse impacts that development can have on third parties. However, applying for planning permission places an administrative burden on business, estimated at around £1.1 billion in 2006.¹⁶

Where a development has little or limited adverse impact, or the impacts can be controlled in a way that does not require assessment of each individual proposal, the requirement to obtain planning permission can place burdens on business and others that are out of proportion with the potential impacts of the development.

The planning system aims to achieve proportionality by exercising different degrees of control over types of development with different degrees of impact. The requirement for local authority scrutiny of proposals with little or limited adverse impact is removed using permitted development rights. Permitted development rights are a deregulatory tool, established nationally, and use a general impacts-based approach to grant automatic planning permission for development that complies with limitations and conditions that are set out in the Parts to Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995. The 1995 Order has been amended several times as new rights have been added or existing rights have been changed.

Policy issue under consideration and objectives

The policy issue under consideration is whether the thresholds that govern the available permitted development rights for householder extensions and certain non-domestic extensions and new buildings could be increased for a limited period. This would allow more development to take place without the requirement for local authority planning permission and provide an incentive for developers to carry out works in the short term, rather than delay. There would be benefits for businesses who carry out development and businesses wishing to expand. There are also potential growth benefits where development takes place that would not otherwise have done so due to the requirement to obtain local authority planning permission.

Superfast broadband is key to boosting economic growth, increasing competitiveness and creating jobs. Government has a target to have the best superfast broadband in Europe by 2015. Accordingly, Government has allocated £530 million to help take superfast broadband to rural areas and is keen to incentivise faster roll out by easing the planning consideration of associated development.

¹⁶ <http://www.communities.gov.uk/documents/corporate/pdf/regulation-burden.pdf>

The relevant parts of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 that are being considered are:

- Part 1 (Development within the curtilage of a dwellinghouse)
- Part 8 (Industrial and warehouse development)
- Part 24 (Development by electronic communications code operators)
- Part 41 (Office buildings)
- Part 42 (Shops or catering, financial or professional services establishments)

The policy objective is to deregulate by removing more development from the requirement for detailed local authority assessment of proposals by increasing the permitted development thresholds for householder extensions and certain non-domestic extensions and new buildings for a three year period. In addition, for broadband deployment, the objective is to remove the requirement for prior approval for electronic communications apparatus in protected areas, excluding Sites of Special Scientific Interest, for a period of five years. These policies are deregulatory measures.

The intended effects of the proposal are to reduce the burden of the planning system on homeowners and business, and boost growth. Specific effects include:

- A boost for growth by incentivising developers to carry out work in the short term, rather than delaying, and where development takes place that would not otherwise have done so due to the requirement to obtain local authority planning permission.
- Benefits for businesses who carry out development and businesses wishing to expand. Business will no longer be required to prepare planning applications for certain development. Business will also make fee savings from no longer submitting planning applications.
- Reducing the need for local authority assessment of development with more limited impacts to allow them to concentrate on larger development of more strategic benefit to their local area.
- Fast tracking the roll out of superfast broadband.

Current position

Presently, development that exceeds the existing thresholds set out in the relevant part of the Order is likely to require an application for planning permission, with an associated fee and other costs payable by the applicant. The requirement for planning permission can be seen as one of the disincentives to undertake development, particularly at the margins where the perceived benefits of the development are relatively low.

Options for change

Two options are considered.

Option 1 – do nothing: make no changes to permitted development rights.

Option 2 – deregulate by increasing the permitted development thresholds for householder extensions and certain non-domestic extensions and new buildings. For broadband deployment, remove the requirement for prior approval for electronic communications apparatus in protected areas. The detailed proposals are:

Householder extensions (Part 1)

At present, the permitted development rights in Part 1 allow single-storey rear extensions (including conservatories) of 4m depth from the rear wall for a detached house, and 3m for any other type of house. We propose that outside of protected areas (such as conservation areas, National Parks, Areas of Outstanding Natural Beauty and Sites of Special Scientific Interest) these thresholds should be extended to 8m for a detached house, and 6m for any other type of house for a three year period. Other limitations and conditions in Part 1 would still apply to reduce the risk of adverse impacts on neighbouring properties and the wider area. This includes requirements on the height of development. The feasibility of making it easier to convert garages to habitable accommodation is also being explored.

Extensions to shops and financial/professional services establishments (Part 42)

Shops and financial/professional services establishments are currently able to extend their premises by up to 50m², provided that this does not increase the gross floor space of the original building by more than 25%, and provided that the extension is no higher than 4m. We propose that outside of protected areas, these limits should be raised to 100m² and 50% for a three year period. We also propose that they should be able to build up to the boundary of the premises, except where the boundary is with a residential property. Other limitations and conditions would still apply.

Office extensions (Part 41)

Offices are currently able to extend their premises by up to 50m², provided that this does not increase the gross floor space of the original building by more than 25%, and subject to various other limitations. We propose that outside of protected areas, these limits should be raised to 100m² and 50% for a three year period. Other limitations and conditions would still apply.

Industrial and warehouse buildings (Part 8)

At present, new industrial buildings or warehouses which are up to 100m² in size can be built within the curtilage of an existing industrial building or warehouse, provided that the floor space of the original building would not be exceeded by more than 25% in non-protected areas. We propose that in non-protected areas, these limits should be raised to 200m² and 50% for a three year period.

Development to facilitate the roll out of broadband (Part 24)

At present, under part 24 of the General Permitted Development Order, fixed broadband apparatus such as cabinets, telegraph poles, and overhead lines

have permitted development rights, which means they can be installed without the need to apply for planning permission. This is subject to a prior approval process on article 1(5) land which allows planning authorities to consider the siting and appearance of communications apparatus before development commences. These permitted development rights liberalise the planning system and allow for speedier deployment of communications infrastructure, although the prior approval process can create uncertainty for developers and prolong the time taken on installation. We propose to remove this prior approval requirement as it applies to article 1(5) land. This change will be for a period of five years.

Option 2 is preferred as it would meet the policy objectives outlined above.

Consultation

A consultation exercise will be used to test the appropriateness of the proposals and also identify whether there are further opportunities to deregulate in respect of garage conversions.

Sectors and groups affected

The main sectors and groups most likely to be affected by the proposal are:

- Home and business owners wishing to extend their property (particularly those who are encouraged to do so through reduced planning costs)
- Businesses that carry out development work on behalf of home and business owners wishing to extend their property
- Businesses that install broadband equipment
- Planning services/staff at local authorities who will determine fewer applications for planning permission
- Third parties who live or work in the vicinity of new development
- Society more widely is likely to benefit from economic growth and broadband rollout

Cost-Benefit Analysis

Option 1 - 'Do nothing' scenario

The planning application process would continue to apply for those who do not meet the thresholds to benefit from permitted development rights. Those wishing to develop outside existing thresholds would continue to pay planning fees and the administrative costs of making a planning application, and these

costs may deter development and the growth and other benefits associated with Option 2.

Option 2 – Changing the permitted development thresholds

In making the assessment of costs and benefits it is important to distinguish between:

- (1) planning applications that would have happened under the 'do nothing' scenario and therefore benefit from administration and fee savings related to the application process; and
- (2) those cases where development would not have occurred but for this policy change, i.e. where the economic costs imposed by the planning system were sufficient to prevent development at the margin.

We identify and describe all sources of costs and benefits below and have attempted to quantify these using illustrative scenarios wherever this is possible.

Costs and savings for householder applicants

Householder applicants who intended to develop before the changes, and meet the increased thresholds will save directly on the £150 cost of the planning application fee that will no longer apply as the development is permitted development. There will also be indirect savings on transaction costs such as professional fees, production of scaled drawings, time spent compiling and presenting information etc. The estimated total savings on the planning application process (including fee) is between £150 and £2470¹⁷ depending on the level of information required to support the application. If the requirement to seek planning permission were removed these costs would no longer be incurred.

In the year ending March 2012¹⁸ there were just under 195,000 decisions on 'householder development' applications. If we assume that 10-20% of these would fall within permitted development rights after the policy change, between 20,000 and 40,000 developments would no longer be subject to planning requirements. It should be noted that these figures represent a tentative estimate. It is likely that a proportion of the 195,000 decisions involved applications for development within a National Park or conservation area etc, and these developments will be unaffected by the policy changes proposed.

Under this illustrative scenario – between 10% and 20% of existing householder developments no longer require an application – the saving to applicants might range between £5m and £100m annually.

¹⁷ Based on ARUP benchmarking work in <http://www.communities.gov.uk/documents/planningandbuilding/pdf/benchmarkingcostsapplication.pdf>

¹⁸ DCLG live table P124.

There will be further benefit from householders who were previously deterred from development by the cost of preparation and submission of a planning application. Householders may now choose to develop their homes. It is not possible to estimate the number of applicants that are currently deterred from making changes to their homes because of the economic costs the planning system imposes.

Table 1 shows a range of construction output that may result from this additional development based on construction cost, floor area and illustrative take-up assumptions.

Table 1: Construction Output (illustrative)

	Additional Extensions	Unit Floor Area (sqm)	Construction Cost (per sqm) ¹⁹	Construction Output
Low	10,000	40	£750	£300,000,000
High	20,000	40	£750	£600,000,000

Under these illustrative scenarios, the additional annual construction output ranges between £300m and £600m.

Costs and savings for business and other organisations wishing to carry out development under Parts 8, 41 and 42 to Schedule 2 of the Town and Country Planning Order 1995, and meeting the increased size thresholds

Businesses and other organisations intending to develop (that would have done so in the absence of permitted development rights) but also now meeting the increased thresholds will make direct fee savings from submitting a reduced number of planning applications being required. They will also save on the associated transaction costs such as professional fees, production of scaled drawings, time spent compiling and presenting information etc. If the requirement to seek planning permission were removed these costs would no longer be incurred.

In 2011/12 there were 9,600 planning applications for minor development in ‘offices/research and development/light industry’ and ‘retail distribution and servicing’ categories.²⁰ Only a proportion of these applications will be for extensions that will be covered by the proposed permitted development rights: if we assume that between 10% and 20% of these applications fall within permitted development rights following the proposed policy changes, between 960 and 1,920 developments will no longer be subject to planning requirements.

¹⁹ Based on an assumed construction cost in a range of £500- £1000 per sqm.

²⁰ DCLG (2006) Householder Consents - Survey of Applicants:
<http://www.communities.gov.uk/documents/planningandbuilding/pdf/151327.pdf>

In 2011/12 there were 2,200 applications for minor development in ‘general industry/storage/warehouse’ categories.²¹ Once again, only a proportion of these will be covered by the proposed permitted development rights: assuming that 10-20% of these applications will be covered by permitted development rights under the proposed policy changes, then between 220 and 440 developments will no longer be subject to planning requirements.

The administration and fee savings on the above applications will vary depending on the size. Given that these applications are for business premises, the cost savings from no longer preparing (time and resource) and submitting (fees) are likely to accrue to business. Table 2 shows the application savings based on the illustrative scenarios set out above.

Table 2: Application administrative and fee savings

		Applications	Fee	Annual Saving
Office / Research and Development / Light Industry	Low	960	£170 ²²	£163,200
	High	1,920	£2,540	£4,876,800
General Industry / Storage / Warehouse	Low	220	£3,500 ²³	£770,000
	High	440	£3,500	£1,540,000

As before, there is likely to be some additional economic activity as a result of development that would not otherwise have come forward due to the perceived cost of the planning system. It is not possible to estimate the number of business applicants that are currently deterred from development because of the economic costs the planning system imposes.

Table 3 shows the additional construction output under illustrative scenarios for additional development. These are based upon assumed floor area and construction costs.

Table 3: Construction output (illustrative)

	Additional Extensions	Unit Floor Area (sqm)	Construction Cost (per sqm) ²⁴	Construction Output
Low	500	200	£1,250	£125,000,000
High	1,000	200	£1,250	£250,000,000

Under these illustrative scenarios, the additional annual construction output ranges between £125m and £250m.

²¹ DCLG (2006) Householder Consents - Survey of Applicants:

<http://www.communities.gov.uk/documents/planningandbuilding/pdf/151327.pdf>

²² Based on Arup (2009) and the costs for dwelling house extensions, it is estimated that planning process costs are in a range between £170 and £2540.

²³ Arup (2009) estimate the costs of preparing and submitting a warehouse development range between £3,500 and £36,500.²³ This cost is based on developments of under 1,000m² so applications for under 100m² are likely to be at the lowest end of the range.

²⁴ Based on an assumed construction cost range between £1000 and £1500 per sqm.

Development to facilitate the roll out of broadband

Firms seeking to make installations as part of the roll out of superfast broadband in protected areas, for example Areas of Outstanding Natural Beauty, conservation areas, heritage sites etc, but not including Sites of Special Scientific Interest, for a limited period of five years will no longer be required to engage in a lengthy prior approval process. As a result there will be direct administration savings. Arup (2009) estimate the costs of preparing a submitting a prior approval application ranges between £1,410 and £4,335²⁵.

Businesses are also likely to benefit from access to superfast broadband.

Construction businesses

Businesses which carry out construction work are also likely to benefit from increased economic activity.

Costs and benefits for local authorities

Local authorities will benefit from a reduced number of planning applications, freeing up resources to be employed elsewhere. However, they will also now not receive the fee income associated with having to assess the planning applications that they previously would have received, which is designed to cover the full costs of determining the planning application.

There may be an increased number of enquiries by homeowners and their neighbours relating to whether new development meets the conditions laid out in the permitted development rights. This could impose some administrative costs on local planning authorities in terms of dealing with these queries. However, even in the absence of these permitted development rights, the local planning authority would receive pre-application enquiries regarding their policies and their views of development proposals. It is therefore considered that the permitted development rights would result in a transfer of resources from dealing with planning application queries to permitted development rights' queries that will broadly net out overall.

Costs and benefits to neighbours and communities

Third parties living and working close to new development that proceeds under permitted development rights at the higher thresholds may consider that amenity has been unduly impacted on as a result of the proposals. This could be, for example, due to perceived harmful visual impact or loss of light resulting from the development.

It is proposed to minimise this risk by maintaining appropriate limitations and conditions that will need to be met for the permitted development rights to apply. Other non-planning related protections will also still apply, including the Party Wall Act and the 'right to light'.

²⁵ Arup (2009) Benchmarking the cost of submitting a planning application:
<http://www.communities.gov.uk/documents/planningandbuilding/pdf/benchmarkingcostsapplication.pdf>

If, in exceptional circumstances, it is clearly demonstrated that the permitted development rights are materially harmful in a particular locality, local authorities are able to consult with their communities on using an Article 4 direction to withdraw the rights. Removal of the rights in these exceptional circumstances allows all the potential planning impacts of the development to be considered locally by requiring planning applications.

Communities may benefit from increased economic activity in their area. Construction work supports local employment in trades such as building and plumbing, as well as the businesses that provide materials to them and others in the supply chain. For example, every additional £1m of output in housing repairs and maintenance supports around 30 jobs (in gross terms).

Impact on small firms

There may be positive impacts for small firms wishing to expand their premises or involved in the construction business. In addition small firms involved in the supply chains of these firms could benefit.

Rural proofing

The proposals for householder and business extensions will not apply in protected areas, including National Parks and Areas of Outstanding Beauty. As these landscape designations are generally rural areas, the policy has the potential to exclude home and business owners in these areas. There is a need to strike an appropriate balance between deregulating and maintain appropriate protections, particularly in those sensitive areas where tighter controls are needed as development can have a disproportionate impact on the quality and character of the natural and built landscape.

Effective, reliable and fast communications are vital for the economic prosperity and social sustainability of rural England. The proposals to facilitate the roll out of superfast broadband will boost growth in rural areas, and has the potential to make services more accessible to rural communities.

Implementation

If these proposals are adopted, an amendment will be made to the Town and Country Planning (General Permitted Development) Order 1995.

Monitoring

The proposed extensions to homeowner and business permitted development rights are a temporary measure for three years. A light touch review of the policy will be undertaken towards the end of this period to establish how best to proceed. Similarly, a light touch review of the broadband changes will be undertaken towards the end of the five year period.

SLOUGH BOROUGH COUNCIL

REPORT TO: PLANNING COMMITTEE

DATE: 29th November 2012

PART 1
FOR INFORMATION

Planning Appeal Decisions

Set out below are summaries of the appeal decisions received recently from the Planning Inspectorate on appeals against the Council's decisions. Copies of the full decision letters are available from the Members Support Section on request. These decisions are also monitored in the Quarterly Performance Report and Annual Review.

WARD(S) **ALL**

Ref	Appeal	<u>Decision</u>
P/07447/002	45 Thames Road ERECTION OF A FIRST FLOOR SIDE EXTENSION WITH PITCHED ROOF.	Appeal Dismissed 3 rd October 2012
P/13721/002	35 Mansel Close ERECTION OF TWO STOREY SIDE AND REAR EXTENSION WITH FLAT TOP PITCHED ROOF FOLLOWING DEMOLITION OF EXISTING GARAGE	Appeal Dismissed 5 th October 2012
P/10434/007	1 Dashwood Close SINGLE STOREY REAR EXTENSION WITH PITCHED ROOF LINKING MAIN HOUSE WITH DETACHED GARAGE The Appeal Inspector concluded that there is one main issue in this appeal, that is the effect of the proposed development on the character and appearance of the area, the Council being concerned that the proposed extension, which would link the house with this garage, would have the undesirable effect of causing development within these two roads to merge together. In respect of this issue, the Appeal Inspector concluded that <i>the proposed extension would be a minor addition, set well back in relation to the garage. As such, it would be neither prominent nor dominant in the street scene. The existing garage, being significantly further forward, would largely screen views of the extension when approached along Upton Court Road from the west. When approached from the east, the garage would be the only projecting element, leaving the proposed extension as a clearly subservient and subsidiary structure. I therefore consider that the Council has over-stated the effect that the proposal would have. In particular, I am not persuaded that any significant undesirable merging, as alleged by the Council, would occur. This leads me to conclude that the proposed development would cause no significant harm to the character and appearance of the area.</i>	Appeal Allowed subject to conditions 5th October 2012

P/15286/002	15a Windmill Road ERECTION OF A FRONT PORCH WITH PITCHED ROOF AND LOFT CONVERSION TO CREATE THIRD BEDROOM BY MEANS OF 2 NO. ROOF LIGHTS IN FRONT ROOF SLOPE The Inspector in his report stated the Council raised no objection to the front porch, which is agreed. However we saw the roof light in the loft bedroom as poor outlook for the habitable room. The Inspector saw the two bedrooms on the first floor as primary living rooms and the additional bedroom in the loft as a spare room or study agreeing the deficiency in outlook. The Inspector's opinion was given its perceived intermitted use as a study or spare room the deficiency in terms of outlook is considered within acceptable limits. The other appeal case mentioned by the Council was judged to be of little relevance, as each case must be assessed on its merits and was not before this Inspector for consideration.	Appeal Allowed subject to conditions 5th October 2012
P/08569/005	204 Burnham Lane ERECTION OF A FIRST FLOOR SIDE EXTENSION WITH FRONT FACING DORMER WINDOW, PART FIRST FLOOR REAR EXTENSION / PART SINGLE STOREY REAR EXTENSION	Appeal Dismissed 5 th October 2012
P/15281/000	22 Olivia Drive ERECTION OF SINGLE STOREY REAR EXTENSION WITH PART PITCHED/PART FLAT ROOF	Appeal Dismissed 23 rd October 2012
P/03167/021	Wellington House, 20 Queensmere CHANGE OF USE OF PART OF FIRST FLOOR FROM OFFICE USE (CLASS B1) TO RESIDENTIAL (CLASS c3) AND TO PROVIDE 6 NO. STUDIO FLATS AND 2 NO. ONE BEDROOM FLATS	Appeal Dismissed 1 st November 2012
P/04900/003	302 Wexham Road ERECTION OF A TWO STOREY SIDE EXTENSION, A PART TWO STOREY REAR EXTENSION, SINGLE STOREY REAR EXTENSION PART FLAT ROOF PART MONO PITCHED ROOF	Appeal Dismissed 6 th November 2012
P/07315/002	150 Granville Avenue ERECTION OF A SINGLE STOREY REAR AND FRONT EXTENSION BOTH WITH PITCHED ROOFS. The Inspector thought it was better to keep the uniformity of the row of 3 terraced dwellings on a corner position, rather than to keep the overall look of the street scene without full front extensions. The Inspector thought with the absence of a lean to front extension, the appeal site looked disjointed when considered in context with the other 2 terraced dwellings which have the full front extensions. He acknowledged that the other 2 full front extensions had been given permission prior to the	Appeal allowed subject to conditions 6th November 2012

	adoption of the Residential Extensions Guidelines. He concluded that the proposal was in line with the National Planning Policy Framework and did not undermine the Supplementary Planning Document.	
P/14857/003	<p>2 Baylis Road</p> <p>RETENTION OF A FLAT ROOF REAR CONSERVATORY</p> <p>The conservatory the subject of the appeal was already in place and was fully confined to the rear of the property and not visible within the street scene. The Inspector stated that the original dwelling had several extensions added to the host dwelling over a number of years and the mainly see through rear conservatory only just taller than the boundary fence would not cause harm to the neighbouring occupiers or the visual amenity of the area, therefore the relaxation of the guidelines was applicable in this case and allowed the appeal.</p>	<p>Appeal Allowed</p> <p>9th November 2012</p>

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MEMBERS' ATTENDANCE RECORD 2012/13
PLANNING COMMITTEE

COUNCILLOR	19/06/12	26/07/12	05/09/12	17/10/12	29/11/12	09/01/13	21/02/13	04/04/13	08/05/13
Carter	P	P	P	P					
Rasib	P	P	P	P					
Dar	P	P	P	P					
Hussain	P	P	P	P					
O'Connor	P	P	Ap	P					
Plenty	P	P	P	P					
Sharif	P* (from 7pm)	P* (from 7.07pm)	P	P* (From 6.35pm)					
Smith	P	P	P	P					
Swindlehurst	P* (from 6.40pm)	Ap	P	P					

P = Present for whole meeting
 Ap = Apologies given

P* = Present for part of meeting
 Ab = Absent, no apologies given

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