

SLOUGH BOROUGH COUNCIL

REPORT TO: Planning Committee

DATE 16th October 2014

CONTACT OFFICER: Wesley McCarthy
Acting Planning Manager

01753 875832

WARD(S): All

PART I

FOR INFORMATION

TECHNICAL CONSULTATION ON PLANNING

1 Purpose of Report

The purpose of the report is to inform Members of the representations submitted to Department for Communities and Local Government (DCLG) on the recent Technical Consultation on Planning. The consultation ran for six weeks and ended on the 26th September 2014. It was a very detailed consultation which proposed major changes to the planning system. The proposed measures intend to make the planning process easier and more streamlined and remove planning requirements.

2 Recommendation(s)/Proposed Action

2.1 The Committee is requested to resolve:

- a) That the Members note the representations submitted to Department for Communities and Local Government (DCLG) on the recent Technical Consultation on Planning.

3. The Slough Joint Wellbeing Strategy, the JSNA and the Corporate Plan

3a. Slough Joint Wellbeing Strategy Priorities –

The Council's planning framework which is an important element of Slough Joint Wellbeing Strategy and will help to contribute to the following emerging priorities:

- Economy and Skills
- Regeneration and Environment
- Housing

Economy and skills and regeneration and environment are key priorities for the Council. Slough's Wellbeing Strategy names both of these with the following visions that:

Housing

"By 2028, Slough will possess a strong, attractive and balanced housing market which recognises the importance of housing in supporting economic growth."

Economy and Skills

“By 2028, Slough will be an accessible location, competitive on the world stage with a sustainable and varied business sector and strong knowledge economy, supported by a local workforce who have the skills to meet local businesses changing needs”

Regeneration and Environment

“By 2028, Slough will be distinctive from our competitors, harnessing the diversity and creativity of our people and our cultural and physical fabric to create an attractive local environment for our residents and businesses”

4. Other Implications

(a) Financial

There are no financial implications of proposed action.

(b) Risk Management

<i>Recommendation</i>	<i>Risk/Threat/Opportunity</i>	<i>Mitigation(s)</i>
<i>None identified</i>	<i>None identified</i>	<i>None identified</i>

(c) 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.

(d) Equalities Impact Assessment

This is not required as this report is just for information.

(e) Workforce

This will not have a significant impact on the work load of staff. Recent experience with the changes already undertaken to the planning system has proven that the changes have not resulted in the expected reduction in workload for officers. Officer time has however shifted towards dealing with more prior approval submissions, introduced during 2013.

5. Supporting Information

Technical Consultation on Planning

- 5.1 The Technical Consultation on Planning ran for six weeks and ended on 26th September 2014. This is the third package of new permitted development rights which have been brought forward by the Government. This underlines the desire to see a reduction in the number of developments which a full planning application is required.
- 5.2 This consultation covered six sections and focuses on reducing planning regulations as set out below:
1. Proposals to change the Neighbourhood Plan System
 2. Significantly expand permitted development (PD) rights
 3. Proposals to improve the use of planning conditions
 4. Proposals to improve engagement with statutory consultees (proportionate and where most valuable)

5. Raising the screening threshold for when an Environmental Impact Assessment is required for industrial estate and urban development projects which are located outside of defined sensitive areas.
 6. Proposals to improve the nationally significant infrastructure planning regime amending regulations for making changes to Development consent orders.
- 5.3 The key areas we have made representations on are Section 2, 3 as these changes will have an impact on the planning service and implications for our Local Plan policies.

Section 2: Reducing planning regulations to support housing, high streets and growth

- 5.4 This section seeks views on the government's proposals to amend the permitted development (PD) orders to allow change of use from light industrial units, warehouses, storage units, offices and some *sui generis* uses to residential; more changes of use within the high street; some *sui generis* uses to residential; a wider retail use class; some *sui generis* uses to restaurants and leisure uses; extensions to houses and business units. The section also seeks views on requiring a planning application for any change of use to betting shop or pay day loan shop.
- 5.5 The Government is committed to making it easier for applicants to navigate the planning system by having a three tier system:
- Full Planning Application
 - Permitted development rights with prior approval- this is a light touch process that applies where the principle of the development has already been established, but certain specific planning issues still require local consideration.
 - Permitted development rights with no prior approval-removes the need for a planning application as planning permission is granted nationally by the Secretary of State.

Comment:

Change of use light industrial units, warehouses, storage units, offices and some sui generis uses to residential.

- 5.6 By reducing planning regulations we will have less planning control. Allowing permitted development rights for change of use from light industrial units, warehouses, storage units, offices and some *sui generis* uses to residential could have a number of negative impacts such as a significant reduction in the provision of affordable housing.
- 5.7 Also some locations on industrial estates would not be suitable for change of use to residential due to the fact that substandard accommodation would be provided and potential for complaints about noise from existing businesses/industrial uses.
- 5.8 Potential conflicts with Slough Core Strategy and Core Policy 6 (Employment) due to loss of existing business areas. This could lead to loss of employment land and jobs.
- 5.9 If these new PD rights came into force then there should be more prior approval criteria for the applications to be assessed against including:
- Design
 - Amenity Space
 - Car Parking
 - Air Quality
 - Noise
 - Minimum room sizes

- 5.10 There needs to be a limit on the amount of floorspace that can be changed from employment to residential so the Council can have some control on the loss of employment floor space and loss of existing business areas. There should be a limit of 10 units that are converted to residential in employment areas.
- 5.11 It would also impact on the planning service in terms of loss of fees and resources needed to deal with the increase in permitted development right notifications.
- 5.12 Inappropriate development could pose an additional resource impact on the Council through dealing with neighbouring uses and neighbouring disputes due to incompatibility, lack of planning controls and poor design.

Change of use for laundrettes, amusement arcades, casinos and nightclubs to residential

- 5.13 Allowing permitted development rights for change of use to laundrettes, arcades, casinos and nightclubs could have significant impact on the vitality and viability of the High Street due to the loss of active frontages. There is a further concern around amenity issues, such as parking and accessibility.
- 5.14 If this permitted development right was brought into force then a limit on floorspace of 500sqm should be allowed for the change of use to residential. Also prior approval would be needed in respect of design and external appearance.

Permitted development right from May 2016 to allow change of use from offices to residential

- 5.15 This PD rights has been positive in bringing forward housing. We support the presumption in favour of allowing the change of use from offices to residential.
- 5.16 However we do not agree that the PD right should be extended beyond 2016. Change of use from offices to residential should require planning permission in the normal way; otherwise it would lead to a significant reduction in the provision of affordable housing.
- 5.17 Also this could cause issues with car parking in the Town Centre, due to the increase in the residential population and lack of car parking spaces to meet this increase in demand.
- 5.18 If the PD rights were extended beyond May 2016, there needs to be more planning controls in terms of criteria such as design, transport and environmental impacts (noise and air quality).

Extensions to houses

- 5.19 By allowing PD rights for larger extensions to houses to be made permanent could have negative impacts. This new process has also resulted in many disputes between neighbours, which have been an additional burden.
- 5.20 By allowing larger extensions under the new PD rights could cause potential conflicts with our Residential Extension Supplementary Planning Document (SPD). The Council have introduced these guidelines to improve the quality of the built environment, This PD right being made permanent, in combination with the 'sheds and beds', will result in urban cramming and loss of quality residential environments.
- 5.21 There is also an additional burden of administering the neighbour consultation scheme and significant prior approval applications for no fee, which will therefore continue on a permanent basis.

- 5.22 There is potential for more enforcement issues arising from ambiguities with the process. Also the relaxed PD rights are resulting in loss of garden space, which could also have an impact on localised flooding for properties in the flood plain and Sustainable Urban Drainage System (SUDS) design.

Increasing flexibilities for high street uses

- 5.23 It is agreed in principle to PD rights allowing shops (A1) to change use to financial and professional services (A2) (excluding pay day and betting shops) and restaurant and cafes (A3) as this would provide more flexibility for the shops and potentially reduce the number of retail vacancies.
- 5.24 However our Saved Local Plan Policies on Primary and Secondary frontages (as below) would serve little purpose if these regulations came into force and would need to be deleted.
- Policy S9- Change of use A1 to A2
 - Policy S10- Change of use A1 to A2- Neighbourhood Centres
 - Policy S12- Change of use A1 to A3

Mezzanine Floors

- 5.25 We agree that permitted development rights allowing shops to build internal mezzanine floors should be increased from 200 metres in town centre locations only. This should not apply in retail parks to protect the viability and vitality of Slough high street.

Maximum Car Parking Standards

- 5.26 This proposes to restrict powers to set maximum parking standards. Without maximum parking standards it would not be possible to promote more sustainable means of transport and thereby reducing carbon emission, which is contrary to the Adopted Core Strategy.
- 5.27 It does not state whether this applies to residential only or include employment uses. If this does include employment uses this would have a significant impact on the Slough Trading Estate where we have a policy to restrict any overall increase in car parking.

Change of use to a betting shop or a pay day loan

- 5.28 This proposes that a change of use to a betting shop or pay day shop should require a planning application.
- 5.29 Without any policy guidance in the National Planning Policy Framework or any local policy this would be difficult to implement. It would be easier to change the Land Uses Order to state that there should be no more than a specific number of betting shops or pay day loan shops adjacent to each other.

Section 3: Improving the use of planning conditions

- 5.30 This section is about changes that will improve the use of planning conditions and is focused on two areas: conditions placed at the decision-making stage, and delays in discharging conditions. This includes:
- reducing the time limit for return of the fee for applications for confirmation of compliance with conditions attached to planning permissions – from 12 to 8 wks;

- requiring that draft conditions are shared with applicants for major development before planning permission is granted – 5,10 or other days before grant of permission;
- adding a further requirement for local planning authorities to justify the use of and timings for discharge of pre-commencement conditions.

Comment:

- 5.31 Impacts of this could be potentially significant, particularly in the case of major and complex applications.
- 5.32 Whilst the proposal to exclude certain types of condition could provide some safeguards, not having sufficient time to fully assess certain details could have potentially serious implications. It is therefore anticipated that more refusals may be issued. For example, contaminated land conditions are complex and public health concern should be exempt. Noise conditions are also complex and potentially a significant amenity/community issue.

6 Conclusion

Members should note the representations to the recent consultation on Technical Planning. A further report will be presented to Members of the Planning Committee if these proposed measures come into force as way of an update.

7 Background Papers

‘1’ Technical Consultation on Planning, 2014