

## Local Development Order Updates

Planning Committee

12<sup>th</sup> April 2016

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**Author:** Head of Planning, Regulatory Services, Heritage

**Parish / Wards Affected:** Central and Eastcott

### Purpose

- To seek the approval of the Planning Committee to consult on the inclusion of Whalebridge Multi-Storey Car Park in the Solar Arrays Local Development Order as a site for canopy mounted solar arrays.
- To seek the approval of Planning Committee for a time extension to the Victoria Road Local Development Order.

### Recommendation

That the Planning Committee agrees that:

#### Whalebridge Multi-Storey Carpark

1. the Head of Planning, Regulatory Services, and Heritage be authorised to publish for consultation the proposal to include the Whalebridge Multi-Storey Carpark in the Solar Arrays Local Development Order as a site for canopy mounted solar arrays;
2. in the event that no material objections are received, that the Head of Planning, Regulatory Services and Heritage be authorised to proceed to amend the Solar Arrays Local Development Order to include the Whalebridge Multi-Storey Carpark as site for canopy mounted solar arrays;
3. in the event that material objections are received, that the Head of Planning, Regulatory Services, and Heritage submits a further report to the Planning Committee with a recommendation as to whether the proposal should be pursued.

#### Victoria Road

4. the Head of Planning, Regulatory Services, and Heritage be authorised to carry out any necessary statutory and other processes to bring into effect the extension of the duration of the Local Development Order for Victoria Road from May 2016 to March 2019;

#### General

5. the Head of Planning, Regulatory Services, and Heritage undertakes all action as necessary to publicise the proposed changes to the LDOs; and
6. the Head of Planning, Regulatory Services, and Heritage be authorised to make minor drafting changes to the content of the documents if required prior to publication.

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Further information on the subject of this report can be obtained from *David Dewart* on 466445 or Email [ddewart@swindon.gov.uk](mailto:ddewart@swindon.gov.uk).

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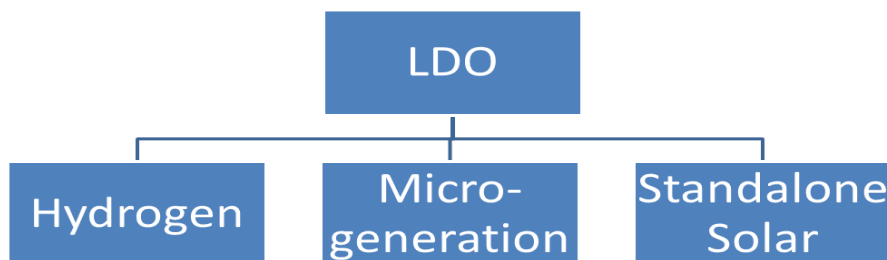
## 1. Reasons

- 1.1 A Local Development Order (LDO) automatically grants planning permission for the type of development specified in it (subject to Conditions) and by so doing, removes the need for a planning application to be made for that development.
- 1.2 In June 2015 the Planning Committee resolved to adopt a suite of “Low Carbon” LDOs. The LDOs granted planning permission for solar arrays at several sites across the Borough.
- 1.3 In February 2011, Planning Committee initially approved a Local Development Order for Victoria Road to apply for a period of 3 years. In February 2014, Committee agreed to extend the life of the LDO to May 2016.

## 2 Detail

### Inclusion of the Whalebridge Multi-Storey Carpark in the Low Carbon Local Development Orders

- 2.1 Swindon has made a commitment to generate 15% of its energy from renewable sources by 2021. The Low Carbon LDOs are an important tool to assist Swindon to deliver on this target.
- 2.2 Three LDOs have been progressed under the banner “Low Carbon LDOs”. The LDOs cover the following elements:
  - Introduction of permitted development rights for on-domestic air source heat pumps and district heating installations
  - Introduction of permitted development rights for Hydrogen and electric car fuelling infrastructure; and
  - Granting planning permission upfront for Solar Arrays at pre-identified suitable locations in the Borough.



- 2.3 The Solar Arrays / Solar Farms LDO grants planning permission upfront for solar farms / solar arrays at pre-identified suitable locations. Officers have consulted on 29 potential sites for inclusion in the LDO.
- 2.4 16 of the sites identified are larger car park sites within the Swindon urban area. These sites were identified as being suitable for canopy-mounted solar arrays.

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- 2.5 Canopy mounted solar panels are a relatively new to the UK, but are now starting to become more widespread.



- 2.6 The LDO seeks to accelerate the take-up of canopy-mounted solar arrays by granting them planning permission upfront at suitable sites.
- 2.7 The sites identified include five of the Town Centre's multi-storey car parks, the car parks of major supermarkets and retail parks, the GW Hospital car parks and Gablecross Police HQ car parks.
- 2.8 Whalebridge Multi-Storey Carpark is of an iconic design and occupies a gateway location into the Town Centre. Due to its prominent location, and design, Whalebridge Multi-Storey Carpark was initially passed over for inclusion in the LDO.
- 2.9 However, further work has been undertaken to assess the visual impact arising from canopy mounted solar arrays on the carpark. This work has shown that the arrays would be largely screened, and would only be visible from glimpsed views.
- 2.10 The visual impact of the solar arrays would therefore be minimal, whereas the benefits, with respect to providing a renewable energy resource to Town Centre businesses, would be significant.

### Next Steps

- 2.11 If agreed by Planning Committee, Officers would consult on the proposal to grant planning permission upfront for canopy mounted solar arrays on Whalebridge Multi-Storey Carpark. If no material objections are received, it is proposed that

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Officers would amend the Solar Arrays LDO to include Whalebridge Multi-Storey Carpark.

- 2.12 To trigger the 'planning permission' granted by the Solar Farm LDO, a Certificate of Lawfulness application would need to be submitted to the Council. The application would be expected to be accompanied by a layout scheme and elevations that demonstrate that the visual impact would be minimal.

### Extension of Time on the Victoria Road LDO

- 2.13 Over recent years Victoria Road has suffered from high vacancy rates and a deterioration in many of its buildings. Victoria Road was identified as a 'problem area' by local stakeholders in consultation responses to the Swindon Central Area Action Plan. Vacancy rates along the road have been high for several years. Yet the Road is a critical link between the Town Centre and Old Town.
- 2.14 The LDO was introduced to provide greater flexibility to property owners on how their properties can be used. It was envisaged that this greater flexibility would help reduce vacancy rates in the area. The LDO allows changes between the following range of use classes without the need for planning permission (but subject to Conditions):
- A1: Shops
  - A2: Financial and professional services
  - A3: Restaurants and cafes
  - C1: Hotels
  - C2: Residential Institutions
  - C3: Dwelling Houses
  - B1: Business
  - D1: Non-residential institutions
- 2.15 The LDO was rolled out alongside an environmental improvement scheme, which comprised installing window boxes and removing graffiti and weeds. This was delivered by the Wiltshire and Swindon Probation Trust under the 'Community Payback' Initiative.
- 2.16 It was anticipated that the LDO would complement the redevelopment of the College Site in helping deliver the regeneration of the wider Victoria Road / Regent Circus area.

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### Effectiveness of the LDO to Date

- 2.17 To review the effectiveness of the LDO it is worth revisiting its original objectives. These are as follows:
- Objective 1:– To encourage businesses to relocate to the Victoria Road area by streamlining the process for obtaining planning consent.  
*What success would look like: By May 2016 vacancy rates along Victoria Road will have been reduced to under 10%*

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- Objective 2: - To deliver a measurable improvement in the quality of the built environment along Victoria Road.  
*What success would look like: By May 2016 both local and wider community perceptions of the Victoria Road area will have been improved, as measured by the 'Before' and 'After' occupier survey. By March 2014 pedestrian movement along Victoria Road will have been dramatically increased, as measured by the 'Before' and 'After' footfall survey.*
- Objective 3: By means of community consultation throughout the project cycle, key stakeholders will have been actively engaged in, and supportive of, the LDO project and the project outputs.  
*What success would look like: There will be widespread support for the LDO as measured by the positive feedback received from key stakeholders in response to the formal consultation on the LDO. Through engendering ownership, responsibility and care for the Victoria Road area from key stakeholders, robust yet streamlined compliance processes will have been set in place.*

- 2.18 To date, the LDO has had mixed success in achieving these objectives. Occupancy surveys show that whilst vacancy levels have not increased, they remain stubbornly high.
- 2.19 However, the local commercial agents noted that properties are changing hands and that investor interest in the area has been raised as a result of the LDO being in place.
- 2.20 It should also be noted that whilst the vacancy rate has not decreased, it has stayed level, which could be seen as a success given the wider challenges facing secondary retail areas in recent years.
- 2.21 Relaxing planning controls in Victoria Road has not delivered the regeneration of this area. Wider changes are needed to address the structural problems that Victoria Road faces. Old Town has weathered the recession well and is now performing strongly and construction of the cinema scheme at the College Site is well under way. Victoria Road will benefit from these nearby successes.
- 2.22 Overall, despite its failure to increase occupancy rates along the road, the LDO is viewed as a partial success. It has proved popular with property owners along the road, who appreciate the flexibility it gives them. It has also generated significant developer interest in the area, which bodes well for the future. For this reason officers consider it desirable to retain the LDO.

### Next Steps

- 2.23 If approved it is hoped that consultation in respect of the Whalebridge Multi-Storey Carpark will commence in May.

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- 2.24 If approved, appropriate publicity / notification will be carried out as necessary to confirm the continuation of the Victoria Road LDO, including publicity via the planning pages of the Councils website.
- 2.25 Consideration may also be given to securing wider environmental / public realm improvements to Victoria Road, to assist vitality in the area, including the appropriateness of Notices under Section 215 of the Town and Country Planning Act (Untidy Land) to remedy adverse impact upon to amenity.

### 4 Alternative Options

- 4.1 The LPA could require that a planning application be submitted to progress the Whalebridge Multi-Storey Car Park solar arrays scheme. However, the LDO provides the opportunity to streamline the planning process to help facilitate a low carbon Swindon.
- 4.2 The Victoria Road LDO could be allowed to lapse and Planning Committee Members and Planning Officers could instead rely on the policies in the Swindon Central Area Action Plan to inform planning decisions in the Victoria Road. However, the longstanding problems of the area would remain with the planning system failing to provide the certainty that developers seek.

### 5 Implications, Diversity Impact Assessment and Risk Management

#### Financial and Procurement Implications

- 5.1 The impact on planning fee income is expected to be minimal as solar PV applications represent a very small proportion of planning applications received. The reduction in planning application fees will be in part mitigated by the requirement for applicants to pay the fee for a "Certificate of Lawfulness".
- 5.2 Under the Government's Business Rates Retention Scheme, any business rates that would be generated by renewable energy schemes would be retained by the Council.

#### Legal and Human Rights Implications

- 5.3 Local Development Orders were introduced with the Planning and Compulsory Purchase Act 2004 and allow local authorities to extend permitted development rights for certain forms of development with regard to a relevant local development document. The Planning Act 2008 made it easier for Councils to introduce LDOs by removing the requirement that they should achieve policies set out in adopted local development documents.
- 5.4 The legislation is amplified by the Town and Country Planning (Development Management Procedure) (England) Order 2015: Part 8 Local Development Orders Article 38.

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- 5.5 The LDOs have been subject to formal consultation, which has provided the opportunity for comments to be made on the proposals. A further consultation would take place on the Whalebridge Multi-Storey Carpark solar arrays scheme before this site can be confirmed for inclusion in the LDO. It is not envisaged that the content of this report will have any direct implications for human rights.

All Other Implications (including Staff, Sustainability, Health, Rural, Crime and Disorder)

- 5.6 The Low Carbon LDOs support delivery of the Swindon Sustainable Energy Framework. The Victoria Road LDO supported delivery of the Town Centre Masterplan and Central Area Action Plan.

Links to One Swindon, Strategic Objectives, Plans and Policies

- 5.7 This report supports the achievement of One Swindon outcomes: with respect to deregulation, facilitating local decision-making and helping to deliver economic growth.

- 5.8 The LDOs would support delivery of the Swindon Sustainable Energy Framework and the Economic Strategy for Swindon.

Diversity Impact Assessment

- 5.9 A Diversity Impact Assessment (DIA) has been completed. We do not believe that the implementation of this proposal will create an adverse impact on the basis of age, disability, race, gender, sex, sexual orientation, religion or belief. A copy of the DIA is available from the report author on request.

Risk Management

- 5.10 An Environmental Impact Assessment has been prepared to inform the approach to the Solar Arrays LDO. Environmental Impact Assessment Scoping Reports have been prepared to inform the other LDOs.

## Consultees

- The Director of Finance (Section 151 Officer) and Director of Law and Democratic Services (Monitoring Officer) are consulted in respect of all reports.

## Background Papers

- Swindon Central Area Action Plan (2009)
- Adoption of Victoria Road LDO Planning Committee Report (February 2011)
- Extension of Time on Victoria Road LDO Planning Committee Report (February 2014)
- Adoption of Low Carbon LDOs Planning Committee Report (June 2015)

## Appendices

- Appendix 1: Victoria Road Local Development Order (As Amended 2016)

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- Appendix 2: Victoria Road Local Development Order Area Boundary
- Appendix 3: Whalebridge Multi-storey Car Park Location Plan
- Appendix 4: Sites for Canopy Mounted Solar Arrays (As Amended 2016)