

Appendix 1

Victoria Road Local Development Order (As Amended 2016)

Encompassing the Local Development Order Statement of Reasons

The Victoria Road Local Development Order grants planning permission for specified uses on the ground, upper and lower floor levels of properties in this area, subject to Conditions.

Its aim is to assist in the regeneration of this important gateway into Swindon town centre, and to help reverse the high vacancy levels along Victoria Road that are currently undermining the environmental quality of the area. The LDO is designed to supplement a range of other initiatives being progressed by the Council and partner bodies to help regenerate Central Swindon.

It is envisaged that greater flexibility over changes of use in the area will help secure higher occupancy levels throughout the area. The primary aim of the LDO is therefore to reduce the proportion of vacant properties in the area.

The LDO has an end date of 31st March 2019. By 31st March 2019 the impact of the LDO will be reviewed against the following objectives:

- 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 March 2019 vacancy rates along Victoria Road will have been reduced to under 10%,
- Objective 2: - To deliver a measurable improvement in the quality of the built environment along Victoria Road.
What success would look like: By March 2019 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 2019 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.

What does the LDO permit?

The LDO grants planning permission for changes of use of ground, lower and upper floor premises in the specified area from the current use to the following uses:

- A1: Shops
- A2: Financial and professional services
- A3: Restaurants and cafes
- C1: Hotels
- C2: Residential Institutions

- C3: Dwelling Houses
- C4: Houses in Multiple Occupancy
- B1: Business
- D1: Non-residential institutions

Conditions and Informatives

The full list of the Conditions that are attached to the LDO are set out below

General Conditions

1. The LDO is active until 31st March 2019. Development which has started under the provision of the LDO before this date can be completed following the expiry of the LDO.
2. Proposals are only deemed LDO compliant subject to the submission and subsequent Council approval of the LDO self-certification form. The LDO self-certification form can be downloaded at www.swindon.gov.uk/ldo. The purpose of the LDO self-certification form is to provide businesses with peace of mind by enabling the Council to issue a legally binding "Certificate of Lawfulness".
3. The LDO does not grant planning permission for any "development" other than the changes of use listed. With the exception of the installation, replacement of or alteration to shopfronts, or the installation of fume extraction, mechanical ventilation equipment or filtration equipment, no new build or extensions to existing properties are permissible under the LDO.
4. Where the installation, replacement or alteration of a shopfront is proposed as part of the change of use, the shopfront must be of an appearance, form and design that accords with the guidance within the Council's adopted Shop Fronts Coding Guidance (or successor documents).
5. Where the change of use would create a publicly accessible building (Class A1, A2, A3, C1, C2, B1 or D1), and the change of use would not otherwise be permitted development under the provisions of the General Permitted Development Order, the building should provide for ease of access for disabled people in accordance with the guidance within the Council's adopted Access For All Supplementary Planning Guidance (or successor documents).
6. Where fume extraction, mechanical ventilation equipment and filtration equipment are to be installed, this equipment should be installed in accordance with details that shall have first been submitted to and approved in writing by the Local Planning Authority prior to the occupation of the use. The equipment shall thereafter be retained and operated in its approved form for so long as the use remains on the site.

Informatives: General

- The LDO does not remove the requirement for advertisement consent.
- The LDO does not remove the requirement for consents obtained under other legislation, such as licensing regulations and the Building Regulations.
- Further details on the Building Regulations can be obtained from the Swindon Borough Council Building Control Service. The Building Control Service can be contacted by email on buildingcontrol@swindon.gov.uk or by Telephone 01793 466069.
- The LDO is confined to the part of Victoria Road as identified on the LDO Plan
- The Old Technical College and Beaver House are excluded from the LDO.

Informatives: Waste Water

- Basement developments: Thames Water requests that the Applicant should incorporate within their proposal, protection to the property by installing for

example, a non-return valve or other suitable device to avoid the risk of backflow at a later date, on the assumption that the sewerage network may surcharge to ground level during storm conditions.

- **Specialist Uses:** A Trade Effluent Consent will be required for any Effluent discharge other than a 'Domestic Discharge'. Any discharge without this consent is illegal and may result in prosecution. (Domestic usage for example includes - toilets, showers, washbasins, baths and canteens). Typical Trade Effluent processes include: - photographic/printing, food preparation, treated cooling water and any other process which produces contaminated water. Pre-treatment, separate metering, sampling access etc, may be required before the Company can give its consent. Applications should be made to Waste Water Quality, Crossness STW, Belvedere Road, Abbeywood, London. SE2 9AQ. Telephone: 020 8507 4321.
- **Catering establishments:** Thames Water recommends the installation of a properly maintained fat trap on all catering establishments. Thames Water further recommend, in line with best practice for the disposal of Fats, Oils and Grease, the collection of waste oil by a contractor, particularly to recycle for the production of bio diesel. Failure to implement these recommendations may result in this and other properties suffering blocked drains, sewage flooding and pollution to local watercourses. Further information on the above is available in a leaflet, 'Best Management Practices for Catering Establishments' which can be requested by telephoning 020 8507 4321

Informatives: Proposals Involving a Change to a Commercial Use

- Where a change of use to a commercial use is proposed (Changes of use to Class A1, A2, A3, C1, C2, B1 or D1), the Council will reserve the right to assess the adequacy of car parking arrangements and may require the submission of a full planning application if the parking provision is likely to require additional scrutiny.
- Where a change of use to a commercial use is proposed (Changes of use to Class A1, A2, A3, C1, C2, B1 or D1), and the floorpace area is less than 30sqm, provision should be made for a parking area capable of accommodating 2no. cycles. The cycle parking area should provide security against theft, should be easily accessible and should be well lit. To ensure that cycle parking is an attractive option consideration should be given to providing a shelter. The Council's dimension and design expectations can be found at www.swindon.gov.uk/planning
- Where a change of use to a commercial use is proposed (Changes of use to Class A1, A2, A3, C1, C2, B1, D1 or D2), and the floorpace area is greater than 30sqm, provision should be made for a parking area capable of accommodating 4no. cycles. The cycle parking area should provide security against theft, should be easily accessible and should be well lit. To ensure that cycle parking is an attractive option consideration should be given to providing a shelter. The Council's dimension and design expectations can be found at www.swindon.gov.uk/planning
- Provision should be made for refuse storage and collection facilities. Commercial uses require an area to be allocated to accommodate the "Continental 1100ltr" (the typical bin used for commercial purposes).

Informatives: Proposals Involving a Change to Class C3 Residential Use

- Where a change of use to Class C3 residential use is proposed future occupants will not be entitled to a parking permit.
- Where a change of use to Class C3 residential use is proposed, provision should be made for cycle parking equivalent to 1 space per residential unit.

- Provision should be made for refuse storage and collection facilities. Residential use requires an area of 0.75m x 2.04m per unit to be allocated to provide adequate space for 1no. Council issue wheelie bin and 2no. Council issue recycling boxes or sufficient storage for blue bag collections.

Policy Objectives of the LDO

The *Central Area Action Plan* identifies Victoria Road as a key gateway into Swindon Town Centre and also as a big obstacle to delivering the wider aim of improving linkages between Old Town and Swindon Town Centre. The *Central Area Action Plan* also acknowledges the significant problems facing Victoria Road.

The LDO is consistent with will help deliver a number of the policies of the adopted *Swindon Central Area Action Plan* (in particular Policy CAAP20 and the 'Green Spine' public realm designation).

Compliance

Any proposal which fits into the categories permitted by the LDO can take place without planning permission (subject to Conditions).

Written confirmation is provided by the Council in the form of a "Certificate of Lawfulness". There is a fee to cover the cost of processing this request.

Development which has started under the provision of the LDO can be completed following the expiry of the LDO. The uses that have taken place will therefore be allowed to continue to trade/operate but no new changes of use will be allowed under the terms of the LDO following its expiry without planning permission.

Results and Monitoring

The aim of the LDO is to maintain the vibrancy of Victoria Road by assisting in reducing the number of empty shop units in the area. The Council will actively monitor the results of the LDO by carrying out annual footfall and occupancy surveys. Results will be reported in the Council's Annual Monitoring Report.

Development which has started under the provision of the LDO will be allowed to be completed in the event that the LDO is revoked or revised.

Development which has started under the provision of the LDO can be completed following the expiry of the LDO after the end date of 31st March 2019. The uses that have taken place will therefore be allowed to continue to trade/operate but no new changes of use will be allowed under the terms of the LDO following its expiry without planning permission.

Assessment of the Risks

Within the area covered by the draft LDO, there are a number of residential properties. Residential amenity is therefore a consideration for the framing of the LDO.

Many aspects of residential amenity can be controlled via non-planning regulations. For example, noise and odour resulting from particular uses can be controlled via the statutory nuisance regime. Licensing regulations, meanwhile, can deal with hours of use.

Operations or alterations to premises which may have an impact on residential amenity, such as extractor fans or other such equipment. Proposals involving extractor fans or other such equipment will be carefully assessed.

Area covered by LDO

The Area of LDO coverage encompasses: 14 to 87 Victoria Road inclusive and 131 to 174 Victoria Road inclusive. (The Old Technical College and Beaver House are not included).

