

## **CABINET MEMBER FOR REGENERATION AND ENVIRONMENT**

**Venue: Town Hall,  
Moorgate Street,  
Rotherham. S60 2TH**

**Date: Wednesday, 22nd June, 2011**

**Time: 9.00 a.m.**

### **A G E N D A**

1. To determine if the following matters are likely to be considered under the categories suggested, in accordance with Part 1 of Schedule 12A (as amended March 2006) to the Local Government Act 1972.
2. To determine any item which the Chairman is of the opinion should be considered later in the agenda as a matter of urgency.
3. Opening of offers and e-tenders. (report attached) (Pages 1 - 2)  
- to record the action of the Cabinet Member
4. Receipt of Petition. (report attached) (Pages 3 - 7)
5. Petition requesting residents' parking - St. Ann's Road and Bramwell Street. (report attached) (Pages 8 - 15)  
Andy Butler, Senior Engineer, to report.  
- to inform the Cabinet Member of the receipt of a petition requesting residents' only parking and report investigation of the issues raised.
6. Relaxation of planning rules for change of use from commercial to residential: Government Consultation. (report attached) (Pages 16 - 27)  
Ryan Shepherd, Senior Planner, to report.  
- to report the background to the consultation and consider the suggested response.

**Date of Next Meeting  
Monday, 4th July, 2011**

#### **Members:**

**Councillor Smith, Cabinet Member for Regeneration and Environment  
Councillor Walker, Senior Adviser  
Councillor Tweed, Adviser  
(Councillor Pickering, Chair, Planning Board;  
Councillor Dodson, Vice-Chair, Planning Board  
Councillor Whysall, Chair, Improving Places Select Commission  
Councillor Falvey, Vice-Chair, Improving Places Select Commission)**

<b>ROTHERHAM BOROUGH COUNCIL – REPORT TO MEMBERS</b>
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<b>1.</b>	<b>Meeting:</b>	<b>Cabinet Member for Regeneration and Environment</b>
<b>2.</b>	<b>Date:</b>	<b>22<sup>nd</sup> JUNE, 2011</b>
<b>3.</b>	<b>Title:</b>	<b>OPENING OF OFFERS and E-TENDERS</b>
<b>4.</b>	<b>Directorate:</b>	<b>Chief Executive's</b>

### **5. Summary**

The purpose of this report is to record the opening of offers and e-tenders for the following:-

on 31st May, 2011 for: -

- (i) Former Queen Street Depot, Queen Street, Dinnington - offers
- (ii) Swinton Fitzwilliam Primary School lift – e-tenders

### **6. Recommendation:-**

**That the action of the Cabinet Member in opening the offers and e-tenders be recorded.**

## **7. Proposals and Details**

Offers and E-tenders in respect of the following were opened by the Cabinet Member for Regeneration and Environment on 31st May, 2011:-

- (i) Former Queen Street Depot, Queen Street, Dinnington (offers)
- (ii) Swinton Fitzwilliam Primary School lift (e-tenders)

## **8. Finance**

To dispose of surplus asset and contribute to the capital programme.  
To secure value for money.

## **9. Risks and Uncertainties**

Uncertain development market.  
Service, health and safety and DDA implications.

## **10. Policy and Performance Agenda Implications**

In accordance with financial and contractual requirements.

## **11. Background Papers and Consultation**

Email: Land and Property Team  
Category Manager, RBT

**Contact Name : Janet Cromack, Senior Democratic Services Officer**  
**Ext: 22055**  
**Email: [janet.cromack@rotherham.gov.uk](mailto:janet.cromack@rotherham.gov.uk)**

<b>ROTHERHAM BOROUGH COUNCIL – REPORT TO MEMBERS</b>
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<b>1.</b>	<b>Meeting:</b>	<b>Cabinet Member for Regeneration and Environment</b>
<b>2.</b>	<b>Date:</b>	<b>22<sup>nd</sup> June, 2011</b>
<b>3.</b>	<b>Title:</b>	<b>Receipt of Petition</b>
<b>4.</b>	<b>Directorate:</b>	<b>Chief Executive's</b>

**5. Summary**

The purpose of this report is to report the receipt of the following petition:-

- residents' parking scheme – Clifton Bank

**6. Recommendations:-**

**(i) that the receipt of the petition be noted.**

**(ii) that the petition be referred to Parking Services to investigate the matters raised in the petition and a further report be submitted to a future meeting of the Cabinet Member for Regeneration and Environment.**

## **7. Proposals and Details**

The following petition has been received and will be presented to Council on 27<sup>th</sup> July, 2011:-

(i) Residents' Parking Scheme – Clifton Bank

A copy of the petition (Appendix A) is attached.

## **8. Finance**

Service Area and legal expenses.

Costs associated with any proposed scheme.

## **9. Risks and Uncertainties**

Road safety issues.

Expectations of local residents.

## **10. Policy and Performance Agenda Implications**

Aligned to the Corporate Strategy.

## **11. Background Papers and Consultation**

None.

**Contact Name : Janet Cromack, Senior Democratic Services Officer**

**Ext: 22055**

**Email: [janet.cromack@rotherham.gov.uk](mailto:janet.cromack@rotherham.gov.uk)**

*Ullah Mahroq Hussain*

Letter to:

Strategic Director: Karl Battersby

Parking Services, POBox 660, Rotherham, S60 9DQ

Copy: Appeals & Representation office

Copy: Councillor Wooten

Copy: Press - Rotherham Advertise

30<sup>th</sup> May 2011

Dear Sir/ Madam

We are writing to complain and express our concern at the way the Resident's' Parking Scheme is currently being operated for the people living on Clifton Bank. The scheme as it is being run is not viable and unfair to residents, who are suffering from it in greater numbers than ever.

The scheme has been gradually eroded as the number of cars and vans on the road has expanded over time along with the number of parking permits issued, particularly with multiple vehicle use, and rise in numbers of those for business. This means that more residents are being penalised by wardens, and are struggling to find non-existent allocated spaces in this narrow and overcrowded cul de sac. The scheme was designed to protect residents' parking and now operates against them. In this absurd situation, the council does nothing to ease the burden on the residents who now have to put up with wardens pursuing us as early as 7:30 in the morning.

Last week wardens were out early in the morning and issuing penalty notices to several residents (all displaying permits), before there was any chance of them moving their cars into a space. On 27<sup>th</sup> May, for example residents living at No<sup>23</sup> 4, 7, and 9 were hit with parking penalty notices at this early time, in full knowledge that the road was jammed full. The residents now feel that the

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scheme needs a review on an urgent basis and as a minimum first step, that wardens do not patrol Clifton Bank until 9 am. Finding a parking place has become a lottery. We wish to point out that several requests have been made for data to be released showing the growing numbers of permit holders being penalised, when clearly common sense indicates that there are insufficient allocated spaces for us, other residents are reluctant to dig up their gardens to create more room for cars, in this once pleasant street.

We are fobbed off by the council with a standard response each time we approach it, citing the scheme 'rules' and right to appeal. We are dissatisfied with the way the parking scheme is run for the reasons stated and would ask you to meet with us in an effort to improve the situation so that the scheme operates for us rather than against us .

Yours Sincerely,

PAT SWIFE	18 CLIFTON BANK
Adam Borecki	6 Clifton Bank.
Roman Wojciechowski	6 Clifton Bank
Eliza Borecka	5 Clifton Bank
Robert McGwynny	10 Clifton Bank
Mrs Williams	No 9
Faizal Saddique	23 Clifton Bank - 31/May 2011
Mr Kenneth A Lee	N <sup>o</sup> 4
Bianca Pickington	
& Danny Pickington	8 Clifton Bank.
Hilary Gadsdon	11 Clifton Bank
David Ellum	11 Clifton Bank
LEE Marshall	13 Clifton Bank
JAMES Moran	" " "
Flanagan	16 Clifton Bank
M. V. ...	16 Clifton Bank
to Mrs ... Mr ...	17 Clifton Bank

Julie Hird 7 Clifton Bank  
Steve Hird. 7 Clifton Bank.



<b>ROTHERHAM BOROUGH COUNCIL – REPORT TO MEMBERS</b>
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<b>1.</b>	<b>Meeting:</b>	<b>Regeneration and Environment Matters</b>
<b>2.</b>	<b>Date:</b>	<b>22nd June 2011</b>
<b>3.</b>	<b>Title:</b>	<b>Petition requesting residents' parking – St. Ann's Road and Bramwell Street</b>
<b>4.</b>	<b>Directorate:</b>	<b>Environment and Development Services</b>

**5. Summary**

To inform Cabinet Member of the receipt of a petition requesting residents' only parking on St. Ann's Road and Bramwell Street, Eastwood and detailing the investigation into the issues raised.

**6. Recommendations**

**Cabinet Member is asked to resolve that**

- i. That the petition not be acceded to**
- ii. That the lead petitioner be informed accordingly**

**7. Proposals and Details**

A 32 signature petition has been received requesting resident only parking on St Ann's Road and Bramwell Street, Eastwood. A copy of the petition is attached as Appendix A.

Cabinet Member will recall that following concerns about non residential parking on the periphery of the town centre, proposals for residents' only parking in the Eastwood North (including St Ann's Road and Bramwell Street) and the Eastwood South areas were developed. However following extensive consultations, a majority of Eastwood North residents rejected the proposals. A residents' parking scheme was only implemented in the Eastwood South area (Minute No 96 of 17/9/2007 refers a copy of which is attached as Appendix B).

St Ann's Road and Bramwell Street could not be considered in isolation. Any non residential parking would be displaced into the adjacent streets. Therefore it would be necessary to look at the whole of the Eastwood North Area.

Due to reductions in the Local Transport Plan Integrated Transport block funding, there are insufficient resources available to undertake a further study and investigation to consider if a residents' parking scheme should be established in

the Eastwood North area. Furthermore there is very high risk that such a proposal would fail again due to the high level of public opposition that the earlier consultations established.

In view of this it is recommended that the request for residents' parking on St. Ann's Road and Bramwell Street should not be acceded to.

**8. Finance**

None

**9. Risks and Uncertainties**

Further complaints about non residential parking maybe received.

**10. Policy and Performance Agenda Implications**

The proposals are in line with objectives set out in the South Yorkshire Local Transport Plan.

**11. Background Papers and Consultation**

Appendix A – Copy of the petition

Appendix B – A copy of Minute No 96 of from the Cabinet Member meeting of 17/9/2007.

**Contact Name** : *Simon Quarta, Assistant Engineer, Ext 54491*

[Simon.Quarta@rotherham.gov.uk](mailto:Simon.Quarta@rotherham.gov.uk)

**Petition for resident only parking on**  
**St Ann's road and Bramwell Street**

Name	Address	Signature
KARL WILSON	118 ST ANN'S ROAD	K. Wilson
A. DUBE	120 ST ANN'S ROAD	A. Dube
15th April M. BASHIR	114 ST. ROAD	M. Bashir
SAFIYA BI	7 BRAMWELL STREET	S. Bi
MARTIN KHAY	5 BRAMWELL ST	M. Khay
LALU JOSE	9 BRAMWELL ST	L. Jose
mehmet sumkhan	11 Bramwell St	M. Sumkhan
SURZIMSKA	21 Bramwell Street	S. Surzimska
VIRGINIA	BRAMWELL STREET	VIRGINIA
LIHARAJA-HOEVATH	23 BRAMWELL STREET	L. Hoevath
Bibin Charles	25 BRAMWELL S	B. Charles
I. MURPHY	31 BRAMWELL ST.	I. Murphy
ZURANI HISHAF	42 BRAMWELL ST	Z. Hishaf
S. KINIA ISHAF	16 HOHNERLEY RD	S. Kinia
BARRY LEE	56/58 BRAMWELL ST	B. Lee
BOB HULFIN	40 BRAMWELL ST	B. Hulfin
B. S. SMITH	52 BRAMWELL ST.	B. S. Smith
J. HERRING	54 BRAMWELL STREET	J. Herring
T. HERRING	50 BRAMWELL ST	T. Herring
A. JACKSON	42 BRAMWELL ST	A. Jackson
E. FRITH	38 BRAMWELL ST	E. Frith
MR PAUL RUWE	32 BRAMWELL ST	P. Ruwe
Abdul Wahid	14 BRAMWELL ST.	A. Wahid
K. NAIL	16 BRAMWELL STREET	K. Nail
M. SULTAN	10 D'AM	M. Sultan
L. BHATTI	12 BRAMWELL ST	L. Bhatti
IAN JORSEBY	18 BRAMWELL ST	I. Jorseby
KASHIE ZAHOR	130 ST ANN'S ROAD	K. Zahor
P. WARD	116 ST ANN'S RD	P. Ward
	136 ST ANN'S RD	
	4 BRAMWELL ST	

<b>ROTHERHAM BOROUGH COUNCIL – REPORT TO MEMBERS</b>
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<b>1.</b>	<b>Meeting:</b>	<b>Regeneration and Development Services Matters</b>
<b>2.</b>	<b>Date:</b>	<b>17<sup>th</sup> September 2007</b>
<b>3.</b>	<b>Title:</b>	<b>Results of the consultation on the proposed residents' parking schemes at Eastwood North and South</b>
<b>4.</b>	<b>Directorate:</b>	<b>Environment and Development Services</b>

**5. Summary**

To inform Cabinet Member of the outcome of the public consultations carried out in the Eastwood North and Eastwood South areas about the proposed introduction of Residents' parking schemes. The report also considers an amendment to charges in the existing residents' parking scheme in Wellgate

**6. Recommendations**

**Cabinet Member resolve that:**

- i) The introduction of the Eastwood North Residents' parking zone be abandoned and residents be informed accordingly**
- ii) The residents' parking zone in Eastwood South be introduced and residents be informed accordingly**
- iii) Cost of the first annual parking permit to be £17.50 and a second annual permit to be £35.00. The permits valid for 6 months be made available at a cost of £12.50 and £25.00 respectively**
- iv) That the cost of the residents and visitor parking permits in the existing Wellgate residents parking zone are reviewed to ensure that the scheme is cost effective and that a report be presented to a future Cabinet Member meeting.**

## 7. Proposals and Details

Council minute Nos 166 of January 2006 and 157 of November 2006 refer to proposals to introduce Resident's Parking Schemes in Eastwood North and Eastwood South.

In April 2007 leaflets outlining the proposals and containing a questionnaire, were sent out to 754 households in the Eastwood North Area and 525 households in the Eastwood South Area. The survey was also made available on-line. Residents were also given an opportunity to put forward their opinions to officers at public exhibitions held at the Eastwood Village Community Centre and The Unity Centre.

### Eastwood North

A total of 122 responses were received to the Eastwood North Consultation giving an overall response rate of 16 per cent.

From the responses received 72 respondents (59 percent) said they had problems parking on their street, but only 60 respondents (49 percent) said they would support the introduction of a designated residents parking area in Eastwood North. 44 respondents (36 per cent) said they were against the idea, meaning that although the overall response was that Eastwood North residents are in favour of the residents only parking scheme, the differential between those who were in favour and against the proposal is very small, and equates to just 16 responses or 2% of the households consulted.

In addition a 218 signature petition was received objecting to the imposition of resident's parking in Eastwood North. The petitioners did not give any reason for objecting to the introduction of such a scheme. An analysis was undertaken looking at the addresses of the signatories. This was combined with the addresses of the respondents to the questionnaire. On a street by street basis it was found that with the exception of St Anns Road, a clear majority of residents on each street were against the introduction of residents parking in Eastwood North. A copy of the petition together with drawing No 1126/16/TT414(i) showing an analysis of all responses is attached in Appendix A

It was also noticeable by members of staff who attended the public exhibition at Eastwood Village Community Centre, that the majority of those who visited from Eastwood North did not support the proposal.

The Eastwood Business Partnership also raised their objections to the Eastwood North Scheme, expressing concerns that making kerb space next to businesses residents only parking, would adversely affect local businesses.

Whilst a small majority of residents who replied to our questionnaire were in favour of the proposal, in view of the low response rate, in conjunction with the 218 signature petition rejecting the proposal it is felt that there is insufficient public support to justify pursuing a residents' parking scheme in Eastwood North.

### **Eastwood South**

A total of 156 responses were received to the Eastwood South survey, giving an overall response rate of 30 per cent.

81 percent of respondents from Eastwood South said they had problems parking on their street. 97 respondents (63 per cent) said they would support the introduction of a designated residents' parking area in the Eastwood South area. 31 respondents (20 percent) said they would not support residents only parking.

A 5 signature petition opposing the scheme was received during the consultation period. The scheme is opposed on the grounds that it is "neither practical nor necessary" and "the purchase of a parking permit is another form of tax". Eastwood South is the area where most complaints about non-residential parking have been received in the past. The consultation confirms this with 81 percent of respondents saying they have difficulty parking on their street. The proposed permit fees represent the cost of administration and enforcement of the scheme and are not a tax. Leaving one residential street out of the zone would not be an option as this would further exacerbate parking stress, leaving residents that are ineligible for permits with no where to park. In view of this it is recommended that the petition should not be acceded to.

A further 93 signature petition was received outside the consultation period. The objection was on the grounds that the signatories should not have to pay to park outside their homes when their cars are taxed, insured and they pay their Council tax, on streets that are not congested with non residential parking. Again our consultation confirms there are in fact parking problems in the Eastwood South area. Analysis of the petition this showed that only 11 signatories lived within Eastwood South area. The primary basis for introducing resident only parking is to prevent commuters and shoppers from outside the area from parking in those streets. Therefore only the opinions of residents who live within the proposed zone should be considered. 82 Signatures from outside the proposed zone should therefore be disregarded. Even If the 11 signatures that live within Eastwood South are considered with along the 31 respondents who replied to our questionnaire and objected to the proposal, there is still a majority of support in favour of the introduction of residents' parking in Eastwood South. Therefore it is recommended that the petition should not be acceded to and that we proceed with the scheme. A copy of both petitions is attached in Appendix B.

Over three quarters of Eastwood South residents who said they experienced parking problems in their street said that they would support the introduction of residents-only parking. 61 percent of residents agree with the proposed hours of operation.

Some 33 percent of respondents expressed concerns about the costs of annual parking permits. In the original proposal this was £25.00 for the first permit and £50.00 for a second.

This was also one of the main concerns expressed at the public consultation event at the Unity Centre in Eastwood South. In view of this, the cost of permits has been reviewed in conjunction with our colleagues in Streetpride's Parking

Services. Initially the cost of permits could be restricted to £17.50 for the first permit and £35.00 for the second but this would have to be reviewed in 12 months time to ensure that the scheme is self financing and covers its costs. These charges should cover the cost of enforcement, stationary costs and all administration including sending out annual reminder letters when permits need to be renewed.

Some residents were concerned at having to purchase a 12 month permit when they may be leaving before the expiry of the permit. Some residents also felt the permit costs were a financial burden. It is felt that lower cost parking permits valid for a period of 6 months be made available at a cost of £12.50 for the first permit and £25.00 for the second permit.

Concerns were also raised about the lack of provision of permits for additional visitors. To address this, daily permits at a cost of £1.00 each could be made available as in the existing Wellgate scheme.

In the existing residents parking scheme in Wellgate, permits are renewed annually at the same date for all residents regardless of when the permit was applied for, meaning that if someone moves into a property say 3 months before the renewal date, they have to pay the full permit price for a permit that will only last 3 months. It is proposed that this is changed so that in all residents parking schemes, permits will be valid for 12 months from the date of issue.

Due to security issues it is recommended that we continue with the principle of putting registration numbers on resident permits.

Representations were made by the Ridge Road Mosque concerning the effects of resident only parking on visitors to the Mosque. In view of the majority of dwellings at the north east end of Ridge Road having off street parking available, the proposed residents only parking spaces in this part of Ridge Road should be made time limited waiting with a maximum stay 2 hours no return in 3 hours, with an exemption for residents as shown on drawing No 126\18\TT442 marked as Appendix C.

As a result of the consultations it is felt that there is sufficient support within Eastwood South for the introduction of residents parking, and it is recommended that we proceed.

### **Existing Wellgate Residents' Parking Scheme**

A further issue raised by a number of visitors to the public exhibitions concerns the proposed charges when compared to the existing Wellgate scheme in which all permits cost £5.00 each.

When this residents parking scheme was introduced around 10 years ago enforcement was undertaken by the Police Traffic Wardens so this element had no effect on Council resources. Cost of permits and administration was adequately covered by the £5.00 fee in order to ensure that the scheme was self-financing. However this fee has never been reviewed and following

decriminalisation of parking offences, and enforcement is now carried out by Council parking attendants.

The £5.00 permit fee no longer reflects the true cost of enforcement and administration of the scheme, which as mentioned previously is estimated to be £17.50 for the first permit. It is therefore recommended that colleagues in Streetpride's Parking Services review the costs associated with running the existing Wellgate residents parking zone and a report, is presented to a future Cabinet Member meeting.

### **8. Finance**

The cost of introducing residents' parking controls in Eastwood South is estimated at £25000. Funding is available from the Local Transport Plan Integrated Transport Capital Programme for 2007/08. Ongoing revenue costs of administration and enforcement of the scheme would be self financing through the permit system.

### **9. Risks and Uncertainties**

Some residents may still object to paying for permits to park on street, A traffic regulation order will have to be advertised which may result in further objections. Residents in the exiting Wellgate scheme may object to the permit charges being increased.

### **10. Policy and Performance Agenda Implications**

The proposals are in line with objectives set out in the South Yorkshire Local Transport Plan, and support the themes in the Corporate Plan and Community Strategy.

### **11. Background Papers and Consultation**

A quantitative paper-based questionnaire was distributed to 754 households in the Eastwood North Area, and 525 households in the Eastwood South Area at the end of April 2007. The survey was also made available on-line. The survey was also made available on-line. Residents were also given an opportunity to put forward their opinions in person at events held at the Eastwood Village Community Centre and The Unity Centre.

Statutory Consultations including the Police have also been undertaken and no objections were received.

Council minute Nos 166 of January 2006 and 157 of November 2006 refer to the original proposals to introduce Resident's Parking Schemes in Eastwood North and Eastwood South.

**Contact Name:** *Simon Quarta, Assistant Engineer, Ext. 2959,*  
[Simon.quarta@rotherham.gov.uk](mailto:Simon.quarta@rotherham.gov.uk)



<b>ROTHERHAM BOROUGH COUNCIL – REPORT TO MEMBERS</b>
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<b>1.</b>	<b>Meeting:</b>	Cabinet Member for Environment and Regeneration
<b>2.</b>	<b>Date:</b>	20 June 2011
<b>3.</b>	<b>Title:</b>	Relaxation of planning rules for change of use from commercial to residential: Government Consultation
<b>4.</b>	<b>Directorate:</b>	Environment & Development Services

### **5. Summary**

The Government is proposing to amend planning rules allow changes of use from commercial (B use classes) to residential use (C3 use classes) and from shops (A1) and financial and professional services (A2) to mixed use of A1 or A2 plus more than one flat without the need for planning applications. This report sets out the background to the consultation and the suggested RMBC response.

### **6. Recommendations**

- That Cabinet Member notes the content of this report and approves the submission of the comments at appendix A as Rotherham's response to this Government consultation.

## 7. Proposals and Details

The Government is currently consulting on proposed changes to permitted development rights to allow further changes of use to be carried out without requiring planning permission. The consultation period ends on 30<sup>th</sup> June 2011.

Planning permission is usually required for material changes of use. Under current legislation planning permission is not required where both the existing and the proposed use fall within the same class within the Town and Country Planning (Use Classes) Order 1987 (as amended). It also provides for some limited changes of use between different use classes.

The Government is proposing to introduce changes which would:

- allow changes of use from B1 (business – offices, research and development premises and light industry), B2 (general industrial) and B8 (storage and distribution) to C3 (dwelling houses) to happen freely without the need for planning applications
- allow land to revert to its original B use class as long as it does so within five years of having changed as a result of this policy.
- build on the current situation whereby it is possible to convert unused space above a shop into a flat, to allow change of use from A1 (shops) and A2 (financial and professional services) to mixed use of A1 or A2 plus more than one flat

These proposals relate only to change of use. Where a development requires any additional work to the exterior of an existing building or is a new build development, a planning application will be required in the normal way. Proposals involving the following are excluded because they raise issues requiring further consideration:

- listed buildings and scheduled monuments
- safety hazard zones
- development where an environmental impact assessment is required
- development on land affected by contamination.

The Government is proposing these changes as part of its aim to support economic growth by encouraging developers to bring redundant commercial premises back into use and at the same time help tackle the need for more housing. It argues that removing the burden and costs associated planning applications should encourage developers to bring forward more proposals for housing. It is proposed that the impact of these proposals, if implemented, would be reviewed after three years.

The Government identifies the following potential benefits:

- greater freedoms will encourage the more efficient use of land and buildings through enabling more direct responses to clear price signals.
- encouraging developers to bring forward more housing proposals and make better use of buildings that are no longer needed and/or unsuitable for their original purpose.
- that B1 uses are most likely to be located in suitable locations for housing and that in many cases existing premises will lend themselves to conversion to housing without the need for extensive external works.

- that in general, the market will make sensible decisions about where land classified as B2 and B8 is and is not suitable for residential development
- reduced planning process required for local authorities, therefore there will be corresponding administration savings which could be used to provide other services

The consultation document acknowledges that there is a risk that the changes may be perceived by some as a loss of control for local authorities and their ability to consider the wider external costs and benefits of development in coming to a decision. It also identifies a number of potential impacts:

- **Impact on amenity, services and housing mix** – there is potential for the loss of important local commercial premises or, concern about the lack of local services such as doctors' surgeries or schools. These issues would not be addressed by proposals although the Government notes that they could occur through other action by the local authority or the developer on a voluntary basis.
- **Loss of commercial land and property and the impact on areas with high residential values** - the market will attach a higher value to the residential use and this could act as an incentive to owners to consider change of use of economically viable and prosperous commercial uses to residential use. The Government does however believe that re-use of previously developed sites should lead to less pressure on greenfield sites
- **Transport and parking** - removing the requirement to submit planning applications would remove any obligation to prepare travel plans and remove the opportunity for the local authority to ensure the developer addressed any transport issues the change of use brought.
- **Noise** - if the impacts were higher than the previous use there may be other routes for dealing with problems that arise, such as through environmental health legislation.
- **Site location impacts** - some B class uses (particularly B2) may have characteristics that reduce their acceptability as housing sites. There is also a possibility that replacement of industrial development with housing could create 'bad neighbour' situations for adjoining activities, leading to a call for tighter environmental or operational controls to be placed on existing surrounding activities.

As part of the consultation the Government is seeking views on potential options to address these impacts:

- **Conditions and prior approval** – attaching standard conditions to the permitted development right; either associated with a prior approval mechanism or based on self-certification by the developer.
- **Introducing a threshold** - above which the permitted development right did not apply. I.e. based on the number of dwellings being created or at the level where an Environmental Impact Assessment is required.
- **Article 4 Direction** - local planning authorities can make an Article 4 Direction, to remove the permitted development right and require planning applications for such development. The Government is minded not to apply the provisions in section 189 of the Planning Act 2008 which provide a cap on potential liability for compensation where permitted development rights are

removed, providing it was possible to design the permitted development right nationally in a manner that addressed any significant adverse impacts

- **Local development orders** - should there be very localised instances where there is a significant and unacceptable loss of commercial land, local authorities already have the ability to use **local development orders** to allow for other balancing changes in the local planning regime e.g. to allow for change of use from C to certain B use classes. The Government is seeking views on the principle of liberalisation on a national basis from C3 use (dwelling houses) to certain B use classes.

### **Proposed RMBC Response**

The Government has set out in its consultation document specific questions on which it would welcome a response. Appendix A sets out the proposed RMBC response to these questions. It has been requested that the proposed response is also considered by the Council's new Improving Places Commission. Due to the deadline for responding back to Government the proposed response has been circulated to Members on the Improving Places Commission and any comments raised will be fed back verbally at the Cabinet Member meeting.

### **8. Finance**

A number of possible financial implications may arise from implementation of these proposals:

- Possible loss of business rates;
- potential costs associated with investigating statutory nuisances;
- cost of issuing Article 4 directions, if pursued, including potential compensation not capped by Section 189 of the Planning Act 2008.
- loss of income from planning applications
- A potential need to fund improvements which may otherwise have been secured through developer agreements, for example additional road calming measures.

### **9. Risks and Uncertainties**

The impact of the proposed changes will vary in different locations, and therefore the precise implications in financial terms, as identified above, will be difficult to predict. In a worse case scenario it may lead a need to find alternative employment sites should some existing areas cumulatively change to a residential character.

### **10. Policy and Performance Agenda Implications**

The implementation of the proposal could make a positive contribution to Rotherham's Regeneration priorities by increasing housing supply:

- providing sufficient good quality homes supports the priority of Rotherham Safe
- well designed, decent affordable housing also contributes to the cross-cutting theme of Sustainable Development
- help to further encourage regeneration and renaissance of Rotherham Town Centre

However there could be negative impacts on the borough's employment land supply through the loss of viable employment premises, or through the need to provide further employment land in less sustainable locations:

- providing employment land helps meet the needs of the modern economy and supports sustainable communities through access to employment opportunities
- The need to provide further employment sites in potentially less sustainable locations, possibly including greenfield and greenbelt locations could be detrimental to Rotherham's sustainable development theme.

#### **11. Background Papers and Consultation**

- Appendix A – proposed consultation response
- Relaxation of planning rules for change of use from commercial to residential: Consultation Document:

<http://www.communities.gov.uk/publications/planningandbuilding/relaxationchangeconsultation>

The proposed response to this consultation has been prepared in consultation with Neighbourhoods and Adult Services and the Chief Executive's Office.

The proposed response is also being considered by Members of the Council's Improving Places Commission.

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## Appendix A

### Relaxation of the planning rules for change of use from business to residential: Consultation Questionnaire

#### Question A:

**Do you support the principle of the Government's proposal to grant permitted development rights to change use from B1 (business) to C3 (dwelling houses) subject to effective measures being put in place to mitigate the risk of homes being built in unsuitable locations?**

No

#### **Please give your reasons:**

This proposal is not supported as it has the potential to undermine the plan-led system. It would effectively establish that the principle of residential use within B1 allocations is acceptable. Whilst B1 uses are considered to be compatible with residential uses, it does not follow that all B1 premises are in sustainable or suitable locations for housing. Equally B1 uses may be present within broader industrial areas. It is considered that the measures to address impacts arising from the proposal are inadequate. Any measures put in place could become more confusing and complicated than an actual planning application.

There is also a very real concern that the proposal would lead to viable employment uses being forced out as owners seek higher value land uses. There is the potential for any cumulative impact to increase the need to find and allocate sites elsewhere for employment land, potentially resulting in development in less sustainable locations.

The proposal would allow Council's no control over the standard of accommodation, amenity space, unit sizes and so on. Whilst other regulatory functions may allow consideration of some of these issues, there is potential that this could lead to lower quality housing.

#### Question B:

**Do you support the principle of granting permitted development rights to change use from B2 (general industrial) and B8 (storage & distribution) to C3 (dwelling houses) subject to effective measures being put in place to mitigate the risk of homes being built in unsuitable locations?**

No

#### **Please give your reasons:**

This proposal is not supported as it has the potential to undermine the plan-led system. One of the key roles of the planning system is to mediate between the requirements of different land uses and to ensure that appropriate consideration and protection is given to issues of amenity and to the wider impacts of development.

This proposal would potentially remove many relevant considerations. It is considered that the measures to address impacts arising from the proposal are inadequate. Any measures put in place could become more confusing and complicated than an actual planning application.

It would effectively establish that the principle of residential use within general industrial allocations is acceptable. It is considered that excessive weight has been given to assuming that market forces will make 'appropriate' decisions regarding where changes of use to residential would be viable.

There is also a very real concern that the proposal would lead to viable employment uses being forced out as owners seek higher value land uses. There is the potential for any cumulative impact to increase the need to find and allocate sites elsewhere for employment land, potentially resulting in development in less sustainable locations.

The proposal would allow Council's no control over the standard of accommodation, amenity space, unit sizes and so on. For example warehouses on industrial estates could become residential, raising noise and air quality issues. Whilst other regulatory functions may allow consideration of some of these issues, there is potential that this could lead to lower quality housing.

There are also concerns that the proposals may in some circumstances result in Traveller sites being set up without the need for permission (for example establishing such a residential activity within a large B8 storage and distribution use).

**Question C:**

**Do you agree that these proposals should also include a provision which allows land to revert to its previous use within five years of a change?**

Yes

**Comments:**

None

**Question D:**

**Do you think it would be appropriate to extend the current permitted development rights outlined here to allow for more than one flat?**

Yes

**If so, should there be an upper limit?**

No

**Comments:**

Such proposals could contribute towards increasing residential populations in sustainable locations within town or other centres, and subsequently to improving

their vitality and viability. As such there would appear to be no reason to artificially restrict the number of units which could be created on upper floors, providing any works meet the requirement of other regulations such as building control, health and safety and so on. It is also difficult to envisage how any national restriction on upper limit could operate as each case will be different and would need to be considered on its merits.

**Question E:**

**Do you agree that we have identified the full range of possible issues which might emerge as a result of these proposals?**

Yes

**Are you aware of any further impacts that may need to be taken into account?**

Yes

**Please give details:**

Whilst the main issues have been identified, it is not considered that they have been given the appropriate level of consideration, nor that the very real impacts have been given appropriate weight.

For example, it is noted that issues usually addressed via any planning application, such as affordable housing, would not be considered and there would be no obligation on developers to address these. It is naïve to believe that such issues would be addressed voluntarily by developers, or that local authorities will have sufficient time and resources to address any issues arising itself.

Whilst few existing premises are likely to be suitable for conversion to residential use without external works, it is considered that insufficient weight has been given to the potential impact on viable businesses (displaced to make way for higher value uses) or to the potential cumulative impact on employment land supply. It is concerning that this potential displacement could be considered 'an efficient outcome' when it could mean a need to consider the allocation of land to accommodate them; such sites may be less desirable – for example on greenfield sites or in Green Belt locations.

It is not considered that the impacts upon amenity have been appropriately considered. It could lead to the development of housing in areas of lower environmental quality uncontrolled by planning conditions, and equally impact upon the operation and amenity of adjoining employment uses. Where pockets of residential use arise in or adjoining existing employment areas allocated for such uses, it may be detrimental to the local economy if businesses are limited in their activity due to the presence of housing. Within the plan led system, where policies clearly set out appropriate uses within certain locations, existing occupiers may feel that their operations could be undermined in the future.



There is concern that the consultation underestimates the effectiveness of other regulatory controls.

**Question F:**

**Do you think that there is a requirement for mitigation of potential adverse impacts arising from these proposals and for which potential mitigations do you think the potential benefits are likely to exceed the potential costs?**

Yes

**Comments:**

If implemented, these proposals would most certainly need mitigation measures to be introduced. However it is considered that the approaches suggested are all far less effective than the present planning application requirements, and that the overall benefit from the proposal is unlikely to outweigh the costs in terms of reduced ability to address issues at a local level.

**Question G:**

**Can you identify any further mitigation options that could be used?**

None

**Question H:**

**How, if at all, do you think any of the mitigation options could best be deployed?**

The use of conditions is appropriate; however would any standard set of conditions be introduced at a national level? If so then this 'broad brush' approach is unlikely to ensure that the impacts of development respond to the local circumstances of each case. A more appropriate approach would be for conditions to be considered at local level, as per current arrangements in respect of planning applications.

Should this approach be taken forward then a prior approval approach would be a far more transparent mechanism than relying on the self certification of developers.

A threshold approach would also be supported.

**Question I:**

**What is your view on whether the reduced compensation provisions associated with the use of article 4 directions contained within section 189 of the Planning Act 2008 should or should not be applied? Please give your reasons:**

It is not considered appropriate that the Government should remove the provisions of section 189 of the Planning Act 2008 should Article 4 directions be introduced. The consultation notes that this action would be conditional on any permitted

development rights addressing significant adverse impacts. On the evidence presented it is not considered that the mitigation measures proposed would allow adverse impacts to be appropriately addressed as they generally remove the detailed consideration of issues arising from development at a local level. Mitigation introduced at a national level is unlikely to be detailed enough to allow appropriate consideration of issues at a local level, or alternatively result in excessive 'catch all' measures which would outweigh the benefits likely to arise in terms of housing numbers.

**Question J:**

**Do you consider there is any justification for considering a national policy to allow change of use from C to certain B use classes?**

No

**Please give your reasons:**

It is considered that this would further undermine the plan led system and lead to less local influence upon the appropriateness of uses in different locations. Along with the proposal to allow change from B uses to C uses, this would appear to undermine the Governments moves towards localism.

**Question K:**

**Are there any further comments or suggestions you wish to make?**

Broadly the principle of allowing permitted change of B uses to housing is not supported as it is considered that it undermines the plan led system, does not appropriately allow for mitigation of issues arising from such a move, and appears to be against the spirit of localism. Local people and neighbours would have no say on the change of use, which is contrary to the messages emerging from the Localism Bill.

There is a concern that it will lead to pockets of housing in inappropriate locations and with lower environmental conditions, potentially detrimental to those at the lower end of the housing market. The consultation fundamentally misses the point that many of those on a lower income have no real choice to rent sub standard accommodation. The free market may prevent home owners moving to unacceptable housing, but the low income private renters may have no option.

Whilst the consultation is reasonably explicit in stating that the intention is to 'make better use of buildings that are no longer needed and/or unsuitable for their original purpose' this not addressed by any of the mitigation measures proposed; indeed the proposal would leave the door open for existing suitable, viable employment premises to be changed to residential use in pursuit of higher land values. Establishing this principle appears to be detrimental to providing stability and certainty for developers and for existing businesses.

## The impact assessment questions

### **Question 1:**

**Do you think that the impact assessment broadly captures the types and levels of costs and benefits associated with the policy options?**

No

### **If not why?**

It is considered that insufficient consideration has been given to the impact on BME communities, those with lower employment skills and other disadvantaged groups. The potential for developments to create housing in lower quality environments may result in properties most attractive to those less affluent within our communities or who have less choice in the housing market. There is potential for this to lead to an over representation of such groups in particular areas – this does not encourage community integration/cohesion.

The proposal could potentially impact upon the supply of employment land – either reducing availability or potentially requiring alternative provision in less sustainable locations. This lack of appropriate or sustainable employment land supply could have a disproportionate impact on BME and low skilled employment rates, which are double compared to the indigenous population.

### **Question 2:**

**Are there any significant costs and benefits that we've omitted?**

Yes

**If so, please describe including the groups in society affected and your view on the extent of the impact:**

See question 1

### **Question 3:**

**Are the key assumptions used in the analysis in the impact assessment realistic?**

No comment

**If not, what do you think would be more appropriate and do you have any evidence to support your view?**

### **Question 4:**

**Are there any significant risks or unintended consequences we have not identified?**

No comment

**If so please describe:**

**Question 5:**

**Do you agree that the impact assessment reflects the main impacts that particular sectors and groups are likely to experience as a result of the policy options?**

No

**If not, why not?**

See response to question 1

**Question 6:**

**Do you think there are any groups disproportionately affected?**

Yes

**If so please give details:**

See question 1

**Question 7:**

**Do you think this proposal will have any impacts, either positive or negative, in relation to any of the following characteristics – Disability, Gender Reassignment, Pregnancy and Maternity, Race, Religion or belief, Sex, Sexual Orientation and Age?**

Yes

**Please explain what the impact is and provide details of any evidence of the impact:**

See question 1

**Question 8:**

**Do you have any information on the current level of planning applications for change of use from B use classes to C3 in your local authority area which might be helpful in establishing a baseline against which to measure the impact of this policy?**

Since 2006 there have been three applications within Rotherham which explicitly refer in their proposal descriptions to a change of use from B1 offices to residential use.