

**DELEGATED DECISIONS**  
**19 FEBRUARY 2013 at 5.30 PM**  
**ROOM 2, CIVIC OFFICES**  
**SCHEDULE**

<b>ITEM</b>	<b>SUBJECT</b>	<b>DECISION MAKER</b>	<b>PAGE NUMBER</b>
1.	Great Linford Neighbourhood Plan Area Application plus Annex	Councillor Hopkins	<b>Pages</b> <b>1 to 4</b>
2.	Appointment of an Examiner for the Central Milton Keynes Alliance Business Neighbourhood Plan plus Annex	Councillor Hopkins	<b>Pages</b> <b>5 to 15</b>
3.	Milton Keynes Council Response to the Department of Communities and Local Government (DCLG) Consultation plus Annex	Councillor Hopkins	<b>Pages</b> <b>16 to 22</b>



**Wards Affected:**

Linford North, Linford South, Campbell Park, Bradwell, Stantonbury, Hanslope Park, Newport Pagnell North, Newport Pagnell South, Sherington

**GREAT LINFORD NEIGHBOURHOOD PLAN AREA APPLICATION**

Author: Sarah Pullin, Planning Officer, Tel: (01908) 254235

**Executive Summary:**

In accordance with the Neighbourhood Planning Regulations 2012, Great Linford Parish Council submitted an application to designate the whole parish as a Neighbourhood Area, which was advertised for six weeks of public consultation between 5 December 2012 and 23 January 2013. One response was received and considered by the Parish Council.

This report recommends that the proposed Neighbourhood Area is approved as originally submitted.

**1. Recommendation(s)**

- 1.1 That the Neighbourhood Area application for Great Linford, as shown in the ANNEX, be approved in accordance with Section 61G of the Town and Country Planning Act, 1990 (as amended).

**2. Issues**

- 2.1 Great Linford Parish Council submitted an application to Milton Keynes Council on 15 November 2012, to designate the parish of Great Linford as a Neighbourhood Area. This area is shown in the ANNEX. This application was made in accordance with Regulation 5 of the Neighbourhood Planning Regulations 2012, which requires a Parish Council submitting an area application to include:

(a) a map which shows the area to be designated;

(b) a statement explaining why the Parish Council considers the area to be appropriate for designation; and

(c) confirmation that the Parish Council concerned is the relevant body for the purpose of neighbourhood planning for that area.

- 2.2 In accordance with Regulation 6 of those regulations, Milton Keynes Council published the area application, and held a six week public consultation period between 5 December 2012 and 23 January 2013. This was advertised in the MK News, on the Council's website, and through information circulated to all Members and Town and Parish Councils.

2.3 One consultation response was received from a Milton Keynes resident, supporting the principle of the plan and the designation of the proposed area. Taking account of the response, it is considered that it is appropriate to designate the Great Linford Neighbourhood Area as originally proposed by the Parish Council, and shown in the ANNEX. This conclusion has been supported by Great Linford Parish Council.

### 3. Options

3.1 Once a Neighbourhood Area application is submitted, the 2012 Regulations require the Council to come to a view on the proposed area and publicise that decision. This report recommends that the area originally proposed by the Parish Council is approved as a Neighbourhood Area. However, if it is considered that this recommendation is not appropriate, the Neighbourhood Area application could be refused. Great Linford Parish Council could then choose to submit a revised application to Milton Keynes Council, which will then be subject to further advertisement and consultation.

### 4. Implications

#### 4.1 Policy

The National Planning Policy Framework sets out that Neighbourhood Plans must be in general conformity with the strategic policies of the development plan. Neighbourhood Plans should reflect these policies and neighbourhoods should plan positively to support them. Neighbourhood Plans and Development Orders should not promote less development than set out in the Local Plan or undermine its strategic policies. In Milton Keynes, the strategic policies are set out in the adopted Milton Keynes Local Plan and the emerging Core Strategy.

Once a Neighbourhood Plan has successfully passed all of the stages of preparation, including an examination and referendum, it is 'adopted' by the local planning authority, forms part of the authority's Development Plan and is a material consideration when considering development proposals. In terms of the planning policy hierarchy, a Neighbourhood Plan, once adopted, carries more weight than a Supplementary Planning Document.

#### 4.2 Resources and Risk

The Localism Act and the 2012 Regulations place new duties on local planning authorities in relation to Neighbourhood Planning. These new duties have implications for staff resources as the Council has a duty to support Parish Councils wishing to undertake Neighbourhood Planning. Staff resources to support Neighbourhood Planning will come from the existing staff within the Development Plans team. Decisions on any significant resource issues for the Council, as a result of officer involvement in Neighbourhood Planning, will be taken separately, as necessary.

N	Capital	N	Revenue	N	Accommodation
N	IT	N	Medium Term Plan	N	Asset Management

#### 4.3 Carbon and Energy Management

The proposal does not impact on carbon and energy management.

#### 4.4 Legal

Neighbourhood planning is part of the Government's initiative to empower local communities to take forward planning proposals at a local level, as outlined in Section 116 of the Localism Act, 2011. The Act and the subsequent 2012 Regulations confer specific functions on local planning authorities in relation to neighbourhood planning.

At its meeting of 25 July 2012, Cabinet agreed the decisions in the Neighbourhood Planning process that would be delegated to the Cabinet Member responsible for Strategic Planning. This scheme of delegation included the decision of whether to accept and designate a Neighbourhood Area, as is recommended in this report.

#### 4.5 Other Implications

Stakeholders:

The proposed Neighbourhood Area application has been the subject of consultation for six weeks and the views of stakeholders are reported in this report.

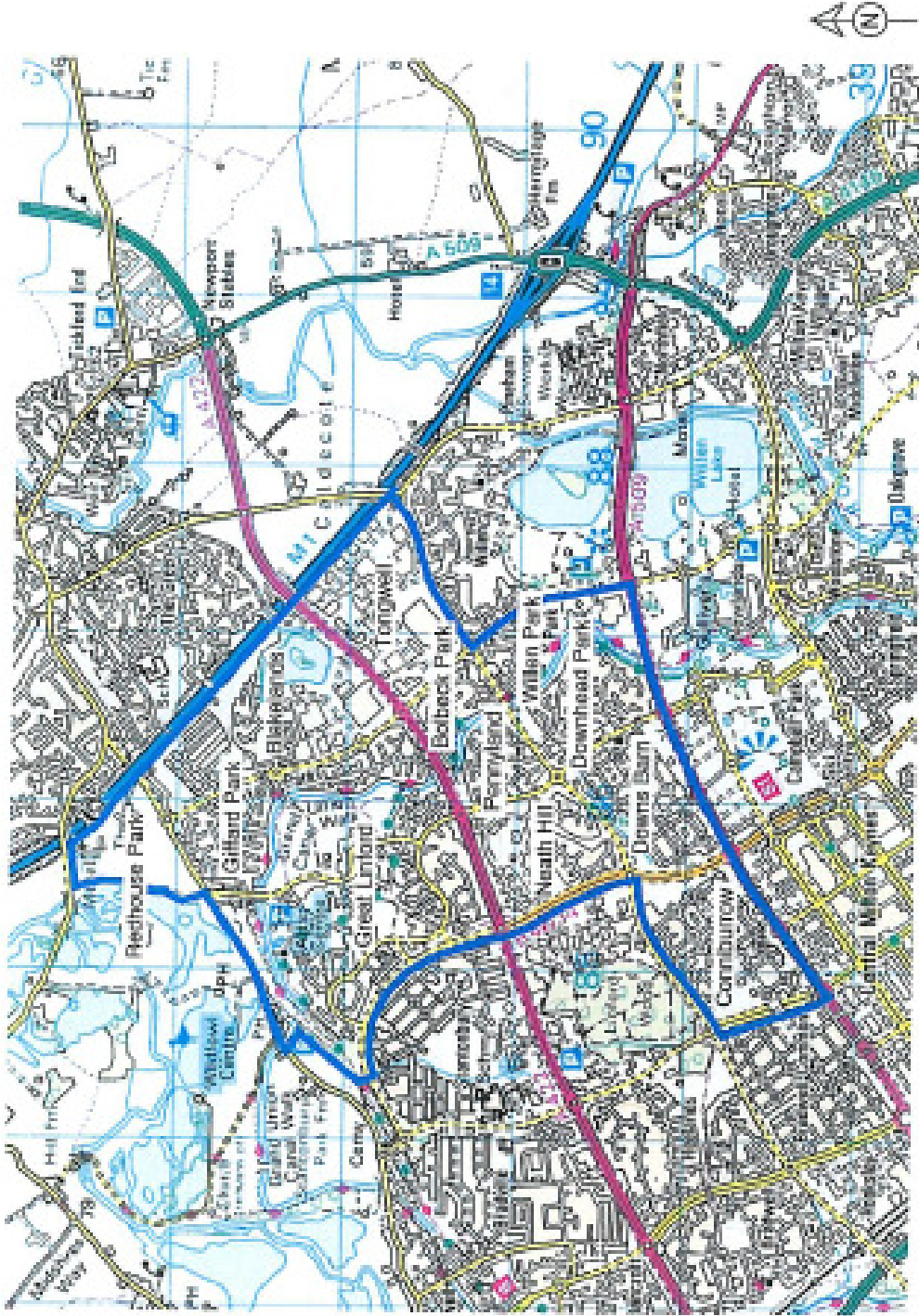
Consultation and involvement of stakeholders is an important part of the neighbourhood planning process and will ultimately be tested by a single issue referendum at the end of the process.

N	Equalities/Diversity	N	Sustainability	N	Human Rights
N	E-Government	Y	Stakeholders	N	Crime and Disorder

### **Annex – Great Linford Proposed Neighbourhood Area**



GREAT LINFORD AREA PLAN



Great Linford PC Proposed Neighbourhood Plan Area.

— Neighbourhood Plan Area.

Great Linford CP  
Date: 21-09-2011  
Scale: see notes for  
Map Camry: 00020 200111  
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PanashOnline





**Wards Affected:**

ALL WARDS

**APPOINTMENT OF EXAMINERS FOR NEIGHBOURHOOD PLANS**

Author: Diane Webber, Senior Planning Officer. Tel: (01908) 252668

**Executive Summary:**

The Localism Act 2011 and the Neighbourhood Planning (General) Regulations 2012 require local planning authorities to appoint independent persons to examine neighbourhood plans. The first such examination in Milton Keynes is likely to be the CMK Alliance Business Neighbourhood Plan, which is likely to be ready for examination in Spring/early Summer 2013. This report seeks approval to tender for and appoint appropriate persons to carry out neighbourhood plan examinations using the Neighbourhood Planning Independent Examiners Referral Panel. This approach will be evaluated at the end of 12 months and if it has proved successful will continue to be followed.

**1. Recommendation(s)**

- 1.1 That the tender and appointment of an independent examiner for the examination of each neighbourhood and business neighbourhood development plan that reaches the examination stage, be approved.
- 1.2 That, in the first instance, suitable candidates for the role of examiner be sourced from the Neighbourhood Planning Independent Examiners Referral Service (NPIERS).
- 1.3 That should a suitable candidate not be found from the NPIERS, the Planning Inspectorate (PINS) be invited to identify an appropriate person.
- 1.4 That this approach be reviewed at the end of 12 months and, if proven to be successful, continue to be used.

**2. Issues**

- 2.1 As members will be aware, neighbourhood planning is a new right conferred on parish and town councils and local communities in the Localism Act 2011. The Act provides for the holding of an independent examination of a neighbourhood plan and requires the Local Planning Authority to make arrangements for the examination, including the appointment of the examiner.
- 2.2 The Act requires an examiner to meet three requirements:
  - To be independent of the qualifying body (the parish or town council) and the local planning authority
  - Not to have an interest in any land that may be affected by the draft plan and
  - To have appropriate qualifications and experience.

Additionally, the Local Planning Authority needs the consent of the qualifying body (in Milton Keynes this will be the parish or town council leading the preparation of the neighbourhood plan).

- 2.3 Unlike examinations of Local Development Documents (such as the Core Strategy), there is no stipulation that the Local Planning Authority (LPA) has to appoint an examiner from the Planning Inspectorate (PINS). The LPA can appoint anyone who meets the requirements in paragraph 2.2 above. To assist LPAs find suitably qualified persons, a Neighbourhood Planning Independent Examiners Referral Service (NPIERS) has been established by the Royal Town Planning Institute (RTPI), Royal Institute of Chartered Surveyors (RICS) and the Planning Officers' Society (POS). RICS has produced detailed information about the Referral Service and this is set out in the Annex to this report.
- 2.4 In summary, upon receipt of an application from a Local Authority and qualifying body the NPIERS will provide the names of three independent examiners who:
- Have the skills and experience that meet the particular criteria of the plan
  - Are available as and when needed
  - Are independent and free from conflicts of interest
  - Have been trained and assessed to undertake neighbourhood plan examinations by POS, RICS, RTPI, with support from community bodies
  - Can be drawn from various professions including RICS, RTPI, POS, RIBA, ICE, IHT etc. This means they are all professionally qualified, and regulated members of at least one professional body
  - Have appropriate professional indemnity insurance
  - Are continually monitored to ensure they maintain performance and standards

Milton Keynes Council will consider with the relevant parish or town council the acceptability of each of the three possible Independent Examiners in terms of their skills and experience and will appoint the candidate who best meets the requirements for the examination, based on the issues addressed by the neighbourhood plan and the particular planning skills required.

- 2.5 The costs of using an examiner appointed from the NPIERS is £700 per day, plus VAT, plus a one-off administrative fee of £350 plus VAT payable to RICS for the administration of the referral service. It is difficult to estimate with complete accuracy how long an examination will take as every Neighbourhood Plan is different and the issues and scale of proposals will vary from plan to plan. PINS estimate at present that they expect examinations to last for no more than 7-8 days in total, which includes the Examiner's consideration of the comments received during the publicity stage; any public hearings deemed necessary and the writing of the report.
- 2.6 The cost of the examination is to be met by the Local Planning Authority and funding is available from central government to meet the extra burdens on local authorities that neighbourhood planning creates. On 18 December 2012, DCLG announced changes to the way that funding is delivered. Local authorities can apply for grants of up to £30,000 for each neighbourhood plan to help cover their costs. This payment is phased so that £5,000 is available when the neighbourhood area is designated; a further £5,000 when the plan is submitted

to the local authority for publicity and examination; and the final £20,000 following successful examination.

- 2.7 The process to appoint an examiner has been discussed with the council's Contracts Unit. Their advice is that given the relatively small cost of the contract and the process that the RICS, RTPI and POS have put in place to recruit members to the Examiner Panel, that the NPIERS is a suitable body from which to seek to appoint an examiner. The council will formalise the appointment of the suitable candidate with an award letter. The recommendation of the Contracts Unit is that we use the NPIERS for any examinations arising over the next 12 months and monitor the calibre of candidates and the performance of this service. At the end of 12 months from now, officers will review the experience of all stakeholders involved in the examinations. If found to be successful then this arrangement will continue.
- 2.8 Should the NPIERS not result in the identification of a suitable candidate, Recommendation 1.3 above seeks approval to approach the Planning Inspectorate to appoint an examiner. This is a more costly option – PINS charge a rate of £993 per day plus VAT, which for an 8 day examination would cost around 40% more than using an examiner through NPIERS. However where neighbourhood plans raise complex issues and there are significant and competing interests involved, then, it will be important to ensure that the appointed examiner has all of the necessary experience and qualities.
- 2.9 The first examination is likely to be for the CMK Business Neighbourhood Plan in late Spring/early Summer 2013; closely followed by one for Woburn Sands Neighbourhood Plan. Given the progress that other neighbourhood plans are making, it is likely that no more than 2 further examinations will take place in the next 12 months.

### 3. Options

- (a) **Do not appoint an examiner:** this is not a viable option as the Localism Act 2011 and the Neighbourhood Planning Regulations 2012 place a duty on local authorities to support neighbourhood planning and to make arrangements for the examination, including the appointment of the examiner. Once a neighbourhood plan has been submitted to Milton Keynes Council and publicised for the 6 week prescribed period, it will proceed to examination.
- (b) **Invite individual bidders to quote for their appointment as examiner:** this is a viable option, but will incur considerable officer and administrative costs given the relatively small cost of the overall contract. The creation of the NPIERS by the RICS, RTPI and POS provides a cost effective system with panel members already having been assessed for their experience and qualifications.
- (c) **Seek an examiner from the Planning Inspectorate (PINS) rather than using the NPIERS:** this report recommends that an examiner be sought and appointed from the NPIERS in the first instance as it provides a cost effective option with the panel members already subject to a degree of quality control. The appointment of an examiner from

PINS would cost some 40% more than NPIERS. Due to the additional costs of using PINS, it is recommended that PINS are approached only if the calibre of candidates from NPIERS is not considered to be suitable to meet the requirements for an examination of a particular plan.

#### 4. Implications

##### 4.1 Policy

Neighbourhood plans have to be prepared so as to be in general conformity with the NPPF and the strategic policies in the development plan. Once the neighbourhood plan has completed a successful examination and has been accepted by a referendum, then the local planning authority brings it in to legal force and it becomes a material consideration for the assessment of planning applications in the area that it covers. Once brought into legal force, the plan also has the effect of superseding non-strategic policies in the development plan with which it is in conflict.

##### 4.2 Resources and Risk

Six neighbourhood plans in Milton Keynes have the status of frontrunner plans, and each of these benefit from £20,000 of funding from the DCLG which is held by MKC in the Development Plans budget area. DCLG's intention, though, is that the frontrunner funding should be made available to the parish and town councils preparing the plans to support their work on the plan. Additional funding to support neighbourhood planning across the borough is included in the Planning, Economy and Development budget for 2012/13.

As set out in para 2.6 above, the cost of the examination is to be met by the Local Planning Authority and funding is available from central government to meet the extra burdens on local authorities that neighbourhood planning creates.

A claim for £20,000 for the designation of the first 4 Neighbourhood Areas in the borough against the extra burden funding was submitted to DCLG in October 2012 and it is anticipated that a further three Neighbourhood Area designations will be claimed for in the period January to March 2013.

It is not possible to state exactly how many examinations will take place in the next 12 months, but given the status of current neighbourhood plans under preparation, officers believe that it is unlikely to exceed 4.

N	Capital	Y	Revenue	N	Accommodation
N	IT	N	Medium Term Plan	N	Asset Management

##### 4.3 Carbon and Energy Management

Not relevant to this item

##### 4.4 Legal

Neighbourhood planning is a new right conferred on parish and town councils and local communities in the Localism Act 2011. The Neighbourhood Planning Regulations, 2012 prescribe the process that must be followed by parish and town councils and the Local Planning Authority in the preparation of neighbourhood plans. As set out in paras 2.1 and 2.2 above, the Act provides for the holding of an independent examination of a neighbourhood plan and requires the Local Planning Authority to make arrangements for the examination, including the appointment of the examiner.

#### 4.5 Other Implications

Matters such as equality, sustainability and the Human Rights Act will be considered by the examiner appointed as part of the examination of the business neighbourhood plan. .

N	Equalities/Diversity	N	Sustainability	N	Human Rights
N	E-Government	N	Stakeholders	N	Crime and Disorder

#### Background Papers:

The Localism Act 2011

The Neighbourhood Planning Regulations 2012



## **Neighbourhood Planning Independent Referral Service**

“A cost efficient service which supports the neighbourhood planning process by providing quick and easy access to impartial and highly qualified examiners on an “as needed” basis. It also provides clarity on how much an examination will cost”

### **Why should you use the Independent Referral Service?**

The Neighbourhood Planning Independent Examiners Referral Service (NPIERS) has been developed to be a key source of independent examiners, and provides communities and local authorities with an accessible service which guarantees high levels of knowledge, professional standards and integrity.

The Independent Referral Service provides Local Authorities and Neighbourhood Groups with three names of independent examiners who:

- Have the skills and experience that meet your particular criteria
- Are available as and when needed
- Are independent and free from conflicts of interest
- Have been trained and assessed to undertake neighbourhood plan examinations by POS, RICS, RTPI, with support from community bodies
- Can be drawn from various professions including RICS, RTPI, POS, RIBA, ICE, IHT etc. This means they are all professionally qualified, and regulated members of at least one professional body
- Have appropriate professional indemnity insurance
- Are continually monitored to ensure they maintain performance and standards
- Will cost only £700 plus VAT per day (plus expenses).

To apply for the referral of three members from the Panel, please read the ‘ENNP’ explanatory notes and complete the ‘NPIERS1’ application in full. The completed application can be submitted by email, fax or post.

For further information contact:

**Paul Taylor**  
Product Manager  
t 0207 6951735  
e [ptaylor@rics.org](mailto:ptaylor@rics.org)

**REQUEST FOR A REFERRAL OF A NEIGHBOURHOOD PLAN EXAMINER ENNP**

These notes form part of, and must be read in conjunction with, the application form (NPIERS1) for the referral of a neighbourhood plan examiner

**1. General**

- a) The role of RICS when referring a neighbourhood plan examiner is to act independently and transparently. After checking to ensure selected examiners are suitably qualified and free from conflicts of interest, we will refer three names and their contact details along with their CVs to the requesting party.
- b) We rely on information given in your application to help us select suitable examiners for your neighbourhood plan. An incomplete, or incorrect, application can result in a referral that may not be the most suitable for your requirements.
- c) RICS will forward the information contained in your application form, and any supplementary documentation, to the other party. The application details will also be sent to prospective third parties to help them decide whether or not they are able to take on the appointment.
- d) The application form contains five sections, intended to elicit information about the neighbourhood plan, the examination, the examiner, conflicts of interest and the relevant parties. To ensure the referral is made quickly and efficiently it is important that you complete all sections of the application form.
- e) If you are aware of any persons who have conflict of interests, you may provide details separately. Please provide reasons for each person objected to.
- f) The information you provide about the plan, and the Council Parish or Neighbourhood Forum, will be forwarded to prospective examiners. They will be required to disclose any involvements they may have had with the Local Authority, other Local Authorities' and parties connected with the plan within the last 5 years.

**2. Information about the Local Authority and Parish Council/Neighbourhood Forum**

We need to know about the Parish Council or Neighbourhood Forum to aid the referral of appropriately qualified and experienced examiners. Please provide full postal address, including the post code (even if it is only the first half of the code) of people we should communicate with on behalf of the Local Authority or Parish Council/Neighbourhood forum.

**3. Information about the Neighbourhood Plan**

- a) Please provide an accurate description of the plan area is provided and/or a statement to that effect.
- b) Please confirm that the Local Authority is satisfied that the plan meets the requirements of the 1990 Act.



**4. Information about the examination**

The information provided about the examination helps RICS to make a quick and appropriate referral. Please ensure only clear and relevant information is provided. If necessary, please provide additional information on the following:

- Level of complexity
- Level of expectation of public hearings or written only representations
- Whether issues are contentious or non-contentious

**5. Information about the examiner**

Please provide information about any professional qualifications, experience and skills required of the examiner.

**6. Information about conflicts of interest**

RICS will take reasonable steps to establish that the referred examiners are free from conflicts of interest. To assist us, please provide details of any known relationships between relevant parties and professionals in the planning sector that could be giving rise to a personal or other interest.

**7. Fee scales for examiner**

Examiners will charge a daily rate of £700 plus VAT per day plus expenses for each day they are needed.

**8. Supplemental**

- a) RICS charges a one off administration fee of £350 plus VAT for the referral of three independent examiners.
- b) The fee may be paid by cheque. A cheque can be sent in the post after an application has been submitted by email. Please await/obtain your unique reference number from DRS before posting a cheque.
- c) You will note from the application form that it is assumed you have read and understand these explanatory notes (ENNP) and that this is the basis on which your application is accepted.

**REQUEST FOR A REFERRAL OF A NEIGHBOURHOOD NPIERS1  
 PLAN EXAMINER**

Please refer to explanatory notes (ENNP) for information on completing the form.

**1. Contact details for the Local Authority**

Name	
Address	
Town/City	
Postcode	

**Contact details for the Parish Council or designated Neighbourhood Forum -**  
 (Please refer to ENNP section 2)

Name	
Address	
Town/City	
Postcode	
Description	

**2. Information about the Neighbourhood Plan** (Please refer to ENNP – Section 3)

A description or statement identifying the area to which the plan relates is attached	Y / N	<u>Comment</u>
Confirmation the LA is satisfied that the neighbourhood development plan meets the requirements of the 1990 Act is attached	Y / N	<u>Comment</u>
Please provide information relating to any arrangements for appointing an examiner through other sources e.g. via an open procurement exercise		

**3. Information about the examination** (Please refer to ENNP – Section 4)

Select the description that best describes the examination <i>(please put an 'x' in the field underneath your selection)</i>	Large complex plans with site allocations and expectation of public hearing	Less complex plans with little expectation of a public hearing	Non-contentious plans which will be dealt with by written representations
	Additional information		
Estimate number of days the examiner will be needed			
DRS will aim to make a referral within four weeks unless otherwise notified	<u>Comment</u>		

**4. Information about the examiner** (please refer to ENNP – Section 5)

Professional qualifications required		
Professional experience required		
Specialist skills required <i>(please mark an 'x' alongside the relevant skills)</i>	Policy making and development	
	Master planner	
	Community engagement/communication skills	
	Affordable housing and economy	
	Environment and energy	
	Viability/deliverability	
	Design	

	Other <i>(please specify)</i>	
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**5. Information about conflicts of interest** (please refer to ENNP – Section 6)

Please identify any potential examiners you are aware of that should not be considered because they may have a personal or other	
Other information that you believe would be helpful in making this referral	

**Submitting this application to the RICS Dispute Resolution Service signifies you have read and understand the explanatory notes ENNP. This is the basis on which your application is accepted. Your application is accepted on the basis that the information you provide is both accurate and complete. RICS can not accept liability in relation to the referral, if the information provided is inaccurate or incomplete.**

**FEE**

I enclose a cheque for £350 + VAT payable to RICS

**Application submitted by:**

Name	
Contact details	
Dated	

Please return the completed form by email, fax or post to:

<p><b>RICS Dispute Resolution Services</b>          Surveyor Court, Westwood Way          Coventry, CV4 8JE</p>	<p><b>t</b> +44 (0) 020 7334 3806  <b>f</b> +44 (0) 020 7334 3802  <b>e</b> drs@rics.org</p>
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**Your privacy:** RICS takes the privacy and security of the personal information you provide very seriously. Your details are held in a secure database with authorised access only. We apply data processing policies in compliance with the Data Protection Act 1998 and the Privacy and Electronic Communications Regulations (EC Directive 2003). Unless you have given consent elsewhere, RICS will **not** use the information you provide in this application to contact you with offers of products and services. Nor will RICS share your information with third parties for the purpose of sending you details of offers of products and services.

**Wards Affected:**

All Wards.

**MILTON KEYNES COUNCIL RESPONSE TO THE DEPARTMENT OF COMMUNITIES AND LOCAL GOVERNMENT (DCLG) CONSULTATION ON NEW PERMITTED DEVELOPMENT RIGHTS TO TURN B1 (A) OFFICES TO RESIDENTIAL (C3) USE.**

Author: Michael Moore, Senior Planning Officer, Tel: (01908) 252352

**Executive Summary:**

This report set out the case for Milton Keynes Council seeking an exemption, for parts of the Borough, from the proposed introduction of permitted development rights by the Government to permit a change of use from an office to residential use. It highlights the implications of this change for the planning and economy of Milton Keynes.

**1. Recommendation(s)**

- 1.1 That the Council write to the Department of Communities and Local Government (DCLG) seeking an exception, in the areas listed below, from the proposed introduction of new permitted development rights allowing a change of use to occur from an office (B1a) use to residential (C3 uses)
- 1.2 That the areas that Milton Keynes Council wants exempt from the introduction of the new permitted development rights for a period of three years include:
  - Central Milton Keynes (CMK) including Campbell Park
  - The strategic employment sites identified in the Core Strategy including Shenley Wood, Knowlhill, Kents Hill, Walton and the Western Expansion Area (WEA).
  - The grid squares of Old Wolverton, Stonebridge and Bleak Hall.
  - The grid squares of Mount Farm, Denbigh East, Denbigh West, Barton Road and Tilbrook
  - The town centres of Bletchley, Newport Pagnell and Wolverton

**2. Issues**

- 2.1 On the 24<sup>th</sup> January 2013 the Chief Planner (Steve Quartermain) at the Department for Communities and Local Government (DCLG) wrote to all Local Planning Authorities in England to inform them that the Government is proposing to extend permitted development (p.d.) rights in spring 2013. The Government proposal is to allow a change of use of an office, a B1 (a) use, to use as a dwelling house (a C3 use) without requiring the grant of planning

permission from this Council. These rights will be time-limited for a period of three years before the Government decide if these rights will be extended permanently. As no planning permission is required from the Council for this change of use the Council is unable to impose any planning conditions on the 'converted building' or seek any financial contributions for any infrastructure and facilities made necessary by the development.

2.2 According to the information set out in the letter from the Chief Planning Officer and its accompanying annexes the new rights will be accompanied by a prior approval process to cover transport and highway rights and development in areas of high flood risk, land contamination and safety hazard zones. While transport and highway rights is assumed to cover traffic and parking issues there is no mention made of amenity considerations such noise, smell, or vibration.

2.3 Local authorities have the opportunity to seek an exception for specific parts of their locality provided they meet the criteria detailed by the Government. However, any application from the Council for an exemption from these permitted development rights must be submitted to the DCLG before **5pm on Friday 22 February**. Exceptions will only be granted in exceptional circumstances where local authorities can demonstrate:-

A. The loss of a nationally significant area of economic activity

or

B. Substantial adverse economic consequences at the local authority level which are not offset by the positive benefits the new rights would bring.

The guidance makes it clear the Council is unlikely to be successful on a blanket exception from the legislation.

2.4 As the largest planned new settlement (New Town) ever constructed in the UK. Milton Keynes is exceptional and different from many other parts of the country. A great deal of attention has been paid to the layout, design and relationship between the city's employment and its housing areas with the result the city has avoided many of the problems that can be caused by the close proximity between housing and employment areas. Introducing significant amounts of residential development into areas of office development will have consequences for the planning and delivery of services and facilities such as schools, health facilities open space and play areas and other essential infrastructure.

2.5 The main concerns of the Council are identified in full in the Annex to this report. Fundamentally the Council is concerned that a blanket extension of the proposed permitted development rights throughout the Borough is not strategic and not conducive to good spatial planning. It will prejudice the Council's development plan strategy and emerging proposals within the CMK Business Neighbourhood Plan and emerging Neighbourhood plans in other centres, it will have implications for the delivery of the 28,000 dwellings and 42,000+ jobs from 2010 to 2026 that the Council's Core Strategy proposes.

2.6 As the city centre is the biggest location of empty offices in the city the spatial impact of this change will be most noticeable within CMK and this will impact

on the vitality and viability of the city centre which the Council is seeking to develop as a regional centre for office and other forms of commercial development.

- 2.7 The extension of permitted development rights will also have implications for the development of the strategic employment sites identified in the Core Strategy Shenley Wood, Knowlhill, Kents Hill, Walton and the Western Expansion Area whose development is necessary to ensure the Council provides jobs in the future
- 2.8 There are some grid squares in the city such as Old Wolverton, Stonebridge and Bleak Hall which were specifically designed by the Milton Keynes Development Corporation to accommodate industries which may cause nuisance by reason of noise, smell or visual intrusion. If there is a change of use of an office to residential use at these locations the amenity of residents will be affected by the existing development around them.
- 2.9 There are the older parts of the city where there are some older industrial estates in the city with office accommodation pepper potted throughout them where there is 24/7 activity so introducing residential development into these areas will raise significant amenity issues. Environmental Health have identified that the following areas should be exempted from the extension of permitted development rights Mount Farm, Denbigh East, Denbigh West, Barton Road and Tilbrook. Additionally there are the older town centres to consider, which need to retain some commercial use within them and where the Council wishes to retain the right to impose conditions to mitigate the impact of a change of use, which it would not be able to do unless the area is exempt from this change.

Consultations:

- 2.10 The Assistant Director Planning has contacted some commercial agents about the implications of this proposal.

### 3. **Options**

- 3.1 The Council can either accept the proposed introduction of the new permitted development rights or seek an exemption from them for three years. It could remove permitted development rights locally by means of an article 4 direction but if permitted development rights are introduced, a change of use could occur from an office to a residential use before the Council could implement an article 4 direction. Implementing an article 4 is a lengthy and time consuming process. Another reason to seek an exception from the permitted development legislation is that no compensation liability will arise in exempted areas. (See Annex to Chief Planner's letter.) As permitted development no planning application to the Council for the change of use is required and the Council is therefore unable to impose any planning conditions on the converted building.

#### 4. Implications

##### 4.1 Policy

The concern of the Council is that a blanket extension of the proposed permitted development rights throughout the city is not strategic and not conducive to good spatial planning and will have implications for the vitality and viability of the city centre and other town centres. It could potentially prejudice the Council's development plan strategy and emerging proposals within the CMK Business Neighbourhood Plan and other corporate priorities

4.2 Resources and Risk: There will be a loss of income from planning fees from applications for changes of use. As planning permission is not required from the Council for the change of use there is no opportunity to seek financial contributions for the infrastructure the development generates (schools, health facilities open space and play areas) with financial implications for the Council in revenue and capital terms.

There will be a financial impact on local authorities as their rates base is eroded as buildings convert to residential use and, with no rates revaluation (recently postponed by the Government), no ability to catch up.

Y	Capital	Y	Revenue	N	Accommodation
N	IT	N	Medium Term Plan	N	Asset Management

##### 4.3 Carbon and Energy Management

There will be no scope for the Council to seek financial contributions from the conversion of an office to residential use for carbon offset since no planning permission from the Council is required.

##### 4.4 Legal

None

##### 4.5 Other Implications

Unintended and un-envisioned consequences: Under existing permitted development rights it is possible to change 235 sq.m of a B2 industrial building or B8 warehouse to a B1 use which can then be converted to a dwelling. The Government is proposing to increase the threshold from a B2 use to a B1 use from 235 sq.m to 500 sq.m. Although not the case in Milton Keynes because of an article 4 direction, once a C3 use is established in will be possible to turn it into a C4 (HIMO) use.

N	Equalities/Diversity	Y	Sustainability	N	Human Rights
N	E-Government	N	Stakeholders	N	Crime and Disorder



Background Papers:

- Letter dated 24<sup>th</sup> January 2013 from the Chief Planner (Steve Quartermain) at the Department for Communities and Local Government (DCLG) to all Chief Planning Officers in Local Planning Authorities in England.



**WHAT IS THE EFFECT AND IMPLICATIONS OF THE  
DEVELOPMENT PROPOSAL FOR MILTON KEYNES?**

The concern of the Council is that a blanket extension of the proposed permitted development rights throughout the city is not strategic and not conducive to good spatial planning and may have implications for the vitality and viability of the city centre. It could potentially prejudice the Council's development plan strategy and emerging proposals within the CMK Business Neighbourhood Plan.

Since residential property values and rents are higher than those for offices the market if left to itself will encourage the conversion of offices to residential use. With the introduction of permitted development rights property owners will terminate the leases of the businesses that are occupying their buildings and convert and change the use of the building. The process will start slowly at first as owners have to give notice to tenants but will gradually gather momentum over time.

Once residential use is established some owners will seek planning permission for new buildings (having already established the principle of residential use) The supply of offices and other workspace will shrink and rents will rise. It will be more difficult to find office accommodation. Job creation will also be reduced potentially impacting on the economic growth of the city and the achievement of 1.5 jobs per dwelling. Business start ups will inevitably be affected in the recent Centre for Cities, Cities Outlook 2013 report; Milton Keynes had the fourth highest business start up rate of any city in the country. Once residential uses have been introduced into major areas of office employment there is no going back on this policy. Land ownership is fragmented, which makes subsequent redevelopment of sites more difficult.

The biggest impact of this proposal is expected to be on small businesses occupying cheaper office accommodation. These kinds of businesses have traditionally occupied property on short term leases so may well find themselves out on the street with nowhere they can afford to go. In spatial terms the biggest impact of this proposal is likely to be in Central Milton Keynes (CMK) since as table one illustrates that is where the bulk of vacant office accommodation (46%) is. Therefore it is recommended CMK including Campbell Park defined as the area from the west coast main railway line to the Grand Union canal and between the H5 and H6 should be exempt from this change

**TABLE 1: VACANT OFFICE FLOORSPACE IN THE BOROUGH OF  
MILTON KEYNES JANUARY 2013**

	<b>TOTAL OFFICE SQF</b>	<b>CMK OFFICE SQF</b>	<b>OTHER OFFICE SQF</b>
<b>BUILT SPACE</b>	6,658,858	3,599,688	3,059,052
<b>VACANT SPACE</b>	1,258,734	580,526	678,208
<b>%</b>	18.90%	16.13%	22.17%

The other areas where this proposal would impact are the strategic employment areas identified within the Core Strategy such as Knowlhill, Walton, Kents Hill, Shenley Wood and the Western Expansion Area (WEA) the development of which is important if the Council is to achieve its aspirations for employment growth.

There are some grid squares in the city such as Old Wolverton, Stonebridge and Bleak Hall which were specifically designed to accommodate industries which can cause nuisance by reason of noise, smell or visual intrusion. If there is a change of use of an office at these locations the amenity of residents may be affected by the existing development around them and there is no scope for the Council to obtain any financial contributions through section 106 agreements.

There are some older industrial estates in the city which have office accommodation pepper potted throughout them with industrial and warehousing activities where there is 24/7 activity so introducing residential development into these areas is likely to raise significant amenity issues. Environmental Health have proposed that the following areas should be exempted from the extension of permitted development rights Mount Farm, Denbigh East, Denbigh West, Barton Road and Tilbrook.

Finally, members have indicated that they are concerned about the potential effect of the proposed change on the older historic town centres of Bletchley, Wolverton and Newport Pagnell and the implications of this proposal for the regeneration of the towns or emerging Neighbourhood Plans in the case of Wolverton. The Council does not object to the change of use of offices to residential use provided the development is satisfactory in all respects. However, the Council considers that the most appropriate way of mitigating the impact that a change of use could cause is the requirement to seek planning permission from the Local Planning Authority (LPA). This will allow the LPA to adequately consider all the issues raised by the proposal on a site by site basis and impose planning conditions to mitigate the impact where appropriate.