

CABINET

24 APRIL 2012

Title: Planning for Religious Meeting Places - Amendment to Planning Advice Note 4	
Report of the Cabinet Member for Regeneration	
Open Report	For Decision
Wards Affected: All	Key Decision: yes
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Accountable Divisional Director: Jeremy Grint, Divisional Director for Regeneration	
Accountable Director: Tracie Evans, Director of Finance and Resources	
Summary: <p>On 12 June 2007 Cabinet agreed a Planning Advice Note on Religious Meeting Places (Minute 11).</p> <p>On 28 September 2010 Cabinet agreed a revised Planning Advice Note on Religious Meeting Places (PAN) (Minute 39). The revisions to the guidance introduced more clarity on what were considered to be the preferred locations for religious meeting places.</p> <p>On 4 October 2011 the Local Development Framework Steering Group reviewed the revised PAN. The Group concluded that the preferred locations of Thames Road and the Rippleside Commercial Area should be removed from the guidance and industrial sites safeguarded for industrial uses only.</p> <p>Consequently further revisions and updates to the Planning Advice Note on Religious Meeting Places have been proposed - the revised PAN is included as Appendix 1. These were reported to and supported by the Development Control Board on 16 November 2011. The adoption of LDF documents must be carried out by the Assembly, therefore the Cabinet is asked to support the revised PAN for adoption.</p>	
Recommendation(s) <p>The Cabinet is asked to recommend the Assembly to approve the revised Planning Advice Note on Religious Meeting Places at Appendix 1 to the report.</p>	
Reason(s) <p>The revised Planning Advice Note will assist in raising household incomes by assisting the delivery of the associated outcome in the Policy House of "a borough that is great for doing business in and where businesses are supported to thrive".</p>	

1. Introduction and Background

- 1.1 On 12 June 2007 Cabinet agreed a Planning Advice Note on Religious Meeting Places (Minute 11).
- 1.2 The Planning Advice Note identified premises within town centres and sites on the edge of employment areas as particularly suitable for religious meeting places. However it made clear that within town centres, policies which aim to protect the primary retail function of town centres, must be adhered to and that in employment areas any proposals must not undermine their primary employment function. It also highlighted the need to ensure that the impacts of religious meeting places, particularly noise and car parking are properly controlled to avoid unacceptable impacts on residents and businesses.
- 1.3 On 28 September 2010 Cabinet agreed a revised Planning Advice Note on Religious Meeting Places (PAN) (Minute 39). The revisions to the Guidance introduced more clarity on what were considered to be the preferred locations for religious meeting places.
- 1.4 The Planning Advice Note identified Thames Road and the Rippleside Commercial Area which are both designated industrial sites, and South Dagenham East (Beam Park) and South Dagenham West as preferred locations for religious meeting places.
- 1.5 On 4 October 2011 the Local Development Framework Steering Group reviewed the revised PAN. In particular it focused on how the guidance treats proposals for Places of Worship within designated employment areas. This was in response to evidence about the adverse impact such proposals were having on rent levels for business premises with these areas, the latest data on vacancy levels and concerns expressed from local businesses in response to recent planning applications on Thames Road and Wantz Road. Members of the group concluded that the preferred locations of Thames Road and the Rippleside Commercial Area should be removed from the guidance and subject to DCB decisions it recommended that current applications for religious meeting places in designated industrial sites are approved in principle and then industrial sites safeguarded for industrial uses (B1 (b) (c), B2 and B8 uses) and other uses not allowed within them at ground floor level. The revised Planning Advice Note on Religious Meeting Places is attached as Appendix 1.
- 1.6 On 16 November 2011 Development Control Board agreed to recommend the PAN for adoption.

2 Proposal and Issues

Loss of employment land and impact on economic development

- 2.1 Perhaps the single most significant issue experienced in planning applications received recently is the impact of religious meeting places on existing businesses. The data shows that the larger Pentecostal Evangelical Churches tend to favour vacant premises in industrial estates across the borough. This is because these premises give them the space they require which often is not available within the borough's town centres at the right price. The Council's Planning Advice Note has

facilitated this by accepting that in certain circumstances religious meeting places can be acceptable uses in designated employment areas. In particular the Planning Advice Note identifies the Rippleside Commercial Area and Thames Road as preferred locations for religious meeting places.

- 2.2 The Council's designated employment sites are either strategic or local industrial land.

Strategic Industrial Land

- 2.3 Strategic Industrial Land forms a vital part of the capital's main reservoir of industrial capacity. Policy 2.17 of the London Plan makes clear that development proposals within or adjacent to Strategic Industrial Land should not compromise the integrity or effectiveness of these locations in accommodating industrial type activities. The London Plan goes on to say that development of Strategic Industrial Land for non-industrial or related uses should be resisted other than as part of a strategically coordinated process of consolidation, or where it addresses a need for accommodation for small and medium sized enterprises or new emerging industries, or where it provides local, small scale 'walk to' services for industrial occupiers or office space ancillary to industrial use. The following areas are designated as Strategic Industrial Land.

- River Road Employment Area
- Rippleside Commercial Area
- Dagenham Dock

Locally Significant Industrial Sites

- 2.4 Locally significant industrial sites are focused on providing smaller more affordable space for small and medium sized enterprises although they also contain larger employers. They will be important in providing move on space for businesses which establish themselves in the Borough's Business Centres. The following areas are designated as Locally Significant Industrial Sites:

- Hertford Road
- Freshwharf
- Gascoigne Business Area
- Dagenham Ford (PTA plant only)
- Sterling Industrial Estate/Wantz Road
- Sanofi Aventis site
- Lyon's Business Centre

- 2.5 The Local Development Framework released 74 hectares of designated industrial land taking into account supply and demand. The remaining designated industrial land is considered to represent the critical mass of land necessary to meet current and future business needs. This takes into account a churn rate of 5%. This is the necessary normal (frictional) vacancy rate to enable the property market to operate effectively, without this surplus capacity it would grind to a halt.

- 2.6 Currently there are just over 0.18m sq.m of vacant industrial premises comprising a total of 86 units. This represents only 7% of total floorspace (2.45m sq.m) excluding

the Ford estate. Including the Ford estate (1.9m sq.m) it represents 4% of total floorspace.

- 2.7 Within the designated industrial areas there is evidence that the current policy of allowing religious meeting places in vacant premises in certain circumstances is distorting the property market by increasing hope value and pushing up rents beyond a sustainable level for businesses.¹
- 2.8 The manager of the Midas Industrial Estate in Wantz Road considers that if premises are marketed at realistic rents they will attract businesses and submitted strong objections to recent applications for religious meeting places in this location. An added pressure is that from 1 April 2011 empty buildings with a rateable value over £2,600 pay full business rates.
- 2.9 Typically in Thames Road the going rate for industrial space is £5-7/sq.ft whilst the rate for religious meeting places is £10-12 sq.ft. Naturally when tenancies come to an end some landlords are targeting religious meeting places rather than traditional employment uses so they can maximize their rental income. This means that businesses are being priced out of the locations which have been safeguarded for their use. Agents advise that there is a good demand for small and medium sized premises but that letting larger units, that is those above 6500 sq.ft, is difficult. Traditionally landlords would invest in their properties to make them more marketable to reflect demand in this case by subdividing them into smaller units. Now landlords have less incentive to do this as they can target the demand from religious meeting places.
- 2.10 In the light of this information the Council's Local Development Framework Steering Group and the Council's Development Control Board agreed to remove the preferred locations of Thames Road and the Rippleside Commercial Area from the guidance and to not allow other uses within the borough's designated employment areas at ground floor level
- 2.11 The revised Planning Advice Note on Religious Meeting Places is provided in Appendix 1 and incorporates the following changes from the previous version:
- Revises the guidance on the acceptability of religious meeting places in the borough's designated employment areas. Now the guidance reverts back to the established Local Development Framework policy which proposals for developments within the borough's Strategic Industrial Locations and Locally Significant Industrial Locations need to satisfy. The guidance now makes clear that proposals for religious meeting places within these locations will not be permitted except in exceptional circumstances provided a number of criteria are met which ensure the proposal is not detrimental to existing businesses or the future viability of the employment area.
 - Removes "Thames Road" and "Rippleside Commercial Area" from the list of preferred locations for religious meeting places. This leaves South Dagenham

¹ Hope value is a term that is commonly used to describe the element of the market value of a property that is attributable to the hope of obtaining planning consent for development where there is no permission for that development at the valuation date.

West and South Dagenham East as the two preferred locations for religious meeting places within the borough.

2.12 The opportunity has also been taken to make the following minor changes to update the guidance and make it more user friendly.

- Updates references to the London Plan 2011 which was published since the last revision to the Planning Advice Note.
- Updates guidance on when Transport Assessments are necessary.
- Clarifies the Council's policy on development within retail frontages. Previously the guidance referred to the policies in the Local Development Framework but for ease of use it now explains what the Council's policy is.
- Includes a new reference to policy CC2 of the Core Strategy and explains the importance of applicants demonstrating that their religious meeting places is meeting a predominantly local need.

3. Options Appraisal

3.1 Members of Local Development Framework Steering Group were presented with two other options

- Leave the guidance as it is

This would not address the issues identified in this report.

- Set limits for the amount of floorspace within industrial sites for non-industrial uses based on evidence on the future demand for industrial premises

This is arguably a more sophisticated approach, however the low levels of vacancy mean that there is little scope currently to allocate land for non-industrial uses within industrial sites.

A third option is to extend the locations where religious meeting places might be acceptable outside of designated employment areas. However this would increase potential impacts on residential amenity and could risk raising community tensions.

4. Consultation

4.1 On 4 October 2011 the Local Development Framework Steering Group reviewed the Council's Planning Advice Note on Religious Meeting Places. Members of the group concluded that the preferred locations of Thames Road and the Rippleside Commercial Area should be removed from the guidance and then industrial sites safeguarded for industrial uses (B1 (b) (c), B2 and B8 uses) and other uses not allowed within them at ground floor level.

4.2 Therefore a revised Planning Advice Note on Religious Meeting Places was reported to Development Control Board on 16 November 2011.

4.3 Members of Development Control Board raised a number of concerns regarding the revised PAN which include:

- It would have an adverse impact on those members of the community who wish to worship
- Two designated areas are being taken away and not replaced
- The current PAN does not support the growing demand for the borough and a suggestion was made that it goes back to a Select Committee for further debate. The revised PAN went to the Living and Working Select Committee on 30 January.

4.4 However DCB agreed to recommend the PAN to the Assembly for adoption. It has since been clarified that the Planning Advice Note needs to follow the same route as the previous iteration and that it why this report has been prepared.

5. Financial Implications

Implications completed by: David Abbott, Principal Accountant

5.1 The Council currently does not provide financial support / subsidy to aid the provision of religious meeting places, and the proposed amendments do not change this. Therefore the only costs to the Authority will be the minor ones of printing the planning advice note (which will be met from the existing Regeneration & Economic Development budget).

These amendments to the preferred meeting places will not result in any additional planning income, as there are no new requirements for a planning application that were not required before.

The preferred meeting places are modelled to ensure that there are no adverse impact on wider Council budgets (for example in terms of noise control, parking, rates, or employment opportunities).

6. Legal Implications

Implications completed by: Paul Field, Senior Lawyer

6.1 The Planning and Compulsory Purchase Act 2004 (the "Act") required the Council to replace its Unitary Development Plan (UDP) with a Local Development Framework (LDF). The Local Authorities (Functions and Responsibilities) (Amendment) (No 2) (England) Regulations 2004 provide that adoption of LDF documents are not an executive (Cabinet) function, so the resolution to adopt LDF documents under section 23 of the Act must be carried out by the Assembly. By the same reasoning as the revised Planning Advice Note will be a material consideration when the Council determines planning applications for religious meeting places it would require a decision of the Assembly to endorse such a change

6.2 The Council has a statutory obligation under the Equality Act 2010 Section 149: Public sector equality duty to have due regard to specified matters when exercising their functions including acting as Local Planning Authority. The key matters are: advancing equality of opportunity between people who share a protected characteristic (i.e. race, religion and belief) and people who do not share it; and fostering good relations between people who share a protected characteristic and people who do not share it. To address that duty an Equalities Impact Assessment

of the proposal has been carried out and the merits of the effect of the PAN weighed up against the effect of the change leading to the final proposed PAN.

7. Other Implications

7.1 Risk Management - The guidance includes suitable safeguards to ensure that new religious meeting places do not give rise to issues around increased noise, disturbance, parking problems or lead to having an adverse effect on the amenities of neighbouring residents and occupiers. Indeed the revisions include more clarity on the preferred locations for religious meeting places taking into account these potential impacts thereby lessening the possibility of raised tensions.

7.2 Customer Impact - An Equality Impact Assessment (EIA) has been carried out for this update to the Planning Advice Note. The EIA identifies that the revised guidance will make it more difficult for religious meeting places to locate in designated employment areas. This will disproportionately affect Pentecostal and Evangelical Churches who tend to favour the larger premises available in designated employment areas. The Community Mapping Data shows that an estimated 15% of the borough's residents have a black or black British African background and that this percentage is likely to increase. There will continue to be a demand for Pentecostal and Evangelical Churches. However the EIA recognises that the guidance makes clear that other opportunities exist within the borough for places of worship such as this to locate to including vacant premises in out of town retail parks. Whilst it is accepted that data is lacking on the supply of and demand for such premises the guidance has been amended to clarify that applicants should demonstrate that their application is meeting a predominantly local need and that speculative applications are discouraged. This clarification will help make sure that local faith groups are not crowded out by speculative applications for unknown groups who may not draw their congregation locally.

It is further determined as part of the EIA process that the tightening of policy expressed within this PAN should have a positive impact on job creation which will benefit all groups in the borough.

This Planning Advice Note will be distributed to the Faith Forum. As recommended in the EIA the Faith Forum will continue to be invited to comment on relevant planning applications and attend relevant pre-application meetings and officers from the planning department will continue to provide updates to the forum on this and other relevant changes to planning policy and guidance. The original Equalities Impact Assessment has identified that it will be necessary to ensure that the PAN is accessible to all groups and therefore will need to be made available in different formats. The current PAN is available on audio tape, in large print or in Braille and can also be translated into seven different languages. It is intended to make the updated PAN available in the same way.

7.3 Crime and Disorder Issues - In line with Borough Wide Development Policy BC7 all new development would need to incorporate Secure by Design principles. When places of worship are placed in inappropriate locations this can lead to neighbour disputes, disharmony and conflict between the congregation and local neighbours. Parking can be a particularly problematic issue in this regard. The development of

the PAN is an important part of ensuring that places of worship are located in appropriate locations.

- 7.4 **Property / Asset Issues** - The Council is not able to provide financial support to aid the provision of religious meeting places and this revised Planning Advice Note does not change this.

Background Papers Used in the Preparation of the Report:

- Cabinet Report, 12 June 2007, Approval of Planning Advice Note on Religious Meeting Places, (Minute 11 - 12/06/07).
- Cabinet Report, 28 September 2010, Approval of revised Planning Advice Note on Religious Meeting Places, (Minute 39 – 28/09/10).
- Development Control Board, Approval of revised Planning Advice Note on Religious Meeting Places, 16 November 2011(Minute 57 – 28/09/10).

List of appendices:

Appendix 1 – Planning Advice Note 4 (2012 update)