

Planning / Sir J. Sainsbury  
File with DB. 8/11

CF/GK  
Poe keep

sub  
7/11

10 DOWNING STREET

This is a  
constituency case

1 November 1984

Dear Mr. Rhea,

When we met at the House of Commons in the Summer you outlined your problems with the planning system and left me a brief setting out your ideas and suggestions more fully.

I have a lot of sympathy with what you say. We do need to give full and proper weight to job creation in determining planning applications, and Patrick Jenkin will be revising his Department's advice to local authorities on this issue in a new development control policy note. I believe the general effect should be helpful to McDonald's.

I also agree wholeheartedly with what you say about the need to speed up the planning system. Our record in this respect is a good one. Since 1979, there has been a steady improvement in the speed with which local authorities decide planning applications. The latest figures show that 70 per cent of all applications are decided within 8 weeks compared to 60 per cent in 1979. The approval rate for applications has increased, and is consistently high at 87 per cent. Pressure is being maintained on those authorities whose performance is poor, through naming authorities in press notices and through direct approaches on planning applications and appeals performance. The Department of the Environment's handling of planning appeals has also improved, and the median time taken by the largest category, amounting to some 3/4 of all appeals, has fallen from 23 weeks in 1979 to 19 weeks in 1983. But there is, I agree, still room for improvement, and we continue to search for practicable ways of speeding up and slimming down the planning system.

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You also raised with me a more specific point about the Town and Country Planning (Use Classes) Order. I have looked into this with the help of the Department of the Environment. I believe that the distinction made in the Order between restaurants and take-away food shops on the one hand, and more traditional retail outlets on the other, is a valid one. I think you would be the first to recognise that restaurants, take-aways and other such uses can and often do raise planning issues which are of an entirely different nature. Some of them, such as noise, fumes and litter, raise particular sensitivities with local residents. I would not therefore myself favour a relaxation of planning controls to the extent that changes between these two types of use should be completely unrestricted. In saying this, I am conscious that McDonald's uphold very high standards - but planning is about land use in general, and not about particular users, and in framing legislation we must aim to deal with the worst as well as the best case.

You refer in your submission to the DOE's draft Development Control Policy Note "Service Uses in Shopping Areas". This recognises, in particular, that many service uses are regulated by other legislation as well as by planning law, and advises that while matters which are the subject of other controls can also be the concern of the planning system, planning conditions will not usually need to cover areas which are the subject to more specific controls. Your representations will be taken fully into account in the preparation of the final version of the Note.

You mentioned particular concern with the Control of Advertisements Regulations, which apply to all forms of outdoor advertising, and which, as you say, are concerned only with visual amenity and public safety. Commercial need is not a

relevant consideration under the Regulations because it is self-evident that anyone who undertakes the quite considerable expense of putting up a sign has a good commercial reason for doing so, and because it would be a bureaucratic nightmare if all local planning authorities were required to assess commercial need for every one of some 20,000 advertisement applications annually. In many cases, it is doubtful whether an authority would be capable of accurately assessing the advertiser's commercial requirements; and there would undoubtedly be considerable delay. The present Regulations fully acknowledge the importance of advertising by providing a "deemed consent" for a wide range of signs on business premises without the local planning authority's prior consent. However, this consent does not normally extend to illuminated signs for which an express consent is required. I might mention that the three appeals to the Secretary of State against refusal for premises in Uxbridge, Macclesfield and Redditch were not dismissed outright. In each case, an illuminated projecting sign was permitted and the refusal was only for the illuminated fascia sign. As you clearly appreciate, one of the problems with firms having outlets throughout the country is their wish to promote their corporate image, regardless of the immediate surroundings. Their own normal "house-style" is no doubt acceptable in many premises, but less so in some more sensitive locations. However, with a little flexibility, such as has been demonstrated in your premises in Bath, where individual illuminated letters were accepted yet the business can still be clearly identified, I feel sure that this particular problem can be overcome.

Yours sincerely  
Margaret Thelton