

VALE OF AYLESBURY LOCAL PLAN SCRUTINY COMMITTEE

3 March 2015

PRESENT: Councillor Poll (Chairman): Councillors Mrs Bloom, Cashman, Mills, Monger, and Mrs Phipps. Councillor Mrs Paternoster attended also.

1. MINUTES

RESOLVED –

That the minutes of the meeting held on 27 January 2015 be approved as a correct record.

2. PROPOSED DEVELOPMENT MANAGEMENT POLICIES

It was reported that paragraph 154 of the National Planning Policy Framework (NPPF) stated that “*Local Plans should set out the opportunities for development and clear policies on what will or will not be permitted and where. Only policies that provide a clear indication of how a decision maker should react to a development proposal should be included in the plan*”. Attached as an appendix to the report was a list of the policy topics that would be required to deliver the necessary guidance envisaged by the NPPF. The list was based on preparatory work previously undertaken in preparation of VAP and reflected the content of AVDLP. Some of the policies would cover a wide range of issues in one policy to avoid multiple policies covering similar issues. Policies would add detail to guidance set out in the NPPF but would not in themselves deliver development as this was dependant on actions by private developers.

It was confirmed that the draft list would be discussed internally with policies drawn up for each topic. It was expected that the detailed policies would be subject to consultation later this year. Policies would be written to work alongside those set out in Neighbourhood Plans but it was noted that other material considerations, such as development viability, may mean that the aims of any policy may not be delivered e.g. affordable housing. The Local Plan could contain policies not based on the content of the NPPF but specific evidence to justify such policies would be required.

Members commented on most of the Local Plan draft policy list and a compilation of the comments and officers responses are shown in the appendix to these minutes. It was agreed, however, that any further comments on the policies would be circulated amongst the committee members and the officers.

As well as the comments on the policies, Members also had concerns that neighbourhood plans may not deliver on affordable housing or that developers would only build the minimum possible. Developers would have to show evidence on why a particular site couldn't achieve the required percentage of affordable housing. Members asked whether there were any authorities where 35% affordable housing was being achieved. It was recognised that although London's economy was booming, the rest of the UK was struggling.

RESOLVED –

That the report on the preparation of the draft policies for the new Local Plan be considered.

3. DETAILED LOCAL PLAN TIMETABLE

It was reported that the Council was required to prepare a Local Development Scheme (LDS) which formed the overall timetable for the production of policy documents such as a Local Plan. The current LDS envisaged adoption of the new Local Plan in mid 2017 following consultation on a draft Local Plan in 2016. However, due to the continuing pressure for development arising from the lack of a five year housing land supply, officers had been considering how it might be possible to reach submission stage earlier in 2016 as this would mean sites proposed in the new Local Plan could be counted towards the five year land supply. This would mean that the only intervening consultation stage between the initial formal scoping consultation and formal submission stage would be at issues and options later in 2015. Although this did not contradict the Local Plan Regulations there were consequences for the level of public involvement that would need to be carefully considered before a revised timetable could be brought into effect via a new LDS being published.

The current timetable from the existing LDS was included as an appendix to the report. The suggested replacement timetable was included as an appendix. Further detail had been added to show more details of the process and how the evidence preparation linked to the plan timetable. This would depend on work proceeding according to expectations. The timetable may therefore need to be further revised to reflect any developments which occur during the preparation of the new Local Plan.

However, since the report was compiled, the Inspector's decision on the Stage 1 hearing sessions on Central Bedfordshire Council's Local Plan had been made. The Inspector had found the plan unsound and that the Council had failed to comply with the Duty to Co-operate and it should either withdraw the Plan or await his final decision. The Inspector had raised particular concerns over Luton's needs.

Given these findings, Members felt that it could be unwise to advance VALP by three months and risk VALP being found unsound.

RESOLVED –

That the report be noted and that Members recommended that the timetable for the Vale of Aylesbury Local Plan should continue to follow that shown in Appendix 1 to the report.

Summary of points made on the Local Plan Draft Policy List at VALP Scrutiny 3.3.15

Strategic Policies

| | | Query | Response |
|-----------|--|---|--|
| S1 | Sustainable Development Proposals | | |
| | <i>Sets out the overall approach to the management of all forms of development</i> | | |
| S2 | Sustainable Development Strategy | | |
| | <i>Sets out proposed housing, employment and retail growth figures for the Plan period and their spatial distribution. Specific area allocations will deliver the sites.</i> | How is this area defined? | A red line on the map. |
| S3 | Cohesive Development | | |
| | <i>Aims to protect strategic gaps between settlements to prevent coalescence</i> | Need to describe an exact description of the gap – will it be based on landscape/topography/settlement boundaries? If no natural gap can the gap be defined by measurement? | The gaps will be defined on a case by case basis. Need to try and maintain gaps that can't be closed by further development. The plan will help to define those gaps. Settlement boundaries could be used but are not essential. |
| S4 | Green Belt | | |
| | <i>Implements usual green belt policy</i> | Need to define the word usual | Refers to the extensive definition contained in Section 9 of the NPPF. |
| S5 | Infrastructure | | |
| | <i>The spatial strategy will be supported by the provision of suitable infrastructure proportional to the level and type of development proposed.</i> | How far beyond a development (particularly large ones) will the traffic impact be taken into account? | The NPPF is not very helpful in this respect and only refers to severe impacts being addressed. Reliant on Highway Authorities for advice on the suitability of sites and traffic impacts. |

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| S6 | Affordable Housing | | |
| | <i>Above a defined criteria a percentage of affordable housing will be sought on all housing sites. Deviation from the policy will require detailed viability evidence.</i> | Balance between housing for social rent and those for shared ownership. Could Housing Team carry out a survey on this? What % of each? | The Housing Team have up to date data on this subject. The HEDNA report would also give advice on this. |
| S7 | Gypsy/Traveller Provision | | |
| | <i>Will set out the gypsy and traveller provision which will be met through allocations over the plan period.</i> | | |
| S8 | Brownfield Land | | |
| | <i>To set out the LPAs overall approach to the development of brownfield sites.</i> | | |

Housing

| | | Query | Response |
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| H1 | Housing Design | | |
| | <i>To set out specific design principles which will need to be observed in all housing development. Will include guidance on extensions and ancillary buildings</i> | Will the local style be included where appropriate? If local communities come up with a design guide, would this be acceptable? | Hard to specifically define the local style. Current approach of requiring attention to local distinctiveness is likely to be continued. Local design guides could be adopted as supplementary design guides and appended to neighbourhood plans. |
| H2 | Gypsy Traveller Sites | | |
| | <i>To set out specific design principles which will need to be observed in all gypsy/traveller developments</i> | Will historic stopping places be included? Proximity to schools/employment sites? | The NPPF directs the criteria for inclusion in the policy. Difficult to prove the existence of historic stopping places. |

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| H3 | Exception Sites | | |
| | <i>To allow development in rural areas to meet proven local housing need on sites where development would [not] normally be permitted.</i> | Can Community Land Trusts be included? Will proven housing needs on sites be based on market rents? | This will need to be considered. Community Land Trusts are usually local charities. Possibility of including “where they are in existence”. No control over market rents unless shared ownership. |
| H4 | Rural Workers Dwellings | | |
| | <i>To allow housing development where there is a proven need in relation to a specific rural employment activity.</i> | | |
| H5 | Replacement Dwellings | | |
| | <i>To set out the LPAs approach to the demolition of existing dwellings and their replacement.</i> | | |
| H6 | Residential Caravans/Mobile Homes | | |
| | <i>To control the temporary location of mobile homes to support development</i> | | |
| H7 | Self Build Housing | | |
| | <i>Policy to promote the development of self build housing</i> | Need clear criteria on the type of self build. Would planning permission be given on an individual basis or as a whole for self build? | These will be covered by other policies on planning design guidance. If self build included as part of an outline application, then design would be looked at the detailed stage. Permission could be given individually or as a group. |
| H8 | Housing Mix | | |
| | <i>To ensure that the mix of housing reflects the needs of communities in Aylesbury Vale in terms individual physical requirements and range of sizes/types</i> | Will this include Homes for Life and Extra Care provision? | Yes as the characteristics of the local population will be taken into account and the figures for extra care are usually provided by BCC. However the Buildings for Life criteria and other such design standards are being replaced by Building Regulations. |

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| H9 | Dwelling Sizes | | |
| | <i>Optional policy dependant on viability assessment</i> | What will this mean? | As part of the new Government standards an optional Building Regulation relating to dwelling size can be implemented through a Local Plan policy where there is viability evidence to support such a policy. |

Employment

| | | Query | Response |
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| E1 | Retention of employment land/buildings | | |
| | <i>Will set out in what circumstances employment land or building will be permitted to convert to other uses such as housing</i> | Concern that shops on developments placed in the “wrong” location, remain vacant and eventually converted to housing. Government more interested in providing housing than employment land. | Cannot force development to take place. If there is no economic justification for an allocation it is supposed to be reconsidered. Land cannot be reserved in perpetuity. The Economy and Business Development Scrutiny Committee recognised the need to be able to swap pieces of land i.e. warehouses for houses. HEDNA will also review employment land. Government is taking decisions away from LAs i.e conversion of offices to housing. There will be need to identify all brownfield sites in the Vale within 4 years. |
| E2 | Town Centre Development | | |
| | <i>To set out the LPAs approach to retail development including defined town centres and shopping frontages</i> | What is policy on car parking requirements and change of use of retail premises? Can we stop existing car parks from being developed? | Change of Use – depends on what the change is, could eventually be permitted development. Parking - There can be a policy but other parking/transport provisions have to be taken into consideration. Negotiations have to take place with developers. Existing car parks are considered to be brownfield land. |

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| E3 | Development outside Town centres | | |
| | <i>To control retail development outside town centres</i> | What is the system for deciding what is inside and what is outside the town centre? | Will be defined on a map in the local plan. Work being undertaken by GL Hearn. Buckingham is also providing their own in their Neighbourhood Plan. |
| E4 | Shops and Business Frontages | | |
| | <i>To retain the character of town centres</i> | Shop frontages – control over window displays particularly when there is change of use. | Can't be controlled by condition as it would not be deemed reasonable and many of the changes of use are permitted development so cannot have conditions attached. |
| E5 | There is no policy E5 | | |
| E6 | Tourism Development | | |
| | <i>Will set out principles for the development of tourism destinations</i> | | |
| E7 | Tourist Accommodation | | |
| | <i>To cover the provision of tourist accommodation in all forms including hotels, B&Bs and camping/caravanning</i> | | |
| E8 | Working at Home | | |
| | <i>Policy to address the implications of employment becoming the main use of a dwelling</i> | Query regarding live/work units particularly in new developments. | Evidence of need required to justify them but such provisions can be misused to get round planning controls on new housing development. |
| E9 | Agricultural development | | |
| | <i>Policy to set out the LPAs approach to permitting agricultural development</i> | | |

Transport

| | | Query | Response |
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| T1 | Vehicle Parking | | |
| | <i>To set out design principles and associated standards for car, lorry and cycle parking in relation to development.</i> | Different needs between rural and town centre developments. More car journeys in rural areas, therefore more parking space required at properties. | |
| T2 | Footpaths and Cycle Routes | | |
| | <i>To ensure that development connects to existing pedestrian and cycle networks and provides new facilities proportional to the level of development</i> | Can there be an assurance that they are all off road? | Cannot force developers to create all off road routes. Can only say "where at all possible". Would liaise with BCC. |
| T3 | Protected Transport Schemes | What are these? | These are routes for by passes/railways in line with BCC/LEPs recommendations. National schemes such as HS2 and East/West rail also covered. |
| T4 | Electric Vehicle Infrastructure | Required by the NPPF – more charging points should be encouraged | Although a framework to provide charging facilities can be requested can only go so far in policy. |

Conservation of the Built Environment

| | | Query | Response |
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| BE1 | Heritage Assets | | |
| | <i>To ensure the protection of designated and non-designated heritage assets</i> | | |
| BE2 | Overall Design | | |
| | <i>To set out design principles which all development should adhere to</i> | | |

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| | <i>including disabled access requirements</i> | | |
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Conservation of the Natural Environment

| | | Query | Response |
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| NE1 | Protected Sites | | |
| | <i>To ensure that development affecting environmental assets protects them e.g. SSSIs</i> | | |
| NE2 | Biodiversity | | |
| | <i>To deliver the protection and enhancement of biodiversity required by the NPPF</i> | Concern that AVDC's biodiversity team are unable to look at all planning applications as recommended in Section 10 of the NPPF. | Can include in policy but cannot control the level of service. Not all councils have biodiversity teams |
| NE3 | Landscape | | |
| | <i>To promote development which avoids inappropriate development in protected landscapes</i> | Can protected landscapes be increased? | They are assessed. Fleet Marston is an example which the Council won on appeal. The report from the land use consultancy will be put on the website. |
| NE4 | Pollution | | |
| | <i>To ensure that negative effects on the natural environment arising from development are mitigated or prevented including air, light, noise and groundwater pollution</i> | | |
| NE5 | Local Green spaces | | |
| | <i>To ensure the protection of designated Local Green Spaces from inappropriate development</i> | | |

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| NE6 | Best and most Versatile Agricultural Land | | |
| | <i>To ensure the protection of designated Local Green Spaces from inappropriate development</i> | | |
| NE7 | Trees and Hedgerows? | There should be more protection for trees and hedgerows. If trees/hedgerows are to be lost can they be replaced with new of a certain maturity? | Needed but limited powers unless already covered by a TPO. Even with more powers there's a danger that they will still disappear. Sympathetic to replacement trees/hedgerows being of a certain maturity but their success is often uncertain. |

The Countryside

| | | Query | Response |
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| C1 | Conversion of Rural Buildings | | |
| | <i>To ensure the sympathetic conversion of appropriate rural buildings</i> | | |
| C2 | Equestrian Development | | |
| | <i>To promote the development of appropriate equestrian businesses and facilities</i> | Need clarity between private and commercial equestrian development. | Can stipulate the difference in policy.. |
| C3 | Renewable Energy | | |
| | <i>To ensure that renewable energy developments take place in appropriate locations</i> | Should this read as Alternative rather than Renewable energy? Criteria for site allocations? | |
| C4 | Protection of Public Rights of Way | | |
| | <i>To set out the LPAs approach to public rights of way affected by development</i> | | |

Infrastructure and Utilities

| | | Query | Response |
|-----------|---|--|--|
| I1 | Green Infrastructure | | |
| | <i>To ensure that new development delivers suitable levels of green infrastructure</i> | | |
| I2 | Sport and Recreation | | |
| | <i>To ensure the delivery of appropriate levels of sport and recreation provision including children's play areas in association with the provision of new dwellings</i> | | |
| I3 | Community Facilities (Including designated Community Assets) | | |
| | <i>To protect communities from the loss of essential community facilities through development such as the loss of community halls, local shops, public open space, allotments and public houses</i> | Encourage communities to protect these facilities through their neighbourhood plans. | Can only be lost to developments if they are shown to be replaced or are economically unviable. Limited to a statement with regard to neighbourhood plans. |
| I4 | Flooding | | |
| | <i>To ensure that only development appropriate to the level of flood risk is permitted</i> | | |
| I5 | Telecommunications | | |
| | <i>To promote the development of new telecommunications network in a manner which minimises negative</i> | | |

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| <i>impacts on communities and the environment.</i> | | |
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