The changing planning system – opportunities for Central Bedfordshire

Cllr Nigel Young, Executive Member for Sustainable Communities – Strategic Planning and Economic Development
Recent changes to the planning system include.....

- National Planning Policy Framework
- Revocation of East of England Plan
- Neighbourhood Planning
Localism: Opportunity but responsibility

Local communities

Central Bedfordshire Council

Town & Parish Councils

Local businesses

Central Bedfordshire Council
Development requirements

East of England Plan abolished in January 2013

Local Planning Authorities now have to identify their own housing and employment targets

BUT…….

Targets must still be evidence based
Meet the full extent of assessed need
Neighbourhood Plans – an opportunity for local people to shape their community

Barton Le Clay

Caddington & Slip End

Toddington Village Green
Duty to Co-operate

Delivering new development in a co-ordinated way across administrative boundaries

Luton-Dunstable Guided Busway  Wixams development
High Quality Development

• Places that will stand the test of time

• Great design

• Sustainable design

• Places that bring new facilities to benefit local people (i.e. schools, shops, parks and gardens)

• Places that have enough space to park both the car and the bin!
Space standards

Government proposal to loosen regulations on quality of development

“Social housing review could result in people living without enough space or light” (Royal Institute of British Architects)

“Rabbit-hutch Britain”
Space standards

"For too long, house builders have been conning the public into buying hugely overpriced rubbish, the architectural equivalent of the turkey twizzler."

(Alain de Botton, 15 April)

80% of people support minimum space standards for homes – RIBA survey
## Space standards or red tape?

<table>
<thead>
<tr>
<th>Local aspirations for good design</th>
<th>&quot;We are opposed to space standards“</th>
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</thead>
<tbody>
<tr>
<td>Award winning development</td>
<td>“If you increase space standards it takes more land; that will increase the cost of the housing and will reduce the number of people that can afford it.&quot;</td>
</tr>
<tr>
<td>Community support for high quality</td>
<td>(Home Builders Federation)</td>
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</tbody>
</table>
Award Winning Development

Fairfield Park

Old Warden affordable housing scheme
Regenerating town centres

Houghton Regis

Dunstable
Attracting Investment

Center Parcs

Marks and Spencer
Community Infrastructure Levy (CIL)

Town & Parish Council Forum
16th April 2013

Presentation by:
Trevor Saunders BA (Hons) MRTPI
Assistant Director Planning
Tools to Deliver Sustainable Quality

Working in Partnership

- Our Development Plan policies
- Our Planning Guidance:
  - The District Design Guide
  - Development Briefs
- The Building Regulations
- CIL & s106
- Our ability to draw in other funds
- The approach we take with developers
CBC Planning Obligations (s106)

• On-line calculator

• Unilateral Undertakings

• Needs based by ward

• Negotiable site by site
What S106 Currently Enables

- Montage: schools, roads/junctions/bridges, play areas/playing pitches/leisure facilities, Marston Vale Forest, Parks/open spaces/public realm/town centres.
A S106 Negotiation
Erection of 36 dwellings in Ampthill, May 2011

Total Negotiated: **£420,158** (£11,671 unit)
Includes affordable housing, access, public open space, children's play area, allotments, landscaping and travel plan.

### Agreed Contributions

<table>
<thead>
<tr>
<th>Category</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Education Contribution</td>
<td>£160,596</td>
</tr>
<tr>
<td>Education - Early Years</td>
<td>£6,230</td>
</tr>
<tr>
<td>Cycle Network</td>
<td>£16,624</td>
</tr>
<tr>
<td>Primary Care Buildings</td>
<td>£20,606</td>
</tr>
<tr>
<td>PC Land &amp; Building</td>
<td>£5,558</td>
</tr>
<tr>
<td>Secondary Care</td>
<td>£20,199</td>
</tr>
<tr>
<td>Mental Care</td>
<td>£1,156</td>
</tr>
<tr>
<td>Indoor Sports</td>
<td>£12,030</td>
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<tr>
<td>Countryside &amp; Green Infra.</td>
<td>£54,397</td>
</tr>
<tr>
<td>Forest of Marston Vale</td>
<td>£24,507</td>
</tr>
<tr>
<td>Village/Community Halls</td>
<td>£16,052</td>
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<tr>
<td>Libraries (bookstock)</td>
<td>£2,064</td>
</tr>
<tr>
<td>Welcome Information Pack</td>
<td>£684</td>
</tr>
<tr>
<td>Waste - Houses</td>
<td>£1,150</td>
</tr>
<tr>
<td>Waste Recycling - Flats</td>
<td>£627</td>
</tr>
<tr>
<td>Police Force</td>
<td>£7,363</td>
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<tr>
<td>Safe Routes to School</td>
<td>£33,376</td>
</tr>
<tr>
<td>Traffic - CPZ</td>
<td>£15,000</td>
</tr>
<tr>
<td>Outdoor Sport</td>
<td>£21,939</td>
</tr>
</tbody>
</table>
CIL Basics

- Tariff-based Local Development Tax
- Used to fund new infrastructure
- Non-negotiable & legally enforceable
- Rates determined by viability not policy
- Council decides how / where to spend it
- No Development Strategy, no CIL!
How CIL works

• Charged per sq m net additional floor space
• 100 m² threshold
• Residential & Commercial Charges
• The bigger the house, the more you pay!

A roof tax
Residential Charging Areas

Proposed differential charges:
£225 sq.m in Area A
£150 sq.m in Area B
£45 sq.m in Area C

[ strategic urban extensions ]
How CIL is Calculated

100 house scheme in Area B
CIL rate of £150 per sq m

30 Affordable Units @ 30 % = £0

10 x 2 beds @ 70 sq m = £105,000
(£10,500 per unit)

40 x 3 beds @ 90 sq m = £540,000
(£13,500 per unit)

20 x 4 beds @ 110 sq m = £330,000
(£16,500 per unit)

Total CIL charge = £975,000
(£9,750 per unit across site ie 100 units)
Key issues for our Commercial CIL Charge

Convenience (food) superstores can afford to pay a charge

but

‘B’ use development (including B8 warehousing) cannot
The revenue generated from CIL

CIL only part of the answer, other funding sources will be needed

£5-10m?

Current market conditions depress prices, reducing viability

Developers will resist paying more than present s106 in this economic climate
CIL & s106 – how will it work?

Reduced s106 to continue for on site mitigation but contributions will be harder to negotiate

Reg.123 list precludes “double dipping” and, from 06 April 2014, s106 “pooling” limited to 5 max
What will the Council spend CIL on?

- education
- major road proposals
- east–west rail
- town centres
- community facilities
- public realm
- green space
CIL & Neighbourhood Funding

- Town & Parish Councils must spend on infrastructure +
- Adopted CIL must be in place
- Based on housing growth
- More units mean more revenue received
- Parish Neighbourhood Plan increases CIL revenue
- Controls over how spent
CIL & Neighbourhood Plans

Same 100 unit Area B scheme

a) No Neighbourhood Plan:

£975,000 x 15%

= £146,250

subject to a ceiling

b) Neighbourhood Plan in Place

£975,000 x 25%

= £243,750 with no ceiling
What would you spend CIL on?

Workshop Exercise:

The Cool Wall

Q & A
Development Strategy workshop

Town and Parish Council conference
16 April 2013

Richard Fox – Head of Development Planning and Housing Strategy

Simon Andrews – Strategic Planning and Housing Team Leader
Introduction

• Why we do spatial planning
• Government policy context
• Implications for Central Bedfordshire
• Development Strategy
  • Key principles and policies
  • Timescales
Sensible planning for the area

This?

Or this?
Planning by appeal
Loss of control over decision-making
What are other Councils saying?

“Having a strong locational strategy in place has helped to bring the council together to identify what we have to do to make this happen.”

“Having a plan for the whole borough and identifying locations for growth… is key to liaising with partners and statutory bodies to deliver required infrastructure.”

“Because the plan is very up-to-date inspectors are by and large supporting us, and we are getting some good appeal decisions."
Quality of development
What is central government saying?

Policy set out in NPPF and recent budget statements etc
- “Economic growth and housebuilding are national priorities”
- “Local housing needs must be met” – including migration
- “Make it happen now!” – 5-year land supply is critical
- “Cooperate with your neighbours” – recent decisions
- Don’t make development unviable
- “Green Belt is important but…”
What have we got already?

Southern Central Bedfordshire
What have we got already?

Northern Central Bedfordshire
What do we need?

• A strategy for the whole of Central Bedfordshire
• A strategy with a 15 year+ time horizon (from adoption)
• An NPPF-compliant strategy
• A set of housing and employment targets (current vacuum)
• A platform for CIL and other supplementary documents
Development Strategy

- Key planning policy for Central Bedfordshire
- Sets broad vision for development up to 2031
- Brings together existing policy for north and south
- Development targets – housing, employment, retail
- Detailed policies to guide planning applications
- Identification of key sites
Timetable

• Evidence gathering – Sept until April 2012
• Initial stakeholder involvement – February/March 2012
• Consultation on draft plan – June/July 2012
• “Publication” stage – Jan-Feb 2012
• Examination hearing sessions – September 2013
• Adoption – February 2014
Housing requirement

28,700 new homes
  = internally generated need from Central Bedfordshire
  = migration in & out of Central Bedfordshire
  = unmet need from Luton

15,700 already built or planned

13,000 new allocations proposed
Employment targets

27,000 new jobs
  • Aspirational but achievable
  • Good supply of existing sites but needs supplementing
  • 139ha new employment land proposed, primarily in south
Key proposals
Wixams, Flitwick and Biggleswade
Next Steps

- Review comments and consider any possible changes
- Submission – end May
- Inspector appointed – end May
- Examination hearing sessions – September/October
- Inspector’s report – end of 2013
- Adoption – February 2014
Questions for discussion

• Do you agree with our interpretation of government guidance?
• What more can we do to stimulate growth?
• What are the key challenges over the next 20 years?
• Is the Strategy flexible enough to cope with these?
• Where next for the spatial strategy?
Neighbourhood Planning
Overview

• An opportunity for local communities to create a vision for the future and have greater control over local planning decisions

• The Localism Bill makes provision for neighbourhood development plans, neighbourhood development orders and community right to build

• Neighbourhood planning is optional not compulsory
Overview

Neighbourhood Plans:
• Must be led by the Parish Council on behalf of the community
• Must be land-use based
• Complement other documents such as Parish Plans – community planning’ is not new
• Can allocate land for development
How do they fit in?

• Complicated planning policy background

• New ‘Development Strategy’ for whole of Central Bedfordshire up to 2031
  – 6 large sites
  – 1,500 houses from ‘Exceptions’ Neighbourhood Plans & windfalls
  – Allocations Document (North) still in place
What is Their Scope?

They are not Town/Parish Plans.

The contents are flexible, and may refine/add to policies in Local Authority development plans. They may include:

- Broad context or vision
- Key projects and infrastructure
- Site specific policies/developments
- Design policies
## Hierarchy of Plans

Planning and Compulsory Purchase Act 2004 requires us to deliver a Local Development Framework. Localism Act 2011 reaffirms and extends “plan-led approach”

<table>
<thead>
<tr>
<th>National Planning Policy Framework</th>
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<td>Regional Plans still in place for now</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Local Development Framework/Local Plan – Development Strategy</th>
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</table>

| Neighbourhood Plans – Caddington/Slip End, Toddington, Barton le Clay and others |
What are the requirements?

Neighbourhood Plans must:
- Have regard to national planning policy
- Be in general conformity with strategic policies and proposals in the Local Plan – cannot promote less development
- Be compatible with EU regulations
- Only relate to one neighbourhood area
How are they developed?

The development of neighbourhood plans is a ‘neighbourhood’ led process:

• produced by the Parish Council, with minimal/arm’s length assistance from CBC
• community decide on content
• flexible to address different needs and expectations
• tailored to the neighbourhood
Process Map

- Process instigated by Parish Council
- Plan prepared by local community with council support and advice
- Community engagement
- Council check for legal compliance and planning policy conformity
- Examination
- Referendum
- Plan adopted by CBC
Formal Role of CBC

- Duty to provide expertise and advice
- Required to formally publicise and take proposals to independent examination (and fund it)
- Required to fund and undertake the referendum
- Must adopt a neighbourhood plan if all the requirements have been met and more than 50% of the community vote in favour
Funding

• Funded by the community but costs kept low as work is often prepared by volunteers

• There may be grants/expert help available e.g. Locality and Planning Aid

• CBC will not directly provide financial assistance towards preparation
Experience So Far.....

- 3 Plans up and running (Barton le Clay, Caddington & Slip End and Toddington)

KEY CONSIDERATIONS
- Resources
- Understanding of process
- Project planning
- Community Involvement
Conclusions

• Described by Ministers as ‘a change and a challenge’ for Local Authorities

• Great potential for **positive** change but not suitable for all parishes

• A great opportunity for partnerships between CBC and parishes
Workshop 1

What issues should a Neighbourhood Plan address?
Workshop 2

How do we build up an evidence base?

• What resources are available
• What methods can be used to obtain any information that is missing?
Workshop 3

Site Assessments

• How do we go about assessing sites?
• How can we ensure that it is a robust and transparent process?
• Understanding opportunities and constraints
The Planning Application Process from Pre Application Advice to Determination

Presentation By Andrew Davie – Head of Development Management
Overview of the Presentation

• Background
• Pre-Application
• Application Process
• Post Application
• External Influences
• Current Trends
Background

Planning is a Plan Led System – LDF, Core Strategy, Local Plans
Section 36(8) states:-

Legislative Framework - The Planning Act
National Planning Policy Framework
Circulars
Case Law
Planning Permissions - normally run with the land
- judgement made on use and development of land
Pre Application Stage

- Not a statutory requirement but we are encouraged by Central Government to engage in pre-application advice
- CBC places emphasis on early discussion
- Introduced a charging regime or it is resource intensive
- We discuss many schemes some of which become application some which never materialise
  290 pre-application responses issued since introduction of charging 01/02/2012
- All these discussions are undertaken on a ‘without prejudice basis’
Planning Application Stage

- Full Application
- Outline Application
- Reserve Matters Application
- Development Consent
- Listed Building Consent
- Conservation Consent
Planning Application Stage

• Development Plan – Northern Core Strategy
  – Development Strategy
  – South Beds Local Plan

• 38(6) – made in accordance with the Plan unless material considerations indicate otherwise

• What is a Material Consideration?
  – *In principle any consideration which relates to the use and development of land is capable of being a planning consideration* Stringer v MHLG
  – *Material considerations must be genuine planning considerations i.e. they must be related to the development and the use of land in the public interest – R v Westminster CC*
Planning Application Stage

• What determines – weight, Wednesbury: so unreasonable that no reasonable authority could have decided that

• Relationship between Planning and other controls
  – Building Control
  – Environmental Health
Determination Process

• Planning Applications are determined by
  
  - Delegation
  - Development Management Committee

• Means of determination governed by the Council Constitution
Planning Application Stage

Control and Enforcement

• Conditions
  – Enforcement Notices
  – Breach of Condition Notices
  – Injunctions

• Legal Agreements
  – Injunctions

• Advisory Notes
  – Unenforceable
Post Decision

- Appeals - Refused
  - Conditions
- Appeals - Written Representations
  - Hearing
  - Inquiry
- Judicial Review
External Influences

• Targets
  – 8 weeks  - 75%
  – 13 weeks  - 60%
  – 16 weeks

• Planning Guarantee
  – 52 weeks for determination and appeal
Current Trends

• Reduction in bureaucracy
  – Validation
  – Application detail – design and access statements
  – Increase in permitted development rights
• Priority on delivery at major applications
• Performance targets for majors
Building Control

Building Regulations
‘safe, sustainable and accessible’ buildings

foundations and substructure
fire safety, structural stability
contaminants, drainage
sound reduction, energy efficiency
ventilation, water efficiency, water safety, heating and hot water, stoves, boilers, chimneys, staircases, glazing
electrical safety
materials and workmanship
Building Control

Flood Risk Management

Introduction of new legislation (probably Oct 2014) - developers will need to use SuDS

Central Beds will be the SuDS Approval Body and will have the responsibility for approval, adoption and maintenance of SuDS
Building Control

Street naming and numbering
Allocation of new street names
Allocation of new property numbers
Replacement, repair and maintenance of street name plates

Historic Environment Record (HER)
Records of archaeological sites
Historic buildings
Historic landscape features
Details of over 11,000 sites
Consulted by planners, developers, consultants, schoolchildren, students and the public