



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



Town & Parish Councils



Central Bedfordshire
Council



Local businesses

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



Caddington & Slip End



Barton Le Clay



Toddington

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”



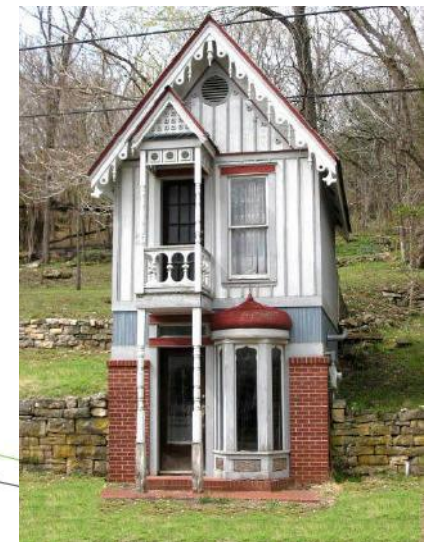
Space standards



"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?

Local aspirations for
good design

Award winning
development

Community support for
high quality

V

"We are opposed to space
standards"

"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."

(Home Builders Federation)

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

The image is a screenshot of a web-based form titled 'Residential Calculation Sheet - Detailed Application'. The form is designed for users to input details about a proposed development. It includes sections for 'Please indicate the number of dwellings which are:' with sub-sections for 'Flats' and 'Housing'. Each sub-section has a table with columns for 'Enter Proposed Dwellings', 'Enter Dwellings Lost', and 'Lost'. Below these tables, there are fields for 'Total Number of Homes Proposed' and 'Net Bedroom Changes'. To the right, there are fields for 'Select Location of Development' (with 'Lungthill' entered) and 'Select Size of Development' (with '0.50 to 0.99 Hectares' entered). A 'RESET' button is located at the bottom right. The form is set against a dark background with white text and input fields.

What S106 Currently Enables

Gallagher Estates



Proposed Masterplan, Wixams, Bedfordshire

GALLAGHER
ESTATES
CLAGUE



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

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

CIL Basics

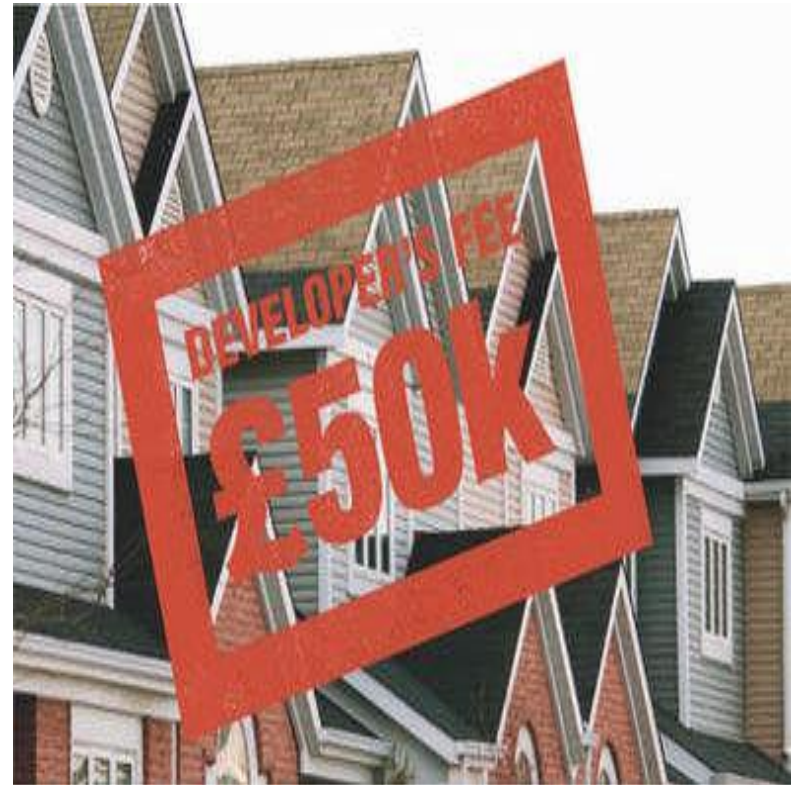
- Tariff-based Local Development Tax
- Used to fund new infrastructure
- Non-negotiable & legally enforceable
- Rates determined by viability not policy
- Council decides how / where to spend it
- No Development Strategy, no CIL!



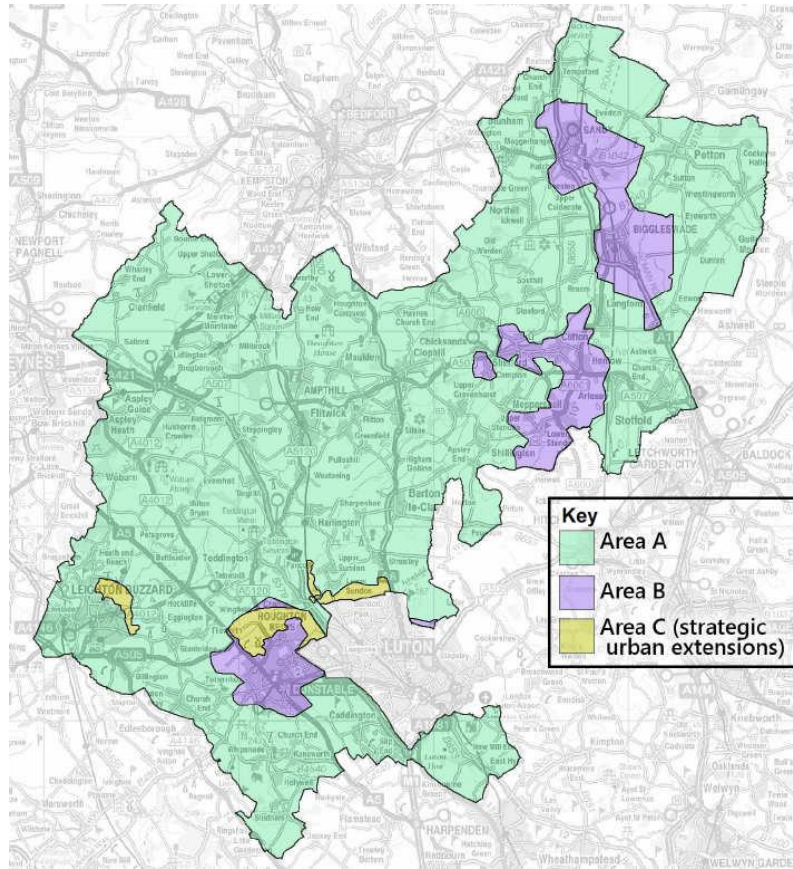
How CIL works

- 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

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



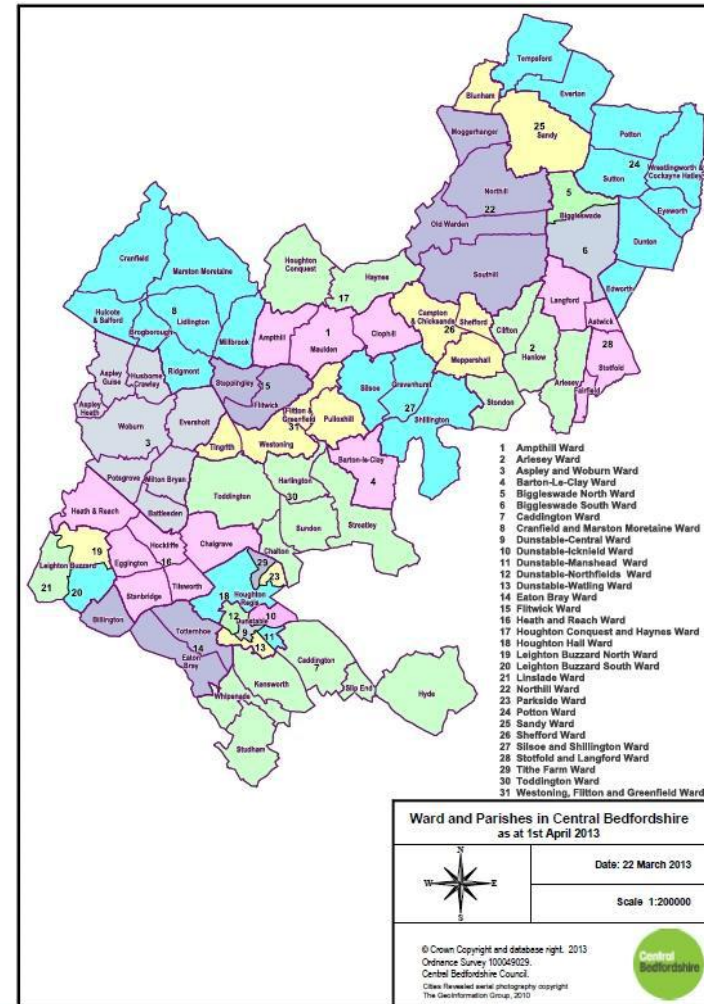
What will the Council spend CIL on?

- 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?

Loss of control over decision-making

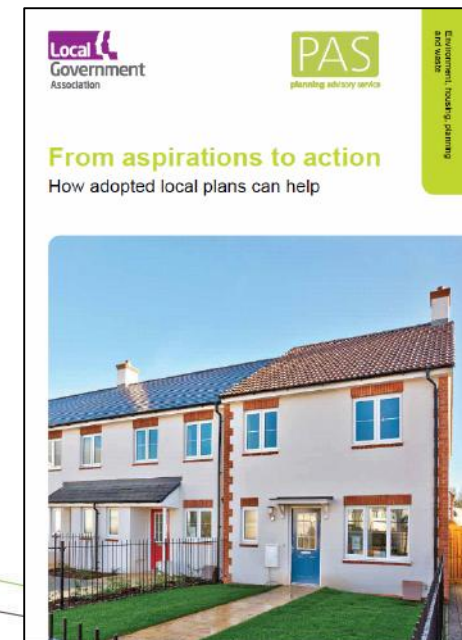


What are other Councils saying?

“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...”

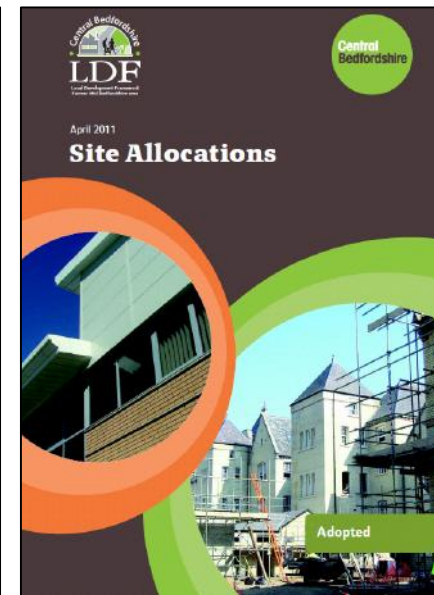
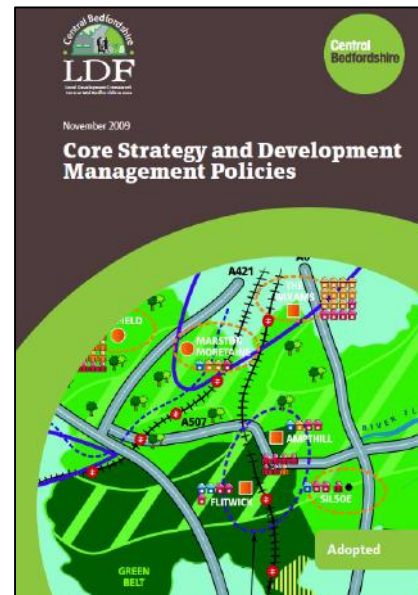
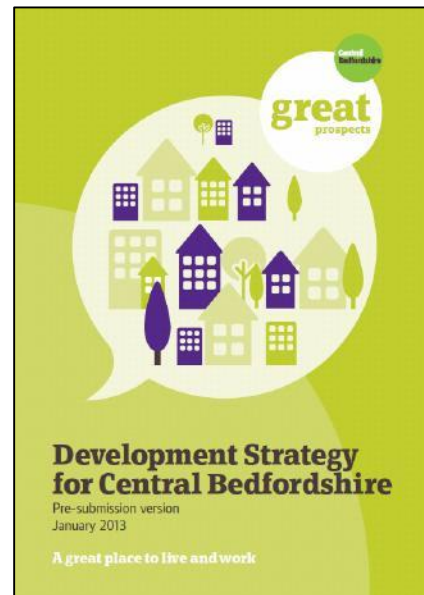
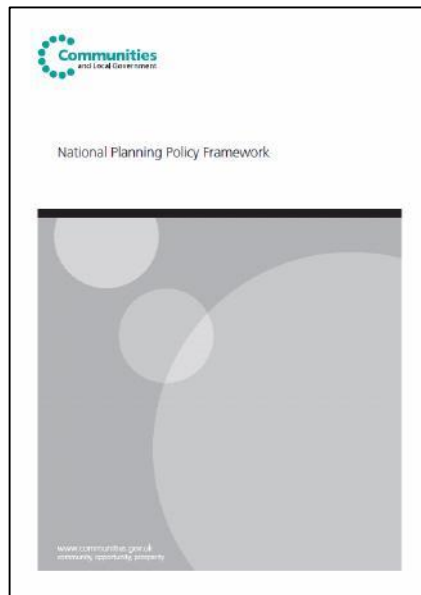
What have we got already?

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

We are
here

- 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

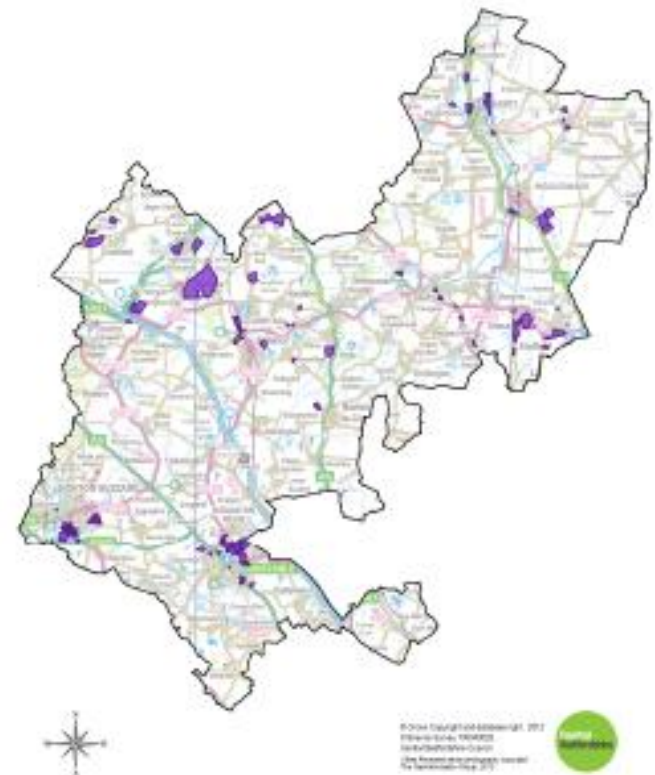
15,700 already built or planned

13,000 new allocations proposed

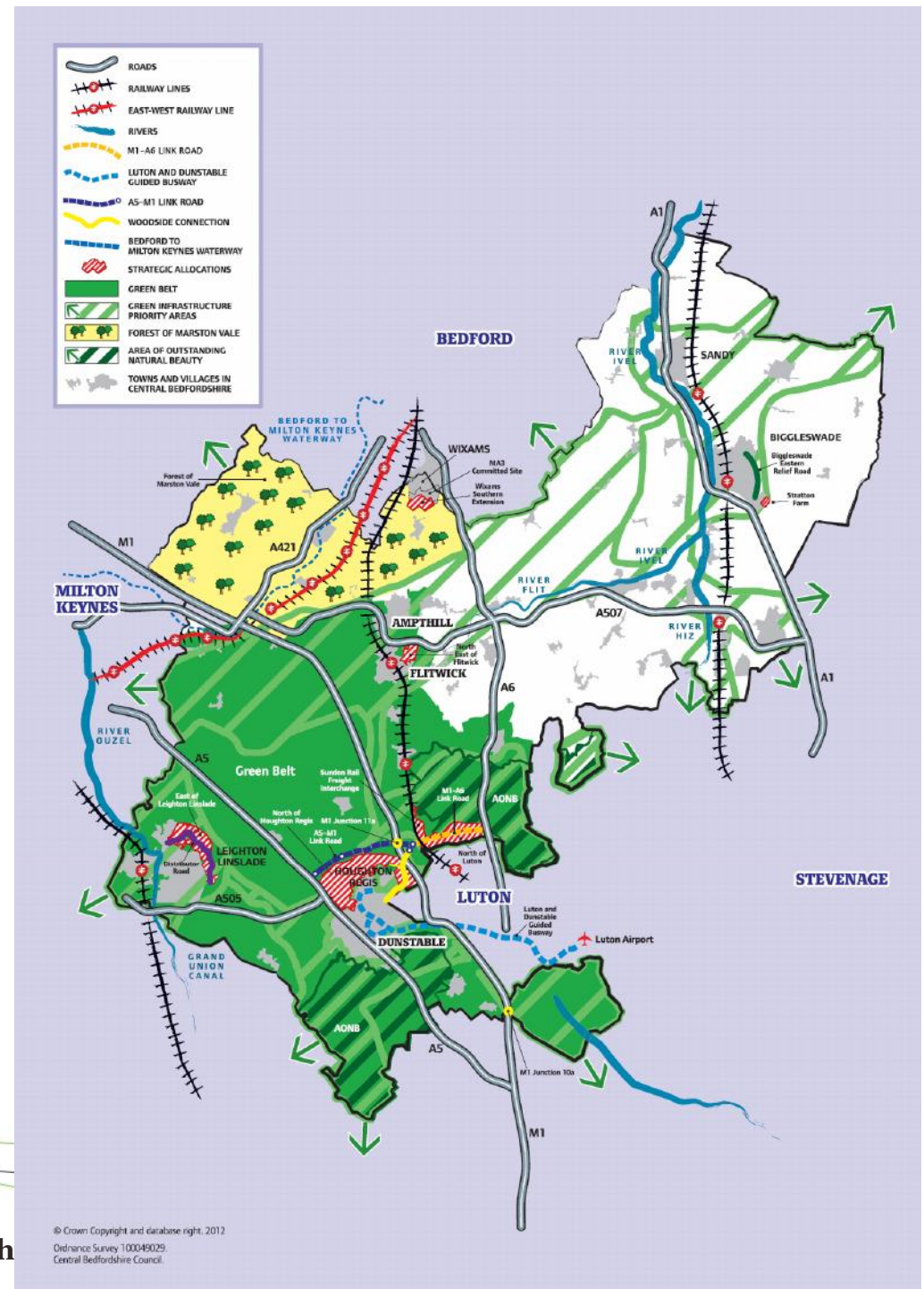
Employment targets

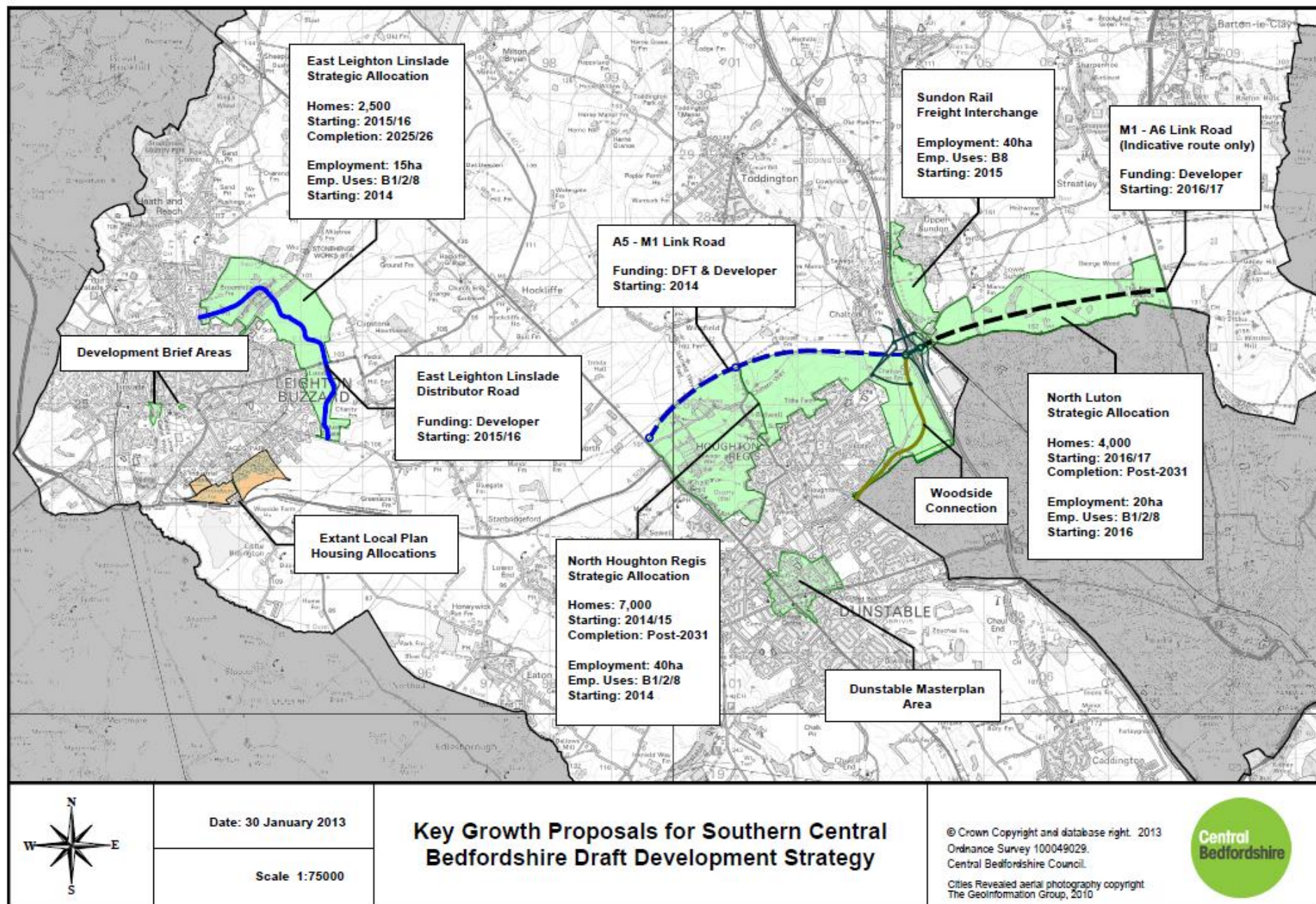
27,000 new jobs

- Aspirational but achievable
- Good supply of existing sites but needs supplementing
- 139ha new employment land proposed, primarily in south

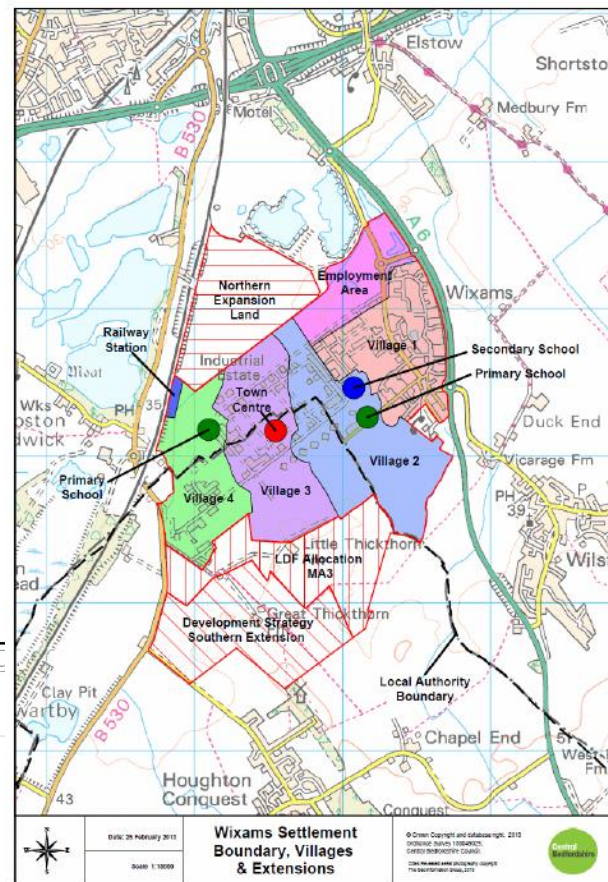
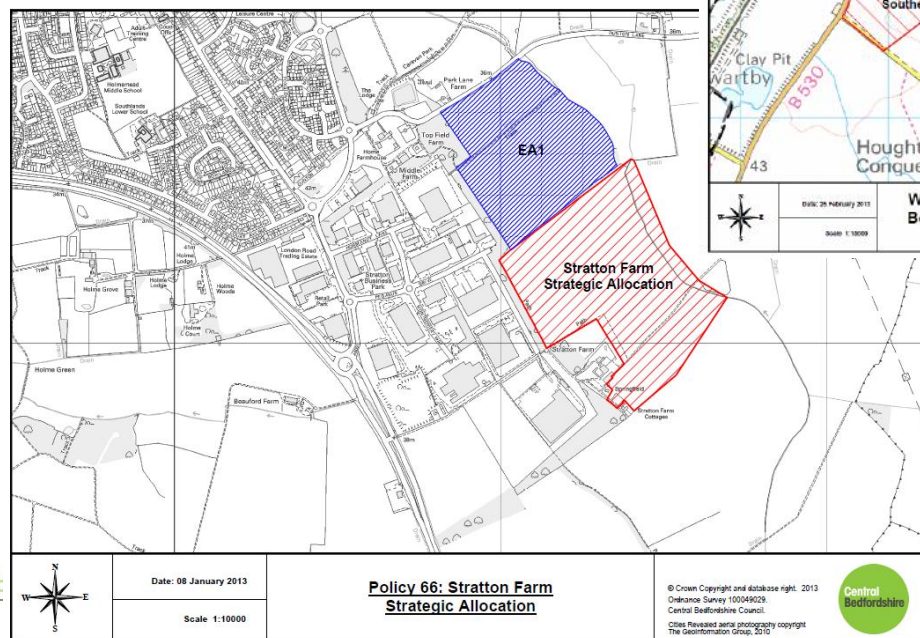
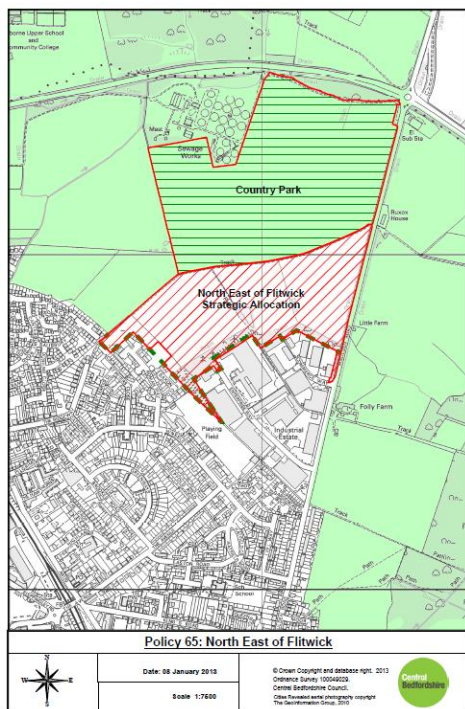


Key proposals





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

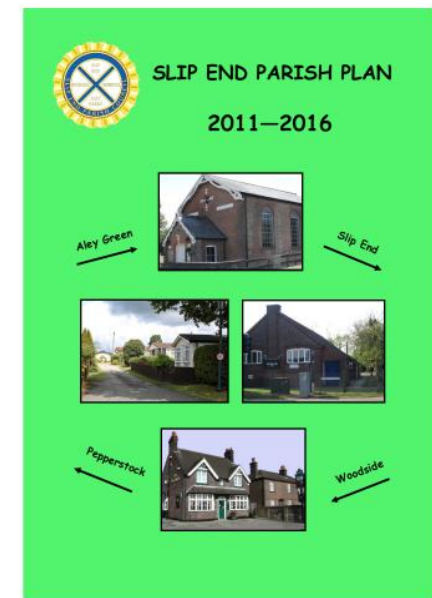
- An opportunity for local communities to create a vision for the future and have greater control over local planning decisions
- The Localism Bill makes provision for neighbourhood development plans, neighbourhood development orders and community right to build
- Neighbourhood planning is optional not compulsory



Overview

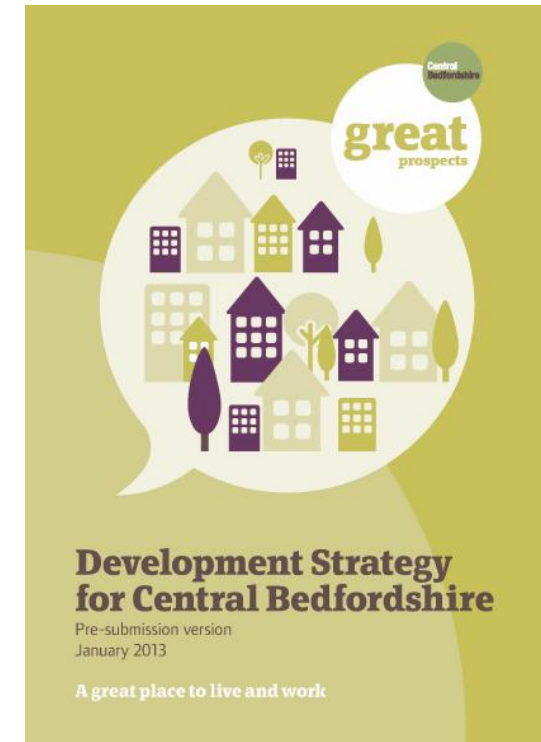
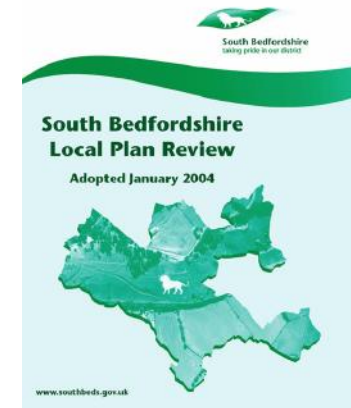
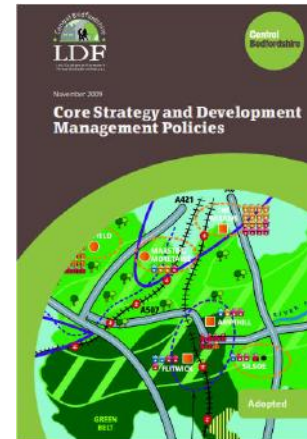
Neighbourhood Plans:

- 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

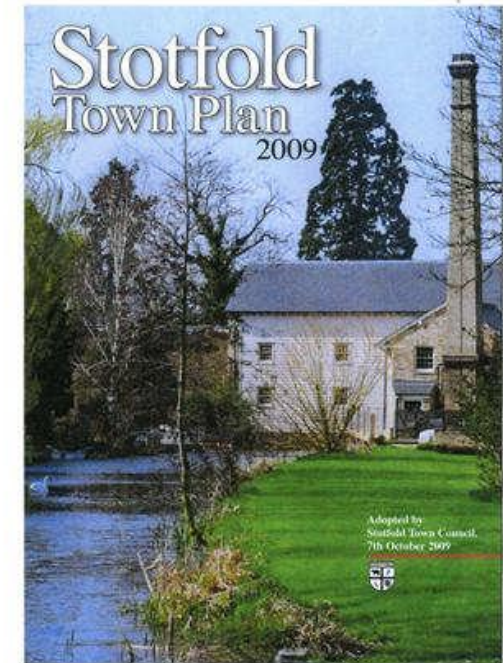


What is Their Scope?

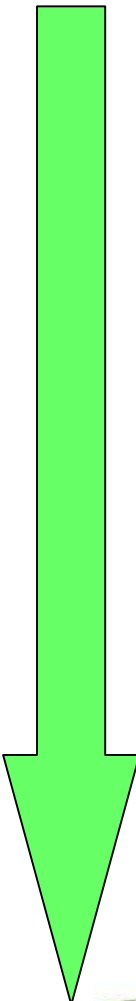
They are not Town/Parish Plans.

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”

National Planning Policy Framework
Regional Plans still in place for now

Local Development Framework/Local Plan – Development Strategy

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

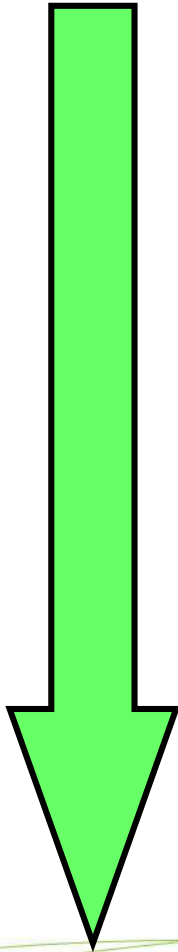
How are they developed?

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?



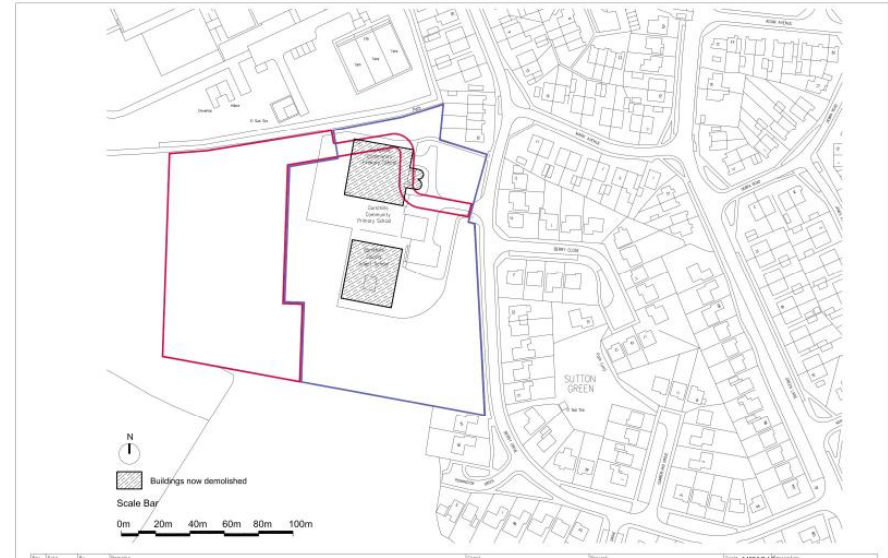
Workshop 2

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



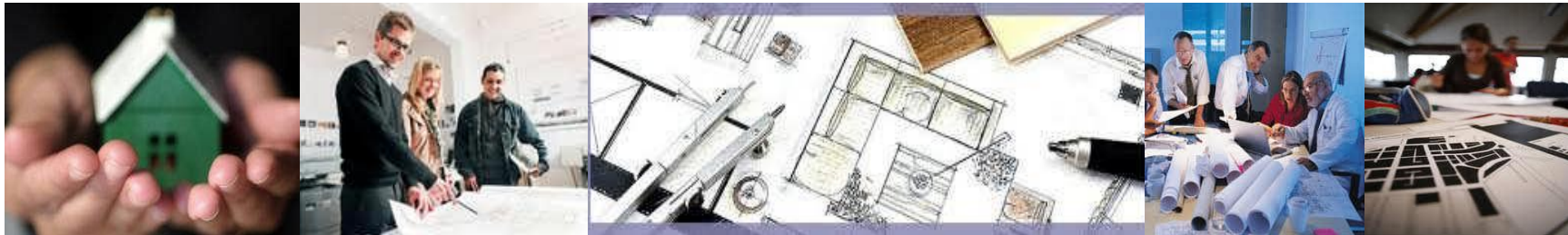
Post Decision

- 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