



GRENDON UNDERWOOD PARISH COUNCIL

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PLANNING RESPONSE POLICY

CP16.04

Authorised & Adopted: **GRENDON UNDERWOOD PARISH COUNCIL**

Authorisation & last review as shown in the Policy Review Record CD08A

CHANGE LOG	
DATE APPROVAL MEETING	AMENDMENT
25 th June 2019	Adopted by resolution of full Council at a properly constituted general meeting held 25 th June 2019 - minute: 1906.05-1
26 th May 2020	New format, email & web addresses
24 th May 2022	To Recognise updated legislation: NPPF as updated June 21. On the 15 September 2021 the Vale of Aylesbury District Local Plan (VALP) was adopted, and its policies hold full weight in this Policy; Planning & Compulsory Purchase Act 2004. Government proposals for the Oxford to Cambridge Arc Spatial Framework.

I PURPOSE

Pursuant to the Local Government Act 1972 and Section 27 of the Localism Act 2011, Grendon Underwood Parish Council is a designated **Planning Consultee** (PC) of the **Local Planning Authority** (LPA), Buckinghamshire Council – Aylesbury Vale Ward and is charged with representing the views of local residents in respect of the planning process within the Parish.

Whilst the LPA is the sole arbiter of planning decision making, it is legally obliged to submit relevant planning applications to the PC and invite it to respond such as to give the LPA a local perspective of the potential impact of the proposal.

Whilst legally bound to “consider” local input, the Planning Authority, at its sole discretion, can decide what weight to give such input and is NOT obliged to accept it as material to the LPA’s ‘Planning Balance’, either in whole or in part.

The Consultee may choose to respond, subject to any response being in the public interest and to resident comments being in hand within the statutory planning consultation period, such as to convey the views of local residents regarding what they would consider to be the impacts & implications on local infrastructure, sustainability, amenity, heritage & biodiversity, should the Planning Authority grant an application.

The Policy is designed to clearly demonstrate to the Planning Authority, residents, landowners and developers exactly how the PC will weigh the perceived harms, to include any proposed mitigations of same, against any alleged benefits each application may represent.

Neighbourhood Plan - the PC considers the development of a Neighbourhood Plan to be too costly, in terms of money, time and resource, and relatively ineffectual in the weight they are given should they be considered contrary to overarching National & County imperatives for development. This Policy, whilst not ‘adopted’ at County, is based on the clearly expressed views of the overwhelming majority of residents arising from previous developments, both large & small scale, and has been developed to act as a credible, de-facto Neighbourhood Plan for Grendon Underwood. To this end, the views of residents regarding developments have been derived directly from public open meetings, comments on the LPA Planning Portal and direct Councillor contact.

Council has made every effort to ensure all relevant statutory requirements to which a council is subject are encompassed in this Policy but confirm that, in any event, those requirements apply whether or not they are incorporated herein.

Notes:

- Where the word “councillor” is used, unless the context suggests otherwise, the meaning is intended to include elected and co-opted Members of Council, with or without voting rights.
- A ‘co-opted member’ is a person who is not an elected member of the Council but who has been co-opted onto the Council, or a committee or sub-committee properly constituted by Council, by a majority of elected Councillors at a properly constituted meeting of Council and who is entitled to vote on any question that falls to be decided at any meeting of Council or that committee or sub-committee.
- A ‘meeting’ is a properly constituted meeting of the Council, any of its committees, sub-committees, joint committees or joint sub-committees.
- Unless otherwise expressed, a reference to a Member of the Council includes a co-opted member of the Council.
- Where gender specific wording is used, meaning is intended to be gender neutral.

Definitions:

- **GUPC** or ‘**the Planning Consultee**’ = Grendon Underwood Parish Council
- **BC** or ‘**Local Planning Authority**’ = Buckinghamshire Council – Aylesbury Vale Ward.

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- **VALP** = The Vale of Aylesbury Local Plan for period 2013 to 2033, as adopted 15th September 2021.
- **Affordable Housing** = Social rented, affordable rented and intermediate housing, provided to eligible households whose needs are not met by the market. Eligibility is determined with regard to local incomes and local house prices. Affordable housing should include provisions to remain at an affordable price for future eligible households or for the subsidy to be recycled for alternative affordable housing provision. Homes that do not meet the above definition of affordable housing, such as ‘low-cost market’ housing, may not be considered as affordable housing for planning purposes.” (Reference; LPA)
- **Footpath/footway/pavement** = a ‘footpath’ is a public right of way across fields; a ‘footway’ is a pedestrian route; a ‘pavement’ is a man-made route for pedestrians, e.g. beside a road
- **NPPF** = National Planning Policy Framework, as amended June 2021.
- **PPG** = Planning Practice Guidance
- **HEDNA** = Aylesbury Vale Housing & Economic Development Needs Assessment,
- **HELAA** = Aylesbury Vale Housing & Economic Land Availability Report v.3, May 2016 formerly known as the Strategic Housing Land Availability Assessment (SHLAA) as required by the NPPF using guidance in the PPG.
- **Adoption** = the adoption of all liabilities & responsibilities for on-going maintenance & compliance of any carriageway and street lighting serving a development.

II SCOPE

This Policy provides the framework within which the PC will represent its constituents by effectively weighing any alleged benefits against perceived harms that would accrue to community from a planning application and how such views relate to the planning legislation to which both the PC and the LPA must conform.

In response to a high number of large-scale planning applications and the growing prospect of substantially more within the Parish boundary, the Council has taken several measures to establish the views of local residents. These include holding a number of open, well attended public planning meetings, noting resident and consultee comments on the LPA Planning Portal, taking views direct from residents attending council meetings and from numerous direct contacts with councillors.

These views form the basis of this Policy and Council believes it can confidently represent the majority view of residents when considering large scale planning applications whenever the same overarching, community-wide concerns, as expressed, also apply to any given application proposed for the Parish.

The scope of the Policy is defined by local and national planning legislation.

The primary local legislation is the Vale of Aylesbury District Local Plan (VALP), adopted on 15th September 2021, which comprises the following considerations and which the PC is obliged to weigh in its decision:

- S1 (Sustainable development for Aylesbury Vale)
- S2 (Spatial strategy for growth)
- S3 (Settlement hierarchy and cohesive development)
- S5 (Infrastructure)
- S7 (Previously developed land)
- D6 (Provision of employment land)
- T5 (Delivering transport in new development)
- T6 (Vehicle parking) & Appendix B (Parking Standards)
- T8 (Electric vehicle parking)
- BE1 (Heritage Assets)
- BE2 (Design of new development)
- BE3 (Protection of the amenity of residents)
- C3 (Renewable Energy)
- C4 (Protection of Public Rights of Way)
- NE1 (Biodiversity and geodiversity)
- NE4 (Landscape character and locally important landscape)
- NE5 (Pollution, air quality and contaminated land)
- NE8 (Trees, hedgerows and woodlands)
- I4 (Flooding)
- I5 (Water resources and Wastewater Infrastructure).

Other local legislation will be considered as necessary and may include, but will not be limited to, the local HELAA & HEDNA, other Planning Authority Policies & Statutes and precedent derived from previous planning decisions and appeals.

In addition, National legislation defining the scope includes the National Planning Policy Framework, as updated in June 2021, National Planning Practice Guidance, the National Design Guide, the Planning & Compulsory Purchase Act 2004 & pending Government proposals for the Oxford to Cambridge Arc Spatial Framework.

III POLICY

CP16.3a Policy Objectives

1. To provide Councillors with a balanced, standard approach to responding to invitations from the Planning Authority such as to accurately convey residents’ concerns regarding planning applications within the Parish.
2. To provide residents with a clear understanding of how the Council has arrived at its decisions;
3. To provide the Planning Authority with a basis on which the Council will respond to their invitations;

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4. To provide developers, landowners & applicants with those factors residents of the parish will consider important for sympathetic development of their community.

CP16.3b Procedure

1. On receipt of an invitation to comment from the Planning Authority, the Clerk will forward the request to all Councillors as soon as practically possible, highlighting the closing date for comments;
2. Councillors will seek the views of local residents directly, as appropriate, and also monitor all relevant Developer, Planning Authority Consultee and local resident input on the Planning Portal of the LPA up to three days prior to the closing date;
3. Given sufficient local concern, the Council may also call an open, public, planning meeting for residents to express their views & notify the developer/applicant of the venue, time & date of such meeting and any conclusions arising;
4. If the closing date for comments falls after the next meeting of Council, the application will be placed on the agenda for that meeting and the Council response formally agreed;
5. If the closing date for comments falls before the next meeting of Council, the Clerk will initiate the Rapid Response Protocol, three clear days prior to the closing date, to establish a majority response;
6. Having established the views of Council, the Clerk will complete the response invitation document together with a Council's Planning Response Statement (ref: CD18), (should that be considered necessary) and any other supporting documentation and submit it to Council for ratification prior to submission, by email, to the Planning Authority the day before the closing date to allow residents the maximum period for contacting their Councillors;
7. The response to the invitation will be signed off as a reflection of the intent of the whole Council and not by any one individual Councillor alone. The Chair may authorise, directly & by exception, the Clerk to sign, by delegated power, given the Council's response has been duly obtained in accordance with the above;
8. In the event of a conflict of interest, the response will clearly show the relevant Councillor as having withdrawn from the decision;
9. In the Clerk's absence on critical due dates, the Chairman or Vice Chairman will initiate the response in due time.

CP16.3c Policy & Statutory Considerations and Evaluation of the Factors to be Weighed in the Balance

As a duly empowered Planning Consultee and representative of the residents of a small to medium village within the planning governance structure of Buckinghamshire, Grendon Underwood Parish Council will weigh the following factors in its planning balance:

- Review any relevant planning history including precedent set for other applications.
- Review Representations – as taken locally and from the LPA Planning Portal;
- Review Informatives submitted by the applicant to ensure information is sufficient and of a sufficiently credible nature to allow any claims to be fully corroborated & evaluated in the planning balance;
- Review responses from other Parish Councils and Council Consultees;
- Take due regard of Local Planning Imperatives, primarily the VALP, as shown in Section II – Scope;
- Take due regard of National Planning Imperatives as shown in Section II - Scope.
- Take due regard of the NPPF directive to approve sustainable development where it can credibly be demonstrated that a development :
 1. does not represent a risk to the sustainability of Grendon Underwood, Springhill & Kingswood, its environment or local infrastructure;
 2. does not represent a risk to the wellbeing, amenity, health or safety of the residents of Grendon Underwood, Springhill & Kingswood
 3. does not contravene any applicable statutory planning requirements of the VALP, NPPF, HEDNA, HELAA, Town & Country Planning Act 1990 & this Policy;

CP16.3d Evaluation

- a. The proposed development should be located within the existing developed footprint of the village* or is substantially enclosed by existing built development;
- b. The proposed development should not lead to coalescence with any neighbouring settlement;
- c. The proposed development should be of a small scale (normally <5 dwellings - net) and in a location that is in keeping with the existing linear form of the settlement and would not adversely affect its character and appearance;
- d. The proposed development should respect and retain natural boundaries and features such as trees, hedgerows, embankments, historic ridge & furrow topography and drainage ditches;
- e. The proposed development would not have any significant adverse impact on environmental assets such as landscape, visual aspect, noises nuisance, biodiversity, heritage, waterways, open space and green field;
- f. The proposed development would not have any significant adverse impact on the physical & mental health and wellbeing of residents or visitors to the Parish.

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- g. The proposed development would have no material effect on and can be served by existing infrastructure, including highways, drainage, schools, utilities, medical & emergency services.
- h. Any mitigation works proposed by the developer can be demonstrated, with independent data, as making a tangible contribution to a real improvement in the overall community affected by the development; that any such mitigation is one that provides a net gain, is not an 'improvement' to a location that would not need 'improvement' but for the development; is not merely an arbitrary means of facilitating an approval of the planning application and which can be supported with data ensuring physical & financial legal enforcement in perpetuity.

*the existing developed footprint is defined as the continuous built form of the village and excludes individual buildings and groups of dispersed buildings. This includes former agricultural barns that have been converted, agricultural buildings and associated land on the edge of the village and gardens, paddocks and other undeveloped land within the curtilage of buildings on the edge of the settlement where the land relates more to the surrounding countryside than to the built-up area of the village

CP16.3e Emphasis particular to Grendon Underwood.

1. Establish whether the proposed development recognises the remote and unsustainable location, within the open countryside, of the village that would require new residents to be entirely reliant on private motor vehicle transport, and would not provide good access for sustainable modes of transport.
2. Establish whether there is a clear justification for the development needing to be located within this rural location half way between the rapidly developing Garden Towns of Aylesbury & Bicester and whether the application adequately demonstrates that there are no more suitable sites for the development within an appropriate area.
3. Establish whether the development is in keeping with the historically important linear nature of the village.
4. Consider whether the development is serving to meet local rural business and community needs.
5. Ensure there is clear allocation of responsibilities regarding the upkeep of any new carriageways, pathways & street lighting in the event of approval.
6. Whether the proposed development would have due regard to the sensitivity of the village and its surroundings such as to be in compliance with Policies S1, S2, S3, S7 and D6 of the Vale of Aylesbury Local Plan and paragraphs 85 and 174 of the NPPF 2021.
7. Whether the proposed development by virtue of its design, scale and massing would result in major adverse impacts on the landscape character and visual amenity of the site and its surroundings, and significant adverse impacts on the landscape character and visual amenity of the wider area, including during hours of darkness given the lighting that would be reasonably required to serve the intended uses, and whether this would or could be adequately mitigated and consequently could be considered contrary to policies S1, NE4, NE5 and BE2 of the Vale of Aylesbury Local Plan and paragraph 174b) and Section 12 of the NPPF.
8. Whether the proposed development, by virtue of its siting, would result in the loss of a significant area of ridge and furrow medieval earthworks which the Local Planning Authority identify as a non-designated heritage asset of regional importance such that it would necessitate digging up and moving of earth over the area of ridge and furrow, which would result in the loss of a significant area of ridge and furrow and permanent harm to the historic environment and whether the benefits of a proposal are could be considered sufficient to outweigh this harm to non-designated heritage assets, and therefore be contrary to policies S1 and BE1 Vale of Aylesbury Local Plan and paragraph 203 of the NPPF.
9. Whether the applicant has supplied sufficient information to demonstrate that the proposed development would be adequately drained both in relation to foul and surface water drainage arrangements, such that the proposal would not lead to increased flood risk elsewhere on the clay-based substrate of the locality such that it could be considered contrary to policies I4 and I5 of the Vale of Aylesbury Local Plan, paragraph 169 of the NPPF and guidance within the Planning Practice Guidance.
10. Whether the application has taken sufficient studies & surveys to credibly demonstrate that the proposed development would result in a net gain in biodiversity (min.10%) and whether it is likely that the development would result in harm to protected species - such that any information provided clearly demonstrates that a protected species license could be granted by Nature England or the District Licensing programme as necessary and that the proposed development would comply with the requirements of the Wildlife and Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2017 and with policy S1 and NE1 of the VALP and paragraph 174 d) of the NPPF.

Conversely, Council will oppose any development that contravenes any of the above.

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Dated: 20th May 2022