

Thornbury Neighbourhood Development Plan August 2020

Comments on revised Regulation 14 version post consultation

Thank you for sharing the revised version of the Thornbury Neighbourhood Development Plan. As requested the council has review the revised version of the plan against the previous comments made by South Glos during the regulation 14 consultation. This consultation was undertaken by the Thornbury Neighbourhood Planning Group. We are pleased to see many of our comments previously made have been taken into account. Our comments below therefore relate to points which we would like to bring to your attention at this stage.

We have also provided advice on two policies which we believe will be impacted by the introduction of the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 which came into force on 1st September 2020. The amended use class we believe are likely to impact policies 12 Town Centre Viability and 13 Provision of Office and Light Industrial Units.

Policy 1

Our previous understanding was that this policy was originally included to align with and support the Joint Spatial Plan (JSP) and Local Plan 2018-36. As you will be aware the JSP was formally withdrawn on 7th April 2020.

The supporting text under 5.4.2 Setting, Views and Panoramas sets out the objectives as being the protection of key views and vistas which is supported by a map at Appendix C. The final paragraph suggests the policy is directing growth away from the hillsides in favour of the flat areas in and around Thornbury. Finally, the supporting text outlines the importance of maintaining, improving or establishing easy access routes from Thornbury into the countryside.

Having reviewed the policy text officers would seek clarification on the purpose and objective of the policy. In particular it may be important to consider what specifically it is about the character of the villages and hamlets that makes their protection necessary, even naming the specific features of villages and hamlets may be helpful. There could also be a particular design response that the character of a local hamlet or village requires that would help an area to maintain its unique identity. Further support on this can be provided through [Locality](#) which has a support package for design codes.

For clarity it may be worth perhaps using bullet points to set out that the policy's key objectives are to:

- Protect, enhance or create easy access routes from Thornbury Town into the countryside (perhaps outlining where these may be located).
- Protect key views and vistas as shown in Appendix C.
- Ensure design that is sensitive and reflective of and protects the local rural character of nearby and adjacent villages and hamlets.

With further clarity on the purpose of the policy as detailed above, the council is happy to work with the Thornbury Neighbourhood Plan Group to develop a policy that can protect the key views and vistas into and out of Thornbury, as well as the character of individual neighbouring villages and hamlets. This could be done by expanding the policy using the bullet points raised above as a starting point or perhaps looking into some specific design codes informed by character areas.

Policy 2

Reference is made to 'major development'. For clarity it is suggested that a further sentence is added to say that this is major development as defined in the National Planning Policy Framework glossary of terms.

NPPF glossary of terms definition:

Major development: *For housing, development where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more. For non-residential development it means additional floorspace of 1,000m² or more, or a site of 1 hectare or more, or as otherwise provided in the Town and Country Planning (Development Management Procedure) (England) Order 2015.*

Paragraph 6.2

Reference: *'To provide high quality, affordable, tenure blind sustainable housing that meets the needs of people of all ages.'*

Does the above reference to affordable refer to National Planning Policy Framework (NPPF) Affordable Housing or affordable low cost market housing which falls out the NPPF definition of affordable housing?

NPPF glossary of terms definition:

Affordable Housing: *housing for sale or rent, for those whose needs are not met by the market (including housing that provides a subsidised route to home ownership and/or is for essential local workers); and which complies with one or more of the following definitions:*

- Affordable housing for rent: meets all of the following conditions: (a) the rent is set in accordance with the Government's rent policy for Social Rent or Affordable Rent, or is at least 20% below local market rents (including service charges where applicable); (b) the landlord is a registered provider, except where it is included as part of a Build to Rent scheme (in which case the landlord need not be a registered provider); and (c) it includes provisions to remain at an affordable price for future*

eligible households, or for the subsidy to be recycled for alternative affordable housing provision. For Build to Rent schemes affordable housing for rent is expected to be the normal form of affordable housing provision (and, in this context, is known as Affordable Private Rent).

b) Starter homes: is as specified in Sections 2 and 3 of the Housing and Planning Act 2016 and any secondary legislation made under these sections. The definition of a starter home should reflect the meaning set out in statute and any such secondary legislation at the time of plan-preparation or decision-making. Where secondary legislation has the effect of limiting a household's eligibility to purchase a starter home to those with a particular maximum level of household income, those restrictions should be used.

c) Discounted market sales housing: is that sold at a discount of at least 20% below local market value. Eligibility is determined with regard to local incomes and local house prices. Provisions should be in place to ensure housing remains at a discount for future eligible households.

d) Other affordable routes to home ownership: is housing provided for sale that provides a route to ownership for those who could not achieve home ownership through the market. It includes shared ownership, relevant equity loans, other low cost homes for sale (at a price equivalent to at least 20% below local market value) and rent to buy (which includes a period of intermediate rent). Where public grant funding is provided, there should be provisions for the homes to remain at an affordable price for future eligible households, or for any receipts to be recycled for alternative affordable housing provision, or refunded to Government or the relevant authority specified in the funding agreement.

Note on impacts to policy 12 and 13 from changes to Use class regulations

What is the purpose of this note?

Central Government has announced changes to the use class system in the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020. This change will see current use classes combined and merged to allow greater flexibility for units to change use. This change came into force from the 1st September and will have implications for current Local Plan policies that seek to manage and protect frontages. There is also likely to be implications for two policies coming forward in the draft Thornbury Neighbourhood Development Plan. Policy 12 Town Centre Vitality and Policy 13 Provision of Office and Light Industrial Units therefore may require review and redraft to take account of the changes that will come into effect.

What exactly are the changes that came into effect on 1st September?

The changes will combine existing use classes into a single E Class. The current use classes that will be combined include:

- Shops (A1);
- Financial/professional services (A2);
- Cafes/restaurants (A3);
- Indoor sports/fitness (D2 part);
- Medical health facilities (D1 part); and
- Creche/nurseries and office/business uses (B1).

The following uses will be combined into a single F.2 Class:

- Shop (A1) (Not more than 280sqm mostly selling essential goods, including food and at least 1km from another similar shop);
- Hall or meeting place for the principal use of local community (D2); and
- Indoor or outdoor swimming baths, skating rinks and outdoor sports or recreations not involving motorised vehicles or firearms (D2).

The following uses will be combined into the Sui Generis Class:

- Pub or drinking establishment (A4);
- Take away (A5); and
- Cinema, concert halls, bingo halls and dance halls (D2).

How does this impact on the current draft of the Thornbury Neighbourhood development Plan?

Officers believe the changes to the current Use Class system which went live from the 1st September will have implications for two policies as worded in the current draft of the Thornbury Neighbourhood Development Plan.

Policy 12 Town Centre Viability

The changes to the Use Class system will make it more difficult to control certain changes within the town centre. The introduction of the E Use Class in particular will impact the ability to do this, as it will mean that these uses can interchange without planning permission being required.

Two bullet points within the policy may be particularly impacted:

- Strengthen the core retail area in the town centre
- Suitable town centre uses include:
 - Retail development
 - Leisure and entertainment
 - Office development
 - Art, culture and tourism

The new Use Class system will supersede the bullet points above and render them ineffective as the uses under class E go beyond what is outlined above, now allowing a change of use to a wider range of uses.

Policy 13 Provision of Office and Light Industrial Units

The changes to the Use Class system will make this policy ineffective as the changes will allow a wider range of uses to be converted to B1, as well as from B1. It will be difficult therefore to promote office and light industrial use or to protect existing office and light industrial use.

The combination of uses into the new E Class will allow units to change between any use within the new E Class making the policies above hard to enforce, if at all.

Covid-19 Impact and opportunity

The council recognises that the group has continued to progress the plan, with council support where needed, throughout the Covid-19 pandemic. Through continued close working we will continue to support the Neighbourhood Plan Group and Town Council to ensure that Thornbury remains a town that thrives and prospers post the Covid-19 pandemic and making the most of the opportunities that may present themselves.