

Addendum for the Aylesbury Area Action Plan

Report recommendations

1. That the Executive:
 - i Notes the response of officers in regards to the Burgess Park Action Group's deputation
 - ii Considers and recommends that Council Assembly incorporate the factual amendment set out in Table 1 into the final AAP (along with the changes set out in the Table of Changes – appendix A of the Executive Report)

Table 1: Recommended changes

Comment by	Section	Comment	Proposed change	Change made yes/no
Planning committee	AAP appendix 5, Table A5.1, column and Table of changes appendix C	Change reference to 3+ bed units to 3 bed units as specific numbers for 4 bed and 5 bed units have been clarified.	3+ [plus] bed	

Officer response to Burgess Park Action Group's deputation

2. The changes suggested by the deputation were presented to the planning inspector at the examination in public held in Sept 2009. At that time, the inspector considered the submission but chose not to make changes in his report issued in Oct 2009.

3. The council have to accept the planning inspector's binding recommendations as set out in paragraph 23 (2) and (3) of the Planning regulations 2004. Any changes, other than those the council are directed to make, to the publications/submission version that was considered by the inspector will mean the council cannot adopt the Area Action Plan.
4. The council has no reason not to adopt as per the inspector's report, the Area Action Plan has been deemed sound and in accordance with all statutory requirements. If the council do not adopt the Area Action Plan we would need to start the entire process again, which will compromise the regeneration of the Aylesbury Estate.
5. Further implications of not adopting the Area Action Plan are as follows:
 - If the council did not adopt the AAP that has local support we would need to explain why we have not taken the local opinions into account
 - It has been considered sound by a planning inspector and we would need to explain why we did not consider this an important enough issue to adopt
 - The council would lose the confidence of the HCA and funders over provision of new affordable and private housing with knock on effects for securing money to build new housing
 - There would be reputational issues
6. Any party aggrieved by the adoption has the remedy of an appeal to the High Court within 6 weeks of the adoption on limited grounds, namely (i) it is not within the council's powers and / or (ii) that a procedural requirement/s has not been complied with.

Detailed responses to the deputation request

Deputation request

7. 1/ We request the deletion of the section of the AAAP which inadvertently destroys the open space protection for the park provided by its current Metropolitan Open Land designation

Officer response

8. The planning inspector considered the representations of the Burgess Park Action Group during the EIP and in paragraphs 3.24 and 3.25 of his report concluded that:

I am aware from discussions at the hearings that residents outside the plan area have concerns about the future uses to which Burgess Park might be put as the Council comes to deliver the objectives of Policy PL8. This is referred to at para 2.7 above. Whilst I acknowledge that there have been a number of proposals for built development in the Park which have been resisted in the past, the AAP does not include any schemes which in themselves would introduce a significant element of new buildings within the area, which is in any event designated as Metropolitan Open Land. Nevertheless, it seems to me that Policy PL8 could be clearer on this point and without a change to the wording the Plan would be unsound.

In order to make the Action Area Plan sound, the following change should be made:

C8 Policy PL8: second sentence after 'designed to' insert '...facilitate open space activities which will...'

9. Officers are in agreement with the inspector that while the MOL designation will prevent inappropriate development from taking place in Burgess Park, the additional clarification would nevertheless be beneficial. Officers are recommending that this change to the AAP be made (see paragraphs 18-20 of the Executive report).

Deputation request

10. 2/ We request the maintenance of the Southwark Plan's provisions opposing high-rise tower blocks along the Albany Road and support the deletion of changes to this policy proposed in the AAAP.

Officer response

11. AAP policy PL4 states that building heights generally on the park frontage will be in the range of 7 to 10 storeys. The frontage will be punctuated by three buildings of between 10 and 15 storeys and one building of between 15 and 20 storeys.
12. Officers consider that there are good reasons for this policy. The proposed tall buildings will help mark key routes in the area and more importantly, enable densities to be reduced in the majority of the new neighbourhood. Maximising the number of houses which could be built was a priority for the council and strongly supported during consultation.

13. In contrast to the existing 14 storey buildings of Bradenham, Chiltern and Wendover which because of their great length dominate their surroundings, policy PL4 states that buildings over 10 storeys must be elegant and slender and avoid microclimate effects associated with overshadowing and wind funnelling. We have undertaken a visual impact assessment of these buildings from views within the park and do not consider that they will be overbearing or intrusive. By ensuring that new development faces the park, rather than turning its back as current buildings do and transforming the character of Albany Road to help reduce its barrier effect, we are confident our proposals will significantly improve the northern frontage to Burgess Park.
14. The policy is consistent with policies in the emerging Core Strategy. During consultation on the AAP at the preferred options stage exhibition, 71% agreed with the council's approach to building heights and 16% disagreed.
15. Therefore, it is not recommended that members of Executive make any changes to the policies of the AAP pursuant to the deputation in this regard.

Deputation request

16. 3/ We request the Executive to postpone approval of the AAAP, until such time as officers are able to provide you with independent evidence on the potential catastrophic CO₂ implications of the project, by outside independent analysts such as AEA or others.

Officer response

17. The planning inspector considered this point during the EIP and in paragraphs 3.11 and 3.12 of his report he concluded that:

Government guidance on local requirements for decentralised energy supply to new development is set out in the '*Planning and Climate Change*' supplement to Planning Policy Statement 1: *Delivering Sustainable Development*. I am content that the energy supply requirements in part (I) of Policy BH6 have been drawn up with proper regard to this guidance against a sound evidence base.

The Council accepted at the hearing that the overall calculation of the carbon neutrality of the proposals in the AAP had not taken account of the emissions likely to arise from demolition and construction activities associated with the proposal. However, no evidence was available on this point and, whilst I accept that the CO₂ emissions from this aspect of the scheme are likely to be material, I have to set them against the long term benefits of improved energy efficiency of the resultant buildings. I am not convinced that the Council's calculations were so skewed on this matter as to render them unreliable.

18. In preparing the AAP, the council commissioned an energy study. This found that a combination of biomass heating and CHP would reduce CO2 emissions to around 50% of existing levels. Since this study was carried out, the council and Dalkia have explored the opportunity to extend the MUSCo to the Aylesbury estate. If the Dalkia plans go ahead, the new Aylesbury neighbourhood would be carbon negative i.e. a net exporter of renewable energy. Officers take the view that when considered holistically, the benefits associated with the opportunities to transform the environment, regenerate the area and reduce CO2 emissions by in excess of 100%, would outweigh benefits associated with carbon savings made through retention of existing buildings.
19. Therefore, it is not recommended that members of Executive make any changes to the policies of the AAP pursuant to the deputation in this regard.