

The council's response to Discussion Document D3

In D3 the Inspector refers to a discrepancy between the council's development management practice and evidence base, and the application of Policy E1 to the Gatehouse Industrial Area and requests that the council considers whether to refine the boundary of the Gatehouse Industrial Estate shown on the policies map so as to either reflect the further potential to rationalise this area as noted in its Employment Land Review or to define a policy that reflects the council's development management practice or to exclude the site from Policy E1.

The Gatehouse Industrial Area in Aylesbury is a large industrial area comprising 21 hectares. The Aylesbury Vale Employment Land Review Update (2012) ("ELR") concludes that this area is an "important employment location within the town" but that "the quality of the site is very varied and there are a number of areas where the existing building stock is coming (or has come) to the end of its economic life". The council suggests that there is no justification for removing the Key Employment Site designation from the Gatehouse Industrial Area in its entirety.

Since the preparation of the ELR, there have been a number of use changes within the Gatehouse Industrial Area, including the conversion of Verney House from an office building into 28 apartments by way of permitted development (ref. 18/02217/COUOR) and the conversion of Alton House from an office building into 74 apartments by way of permitted development (ref. 16/03499/COUOR, commitment 'AYL122' in VALP). Outline approval for the erection of 48 dwellings at Land Off Gatehouse Way was granted in 2010. These sites cover an area of around 1.6 hectares out of the total area of 21.2 hectares of the Gatehouse Industrial Area. Policy E1 does not prevent the various changes of use that fall under the Town and Country Planning (General Permitted Development) (England) Order 2015 ("the GPDO") and subsequent amendments. Both Verney House and Alton House are lawful developments under the GPDO. In order for the council to be able to restrict these permitted development rights, an Article 4 Direction under the GPDO would have to be made. The Government's advice on Article 4 Directions (Paragraph: 038 Reference ID: 13-038-20140306) states that their implementation should be "limited to situations where this is necessary to protect local amenity or the wellbeing of the area". Additionally, it states that there "should be a particularly strong justification for the withdrawal of permitted development rights relating to [...] cases where prior approval powers are available to control permitted development". The changes of use under Part 3 of Schedule 2 of the GPDO that relate to the conversion of uses found in the Gatehouse Industrial Area into residential use are all subject to prior approval, which means that an Article 4 Direction would need strong justification. To date, there have been a total of 22 applications for determination as to whether prior approval is required, and they have all been made in regards to the change of use of B1 offices to residential. All of these applications have been made on either the site of Verney House or Alton House. These sites cover an area of around 1.6 hectares out of the total area of 21.2 hectares of the Gatehouse Industrial Area. There is currently an oversupply of employment land in Aylesbury Vale. As such, the council does not consider that there is not sufficient justification to implement an Article 4 Direction on this site in relation to the Gatehouse Industrial Area.

However in light of the changes of use that have occurred, the council proposes a modification to the boundary of the Gatehouse Industrial Area to exclude Alton House, Verney House and Land off Gatehouse Way, as they are now being developed for residential use and no longer need protection as employment land under Policy E1.