

Forest Heath District Council

(This report is a key decision. This report has been subject to appropriate notice of publication under the Council's Access to Information Rules)

Report of the Cabinet Member for Planning, Housing and Transport

CABINET

4 SEPTEMBER 2012

CAB12/024

JOINT DEVELOPMENT MANAGEMENT POLICIES – SUBMISSION VERSION CONSULTATION (Forward Plan Reference: JUL12(A)/03)

Summary and reasons for recommendation(s)

This report presents the latest version of the Joint Development Management Policies, for Members to note before consultation commences as the 'submission version', prior to submission to the Secretary of State. Consultation took place commencing January 2012 on the 'preferred options' and this submission version seeks to comment upon, and respond to where appropriate, the representations received in response to the earlier consultation.

It is considered that the latest articulation of the Policies are greatly improved as a result of both the earlier consultation, plus as a result of an assessment against the content of the Government's recently published National Planning Policy Framework.

The document has been previously considered by the Local Plan Working Group on 26th July 2012, which resolved to recommend to the Joint Development Management Policies Committee that the document be approved without amendment for consultation as the submission version. The report will be presented to the Joint Committee on 23rd August so at the time of writing this report the outcome is not known. If necessary a written update can be provided in advance of Cabinet following the Joint Committee.

It is for Full Council to agree the final document for consultation so this matter is presented to Cabinet at this stage simply to 'note'.

Recommendation(s)

That Cabinet note the recommendation of the Joint Development Management Policies Committee to agree the submission version development management policies document for consultation.

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How will the recommendations help us meet our strategic priorities?

1. The provision of these Development Management Policies will ensure the swift and consistent determination of planning applications, thereby contributing towards the Authority meeting its priorities.

Wards affected

2. The Development Management Policies will be applied District-wide across both Council areas. It therefore affects all Wards.

Key issues

3. Both Authorities consulted originally on their joint preferred options document between January and March 2012. A total of 343 representations were received to this consultation and these have been summarised within the spreadsheet attached at Working Paper 1.
4. Also shown within the spreadsheet are Officers' responses to those representations, compiled jointly by staff from both Authorities. Where these have led to changes being incorporated within the main policy document then these amendments have also been made within the submission version draft shown at Working Paper 2.
5. Changes made to the policy document have been captured as follows. Text that has been removed from the previous version has been coloured red and struck through ~~like this~~. Text that has been added into the document has been coloured blue, underlined and made bold **like this**. These changes have been highlighted to demonstrate the changes that have been made in the clearest way possible. The consultation itself however will proceed with a fully worked up final document, without any highlighted or struck through text.
6. There are a number of significant changes that have been undertaken following the previous consultation in January to March 2012. These changes have all been agreed by the Forest Heath Local Plan Working Group on 26th July 2012 and by the St. Edmundsbury Borough Council Sustainable Development Working Party on 31st July 2012. Of these changes those set out in the following paragraphs are the most significant.
7. Policy DM1 is an entirely new policy, and sets the context for the use of the remainder of the document and policies. It seeks to enshrine at a local level the NPPF's presumption in favour of sustainable development using a model wording provided by the Planning Inspectorate.
8. Significant amendment has also been made to the former Policy 22 (Building for Life) following considerable criticism of the previous wording. The Policy (now Policy DM23 – Residential Design) has been completely reworded to set out a list of subjective criteria to be applied when considering applications for residential development. This Policy responds to the NPPF requirement for securing better design.

9. A new Policy has also been included that includes criteria for occasions when market housing in the countryside might be acceptable. The Policy (DM28 – Housing in the Countryside) seeks to allow the infilling of ‘small undeveloped plots’ within existing built up frontages within small clusters of dwellings where otherwise policies of rural housing restraint would apply. The policy seeks to respond to the requirement of the NPPF to locate rural housing where it will enhance or maintain the vitality of rural communities.
10. A number of further amendments have been made to a number of policies and supporting text. Many of these are as a result of direct representation made and many are as a result of consideration against the requirements of the NPPF post March 2012.
11. The document went through both Councils’ local meetings with support and no amendments. However, Cabinet should particularly now note the further very modest changes that have subsequently been made to Policy DM10 to cross reference Policies DM11, DM12 and DM13 in relation to biodiversity, as well as the further changes that have also been made to Policies DM34 and DM43 to include geodiversity interests and landscape impacts within the criterion. These changes have all arisen after consideration of this document by the Forest Heath Local Plan Working Group and by the St. Edmundsbury Sustainable Development Working Party, as a result of work undertaken on the Sustainability Appraisal that indicated that making these changes would strengthen the policies.
12. Cabinet is also advised for completeness that, in the routine course of events, a number of further incidental typographical and grammatical corrections have also been made following both the local meetings, but which for brevity are not referenced here or highlighted specifically as such in the document. The updated report detailing all these changes will be reported to the Joint Development Management Policies Committee on 23rd August and it is anticipated that they will have been agreed by the time Cabinet meets. Given that the Joint Committee sits after the deadline for the publication of this report any matters arising from the Joint Committee will be updated, in writing if necessary, in time for Cabinet on 4th September. Thereafter this matter will need to be considered by Council (25th September), and at an equivalent meeting at St. Edmundsbury. Consultation will commence after September for a period of 8 weeks.
13. Following consultation, final approval will be needed to submit to the Planning Inspectorate with this anticipated in spring 2013, with an examination in summer 2013 and adoption in autumn 2013.

Other options considered

14. Members will recall the ‘preferred options’ previously consulted upon. Whilst not an alternative option per se they do highlight the iterative process to the formulation of these generic Development Management policies.

Community impact (Diversity and Equality, Sustainability, Other)

15. The implications of adopting these policies are significant, and will lead to consistency of approach when dealing with planning applications across both Council areas.

What consultation has been undertaken and what were the outcomes?

16. Consultation took place on the Joint Preferred Options Development Management Policies between January and March 2012. The responses to these are set out in the spreadsheet at Working Paper 1. A summary of each representation received is made within the spreadsheet, along with your Officer's response to that.

17. Changes made to the Policies as a result of the representations received are shown within the main document at Working Paper 2.

Financial and resource implications

18. The Development Management Policies DPD can be delivered within the projected Local Development Framework budgets. This includes provision for professional fees and community consultation to ensure that the timetable for delivery of the Local Development Framework is met.

Risk management implications

19. The preparation of an up-to-date planning policy framework is a statutory requirement and the lack of such a framework militates against the proper planning of both Council areas and, particularly in light of the emerging National Planning Policy Framework, could place the Councils at risk of planning appeals being upheld with the possible award of costs against it.

Legal/Policy implications

20. The Planning and Compulsory Purchase Act, (2004), requires both Councils to prepare and keep an up to date Local Development Framework. A Local Development Framework is essential for the continuation of an effective planning service.

Documents attached

- Working Paper 1 - Preferred Options Consultation (January – March 2012) spreadsheet, including representations made and Officers' response.
NB: Working Paper 1 is NOT attached to this report and instead can be viewed by accessing the papers for this meeting of the Cabinet on the Council's website.
- Working Paper 2 - Joint Development Management Policies, Submission Version Draft.