

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

LOCAL PLAN WORKING GROUP

26 JULY 2012

LOP12/001

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 approval for consultation 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. As a result it is recommended that the Local Plan Working Group resolve to recommend to the Joint Development Management Committee that this document be approved for consultation, and to also recommend that, in turn, Cabinet and Council resolve and, where appropriate recommend, likewise.

Recommendation(s)

That the Local Plan Working Group resolve to recommend to the Joint Development Management Committee that this document be agreed for public consultation as the Council's 'submission version' joint Development Management Policies Development Plan Document.

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How will the recommendations help us meet our strategic priorities?

1. The Local Development Framework relates to the following Corporate Priorities: Affordable and accessible housing, Community engagement and communication, Community safety, Economic regeneration, Street scene and the environment, and Transport issues.
2. 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

3. The Development Management Policies will be applied District-wide. It therefore affects all Wards.

Key issues and Discussion

4. The Authorities consulted 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.
5. Also shown within the spreadsheet are your Officers' responses to those representations. Where these have led to changes being proposed to the main policy document then these amendments have also been incorporated in to the submission version draft shown at Working Paper 2.
6. In addition to the changes made as a result of consultation representations, a number of further changes have been made as a result of the National Planning Policy Framework (NPPF). Members may recall that, at the time of the preferred options consultation, the NPPF had been consulted on by the Coalition Government. It was considered justified, at that stage therefore, to incorporate the policy requirements of the draft into the preferred options. However, the final version of the NPPF is different in many respects to the draft and a number of further changes have therefore been made to many Policies to reflect this.
7. Changes 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**. In addition, a reasonable number of very incidental typographical and grammatical errors have been corrected without being highlighted, in the interests of ensuring a readable final document.
8. 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.

Significant Changes

9. There are a number of significant changes that have been undertaken. Whilst these are not exhaustively set out in this covering report they are nonetheless highlighted,

to enable Members to focus their reading on those areas where material changes have taken place to the document.

10. Members will note that 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. The wording is a model wording provided by the Planning Inspectorate, and is a policy which has been imposed by PINS within a number of similar policy documents that have recently been considered by them elsewhere. As a simple local articulation of the 'golden thread' of sustainable development, as introduced by the NPPF, it is not considered to be a controversial amendment. The introduction of this Policy has had consequential impacts upon the numbering of all successive Policies and upon a number of Policy cross-references.
11. Policy 4 (now Policy DM5) relates to Development in the Countryside. The previous policy was negatively worded ('development will only be permitted where...') whereas in light of the NPPF the proposed wording is now that 'development that recognises the intrinsic character and beauty of the countryside will be permitted where....' The Policy then lists a number of criteria which must be met in order for development to be acceptable. The policy continues to seek to protect the countryside from unsustainable development. It is considered that these changes reflect the shift in emphasis provided by the NPPF.
12. Policies 6 (now DM7) and 7 (now DM8) relate to 'Sustainable Design and Construction' and 'Improving Energy Efficiency and Reducing Carbon Dioxide Emissions' respectively. Advice has been received by a climate consultant working on behalf of St. Edmundsbury and further amendments have been made accordingly to improve the intent and wording of the Policy.
13. Policy 16 (now Policy DM17) has responded to the latest English Heritage guidance and now refers to 'Local Heritage Assets' rather than Buildings of Local Significance. The wording of the Policy has also been amended to reflect the widely adopted criteria-based approach.
14. 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.
15. 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.
16. Previous Policy 27 (now Policy DM29 – Residential use of Redundant Buildings in the Countryside) sought to be a negatively worded policy but, as with Policy 4 (now

Policy DM5) it has been made a positively worded Policy in accordance with the aims of the NPPF. It seeks to allow the residential conversion of existing buildings in rural areas, subject to first discounting the possibility of re-using any such buildings for economic purposes, and subject, of course, to all other matters being acceptable.

17. Previous Policy 33 (now Policy DM35 – Proposals within the Town Centre Boundaries) has not been amended. However, in response to the NPPF, (which requires policies that seek to manage town centres to be ‘flexible’ in order to respond quickly to changes, for example to wider economic circumstances and to ensure that they meet the development needs of businesses) changes have been made to the extent of the Primary Shopping Areas, as shown on the maps at Working Paper 3. This seeks to maintain a core retail area where A1 uses are concentrated, with a more flexible and market-orientated approach being taken to the acceptability of various town centre type uses outside of the Primary Shopping Area but still within the town centre. This approach more closely aligns with that advocated by St. Edmundsbury, and also responds to the positive and flexible approach advocated by the NPPF. As part of the Authority’s ongoing monitoring further work will be undertaken to robustly establish what level of retail needs to be maintained within the Primary Shopping Areas in order to secure the vitality and viability of such areas.
18. As advised, 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.

Timescales and what happens now?

19. If agreed, this document will need to be referred on to the Joint Development Management Policies Committee, which is presently scheduled to be held on 23rd August 2012. Thereafter it will need to be considered by Cabinet (4th September) and then Council (25th September), and at equivalent meetings at St. Edmundsbury. Consultation will commence after September for a period of 8 weeks.
20. Thereafter, 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

21. 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

22. The implications of adopting these policies are significant, and will lead to consistency of approach when dealing with planning applications.

What consultation has been undertaken and what were the outcomes?

23. 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 attached spreadsheet at Working Paper 1. A summary of each representation received is made within the spreadsheet, along with your Officer's response to that.
24. 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

25. The Development Management Policies DPD can be delivered within the projected Local Development Framework budget. 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

26. 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 the District and, particularly in light of the emerging National Planning Policy Framework, could place the Council at risk of planning appeals being upheld with the possible award of costs against it.

Legal/Policy implications

27. The Planning and Compulsory Purchase Act, (2004), requires Forest Heath District Council 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 and key to other Council services areas.

Documents attached

Working Paper 1 - Preferred Options Consultation (January – March 2012) spreadsheet, including representations made and Officers' response.

Working Paper 2 - Joint Development Management Policies, Submission Version Draft.

Working Paper 3 - Primary Shopping Area Maps for Brandon, Mildenhall and Newmarket.

Background Papers

None