

## CABINET

15 MARCH 2011

### REPORT OF THE CABINET MEMBER FOR REGENERATION

<b>Title:</b> Barking and Dagenham Local Development Framework – Adoption of Borough-wide Development Policies Development Plan Document	<b>For Decision</b>
<b>Summary:</b>  The Borough-wide Development Policies Development Plan Document (DPD) is focused on delivering the Core Strategy which the Assembly adopted on 21 July 2010. A key purpose of the Borough-wide Development Policies DPD is to set out the criteria against which planning applications for the development and use of land and buildings will be considered.  Following a successful examination in public and, prior to this, three stages of consultation, the Borough-wide Development Policies DPD is ready to be adopted by the Council.  The Borough-wide Development Policies DPD has been circulated to all Members of the Council under separate cover in advance of the Cabinet.  <b>Wards Affected:</b> All	
<b>Recommendation(s)</b>  The Cabinet is asked to:  i) Support the material changes to the draft Borough-wide Development Policies DPD as proposed by the independent Planning Inspector, as outlined in paragraph 1.2 of this report; and  ii) Recommend the Assembly to adopt the Borough-wide Development Policies DPD as appended to this report.	
<b>Reason(s)</b>  To help deliver all the Community Priorities for the borough.	
<b>Comments of the Chief Financial Officer</b>  This report asks Cabinet Members to note the various changes made to the Borough-wide Development Policies Development Plan Document (DPD) following the consultation and inspection process, and to approve its final adoption.  In terms of the direct/imminent costs of adopting the Document, there will be minor incidental costs associated with printing and advertising, which will be funded by existing Regeneration & Economic Development budgets.  In terms of its content, the Borough-wide Development Policies DPD and Core Strategy set	

out higher standards and conditions for all new developments, for example in respect of sustainable design. These new standards, as well as any additional capital costs associated with meeting them, would need to be met by all future developers and Housing Associations (as well as the Council, where applicable). This may potentially have future implications around the cost of Council developments (such as schools), Section 106 receipts, and land values where the Council wants to dispose of its own land or property.

#### **Comments of the Legal Partner**

The legal implications of the recommendation in this report are incorporated at paragraph 4 of the report.

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## **1. Background**

1.1 The Borough-wide Development Policies Development Plan Document (DPD) has been through three stages of consultation: issues and options; preferred options and pre-submission.

- **Issues and Options.** The Cabinet approved the Local Development Framework Issues and Options document 8 November 2005 and consultation was undertaken on it 22 November 2005 – 20 January 2006. The feedback received informed the development of the Preferred Options Report.
- **Preferred Options.** The Cabinet approved the Borough-wide Development Policies Preferred Options report 6 February 2007 and consultation was undertaken on it 19 March 2007 – 21 May 2007. The document was revised to address the feedback received.
- **Pre-Submission.** The Cabinet approved the Pre-Submission Borough-wide Development Policies DPD on 20 May 2008 for a six week consultation period and for submission to the Secretary of State.

1.2 Following this consultation, a hearing was conducted in September 2010 by an independent Inspector to determine whether or not the Borough-wide Development Policies DPD was “sound” and “legally compliant”. The Inspector issued his report on 3 December 2010 confirming the Borough-wide Development Policies DPD meets this criteria subject to a number of changes being made to the document. The majority of the changes are minor in nature and serve to improve the clarity of the document. However, a few significant changes are required and these are summarised below. Officers consider that these changes strengthen the Borough-wide Development Policies DPD.

- Referring specifically to the provision of a high quality bus route connecting Marks Gate to Dagenham Dock Station in Policy BR10 (Sustainable Transport) to ensure consistency with the adopted Core Strategy.
- Clarifying in Policy BC4 (Residential Conversions and Houses in Multiple Occupation) that the Council will resist (where planning permission is required) all proposals which involve the loss of housing of three bedrooms or more.
- Making clear in the justification text to Policy BC4 that the borough is vulnerable to high concentrations of Houses in Multiple Occupation (HMOs) due to the recent changes to the General Permitted Development Order<sup>1</sup>, and that if necessary the Council will be implement an Article 4 direction to remove the permitted development rights and require planning permission for such changes of use.
- Recognising that there may be exceptional circumstances, including economic viability, which may mean achieving the environmental building standards in Policy BR1 (Environmental Building Standards) are not appropriate and specifying that these standards are to be encouraged rather than required.
- Shifting the focus of Policy BR2 (Energy and On-Site Renewables) away from on-site renewables to the need to minimise the overall carbon footprint of proposed buildings and specifying that the renewables energy target is to be encouraged rather than required.
- Amendments to Policy BR6 (Minerals) ensuring it is fit for purpose to deal with planning applications relating to the use of the Marks Warren Farm site for minerals recycling in association with the restoration of the site rather than minerals extraction as it is evident the operator at Marks Warren Farm does not anticipate any extension to mineral working.
- Clarifying in policy BR9 (Parking) that the car parking standards are maximum standards and the cycle parking standards are minimum parking standards.
- Clarifying the definition of a tall building in Policy BP4 (Tall Buildings) to ensure consistency with the Barking Town Centre Area Action Plan.
- Clarifying the requirements for the submission of travel plans alongside planning applications.
- Clarifying in Policy BP8 (Protecting Residential Amenity) that developments must provide high quality living conditions for future occupiers ensuring both existing and future occupiers are not exposed to unacceptable levels of pollution, noise and are not deprived of privacy, outlook, daylight and sunlight.
- Amendments to Policy BE3 (Retail Outside or on the Edge of Town Centres), Policy BP2 (Conservation Areas and Listed Buildings) and Policy BP3 (Archaeology) to reflect national policy changes (namely the removal of the needs test through replacement of Planning Policy Statement 6: Planning for Town Centres and the creation of a more holistic approach to the historic environment through the replacement of Planning Policy Guidance Note 15: Planning for the Historic Environment with Planning Policy Statement 5: Planning for the Historic Environment)

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<sup>1</sup> As at 1 October 2010, the General Permitted Development Order was amended so that planning permission is not required for a change of use between Class C3 (dwelling houses) and Class C4 (Houses in multiple occupation occupied by up to 6 residents)

## **2. Proposal**

- 2.1 The Cabinet is being asked to support the Borough-wide Development Policies DPD subject to the changes outlined in paragraph 1.2 of this report. The precise wording of the revised policies is set out in Appendix 1 to this report.
- 2.2 The Cabinet is being asked to recommend the adoption of the Borough-wide Development Policies DPD to the Assembly.

## **3. Financial Issues**

- 3.1 The minor costs of adopting the Borough-wide Development Policies DPD will be met from within the existing Regeneration and Economic Development Division budget.
- 3.2 The policies in the Borough-wide Development Policies DPD set out criteria which development proposals will need to meet before being granted consent and will therefore have financial implications for land owners and prospective developers. These criteria are consistent with the policies in the Council's adopted Core Strategy.

## **4. Legal Issues**

- 4.1 The Planning and Compulsory Purchase Act 2004 (the 'Act') required the Council to replace its Unitary Development Plan (UDP) with a Local Development Framework (LDF). The Borough-wide Development Policies DPD is a key LDF document.
- 4.2 The Local Authorities (Functions and Responsibilities) (Amendment) (No 2) (England) Regulations 2004 states that adoption of LDF DPD documents is not a Cabinet function, so the resolution to adopt LDF DPD documents under Section 23 of the Act must be carried out by the Assembly.

## **5. Other Implications**

- 5.1 Further implications of adopting the Borough-wide Development Policies DPD are set out below.

### **Risk Management**

- 5.1.1 No specific implications.

### **Contractual Issues**

- 5.2.1 No specific implications.

### **Staffing Issues**

- 5.3.1 The adoption of the Borough-wide Development Policies DPD will incur no additional burden to Council staff. Indeed, the Plan is a key tool in assisting Development Management Officers when considering planning applications in the borough.

### **Customer Impact**

- 5.4 1 In line with the Council's adopted Statement of Community Involvement the Borough-wide Development Policies DPD has been through three stages of

consultation and consulted the following groups, the Faith Forum, Forum for the Elderly, Lesbian, Gay, Bisexual and Transgender Forum, Refugee Forum, Tenants Federation, Youth Forum, Disablement Association Barking and Dagenham, Age Concern, Citizens Panel, Dagenham Dock Employers Forum and Chamber of Commerce.

- 5.4.2 Full details of consultees, those who responded, comments raised, and how those comments are reflected in the document are set out in a consultation statement which is publicly available on the Council's website. This statement was reported to Councillors when the Cabinet agreed the pre-submission version of the Borough-wide Development Policies DPD on the 20 May 2008 (Executive Minute 5, 20 May 2010). In finding the Borough-wide Development Policies DPD legally compliant, the Inspector judged that the Council met its legal requirement to comply with the arrangements sets out in its Statement of Community Involvement.
- 5.4.3 In preparing the overarching Core Strategy officers have needed to have a thorough understanding of the current and forecast population profile of the borough and this was established in preparing the baseline for the Sustainability Appraisal for the Core Strategy and in preparing the Issue and Options documents. For example policy BC4 which resists (where planning permission is required) all proposals which involve the loss of housing of three bedrooms or more including flat conversions has been developed in response to information on the borough's demographics and future housing need.
- 5.4.4 The Issues and Options documents included a document profiling the composition of each ward, the issues raised at their community forums and a focus on the major projects and development opportunities available in each as a basis for consultation.
- 5.4.5 Officers are confident that having undertaken comprehensive consultation and undertaken a through sustainability appraisal that the Borough-wide Development policies do and will respond to the needs of the borough's current and future residents.

### **Safeguarding Children**

- 5.5.1 No specific implications

### **Health Issues**

- 5.6.1 The Borough-wide Development Policies DPD includes Policy BC10: The Health Impacts of Development. This policy requires the health impacts of development to be considered from the outset and complements London Plan policy which requires Health Impact Assessments to be submitted for all major developments. The identification of land use requirements for health facilities is addressed through the Site Specific Allocations DPD (a separate LDF document) adopted by the Council on 8 December 2010 (Assembly Minute 42, 8 December 2010).
- 5.6.2 The Councils Hot Food Takeaway Supplementary Planning Document, adopted by the Council 21 July 2010, (Assembly Minute 15, 21 July 2010), Saturation Point: Addressing the health impact of hot food takeaways is appropriately referenced in the Borough-wide Development Policies DPD.

### **Crime and Disorder Issues**

- 5.7.1 Section 17 of the Crime and Disorder Act 1998 places a responsibility on councils to consider the crime and disorder implications of any proposals. The Borough-wide Development Policies DPD includes Policy BC7: Crime Prevention. This states that planning permission will only be granted for schemes where the developer can demonstrate to the Council's satisfaction that full account has been taken of the principles of Secured by Design. The impact of all other policies in relation to contributing towards reducing crime and the fear of crime has been appraised as part of the Sustainability Appraisal process.

### **Property / Asset Issues**

- 5.8.1 All development proposals will need to be in line with the Borough-wide Development Policies DPD and therefore the Plan will have an impact on the future use of the Council's Property and Assets where the need for planning permission is involved. In general, the Borough-wide Development Policies DPD and the Core Strategy set higher standards for new developments compared to the previous Unitary Development Plan (1995). This will therefore impact on the cost of new development.

## **6. Options appraisal**

- 6.1 The Council could choose not to adopt the Borough-wide Development Policies DPD. However, the Cabinet previously approved the Borough-wide Development Policies DPD on 20 May 2008, and officers consider that the changes made during the examination as summarised in the report strengthen it.

## **7. Background Papers Used in the Preparation of the Report:**

- Planning and Compulsory Purchase Act 2004
- The Town and Country Planning (Local Development) (England) Regulations 2004.
- Cabinet Report, 8 November 2005, Local Development Framework Issues and Options Paper (Minute 173, 8/11/2005)
- Cabinet Report, 6 February 2007, Local Development Framework, Core Strategy and Borough-wide Development Policies Preferred Options Report (Minute 132, 6/2/2007)
- Cabinet Report, 20 May 2008, Local Development Framework, Submission of Core Strategy and Borough-wide Development Policies (Minute 5, 20/5/2008)
- Assembly Report 8 December 2010, Local Development Framework, Adoption of the Site Specific Allocations Development Plan Document (Minute 42, 8/12/2010)

## **8. List of appendices:**

Revised Borough-wide Development Policies DPD – circulated under separate cover to all Councillors.