



Planning Committee

All Wards

16 June 2009

LOCAL PLAN NO.3 POLICIES RELATING TO PLANNING DEVELOPMENT CONTROL DECISIONS - UPDATE

(Report of the Head of Planning & Building Control)

1. Summary of Proposals

To receive a report which details Local Plan No.3 Policies still relevant to Planning Development Control decisions and those Policies that are now obsolete.

2. Recommendations

The Committee is asked to RESOLVE that

the list of Policies attached at Appendix 1 (saved Policies still relevant to Planning Development Control decisions) and those attached at Appendix 2 (Policies obsolete and no longer relevant to Planning Development Control decisions), be noted.

3. Financial, Legal, Policy, Risk and Sustainability Implications

Financial

- 3.1 There are no known financial implications to the changes in policy.

Legal

- 3.2 These changes to the development plan are made as a result of the statutory framework and therefore are in compliance with the relevant legislation:

Planning & Compulsory Purchase Act 2004

Policy

- 3.3 Because not all policies in Local Plan No. 3 are "saved" the council's planning policy framework has been altered, but this is not considered to be significant.

Risk

- 3.4 Where local plan policies no longer exist to cover particular circumstances, national planning guidance will still apply, and so any risk to decision making and outcomes is considered to be minimal.

Sustainability / Environmental

- 3.5 These remain as material planning considerations and so need no further consideration here.

Report

4. Background

- 4.1 Members will be aware that when determining planning applications, regard should be had to the Development Plan and all other material considerations. In the case of Redditch, the Development Plan includes the adopted Borough of Redditch Local Plan No.3, the saved policies of the Worcestershire County Structure Plan and the Regional Spatial Strategy.
- 4.2 Under the new statutory framework for producing planning policy specific to the Borough, the Development Plans team is currently compiling a Core Strategy, which will be one of many documents that eventually make up the Local Development Framework (LDF) for Redditch Borough. Within the LDF, the core strategy sets out the broad brush policies for Redditch Borough (in response to the evidence base collected). Other documents such as DPDs (Development Plan Documents) and SPDs (Supplementary Planning Documents) will also be adopted to address all the necessary detailed aspects of planning within and around the Borough.
- 4.3 Because the new documents are not yet completed and adopted (which would supersede the current Local Plan No.3.), transitional arrangements have been put in place by government to allow plans such as Local Plan No. 3 to continue to be used and thereby ensure that there is always a local policy framework for use in making Development Control decisions. However Local Plans that continue to be used need to be altered. Therefore the relevant policies within the Local Plan need to be 'saved' in agreement with the Government Office for the West Midlands (GOWM) and other policies will be removed.
- 4.4 Planning Advisory Panel (PAP) and then Executive Committee on 19 November 2009 considered which policies needed to be saved and which could be lost. GOWM have accepted this Council's suggestions.

5. Key Issues

Policies to be saved

- 5.1 Planning Policy Statement 12: Local Spatial Planning sets out the requirements for saved policies. PPS12 states that Local Authorities will need to demonstrate that the policies they wish to save reflect the principles of Local Development Frameworks and are consistent with current national policy. As such, policies to be extended should comply with the following criteria:
- a) where appropriate, there is a clear central strategy;
 - b) policies have regard to any Sustainable Community Strategy for the area;
 - c) policies are in general conformity with the Regional Spatial Strategy or spatial development strategy;
 - d) policies are in conformity with the Core Strategy Development Plan Document (where the Core Strategy has been adopted);
 - e) there are effective policies for any parts of the authority's area where significant change in the use of (sic) development of land or conservation of the area is envisaged; and
 - f) policies are necessary and do not repeat national or regional policy.
- 5.2 Policies in the Local Plan that only repeat the content of national planning policy statements and guidance and do not put it within a local context cannot be saved under criterion f) above, as Development Control decisions can be made using the national policy framework. Therefore, several policies within the Local Plan have been lost, including some of those relating to the historic environment. For these matters, reference will now need to be made to PPG15 Planning and the Historic Environment. The policies not saved cannot be used for planning decisions made after 31 May 2009, and thus Officers have already refrained from using them when determining applications under delegated powers. Those policies no longer saved mostly fell under criteria e) and f).

Impact on Member decision making at Planning Committee

- 5.3 Members will need to be aware of which policies remain available for use when determining planning applications. Officers will only include in their reports those policies that have been saved and therefore remain available for use. However, when relying on the

national planning framework, this will also be made clear in reports, in order that Members can refer to these if necessary (they are all available on the planning area of the Communities and Local Government website).

- 5.4 It is therefore recommended that Members keep a note of the policies listed in Appendix 1 & 2 for their future reference, to avoid any error or confusion in future. It is also recommended that Members take up the offer from the Development Plans Team of temporarily returning their Local Plans to have them brought up to date and returned.

Future decision making

- 5.5 Once the core strategy is adopted, further advice and guidance will be provided on planning decision making and the available policy framework.

6. Other Implications

- Asset Management - None known.
- Community Safety - This remains a material planning consideration and should be considered as such on a case by case basis.
- Human Resources - None known.
- Social Exclusion - This remains a material planning consideration and should be considered as such on a case by case basis.

7. Lessons Learnt

The lesson to learn from this change is to ensure that all decisions made from now on only relate to the saved local plan policies in order that decisions remain free from challenge.

8. Background Papers

Saved policies document from GOWM
Legislation and national policy frameworks
Report to Executive Committee 19 November 2008

9. Consultation

There has been no consultation other than with relevant Borough Council Officers.

10. **Author of Report**

The author of this report is Ailith Rutt (Development Control Manager), who can be contacted on extension 3374 (e-mail: ailith.rutt@redditchbc.gov.uk) for more information.

11. **Appendices**

Appendix 1 – List of saved policies within Local Plan No.3.

Appendix 2 – List of policies that can no longer be used for planning decision making.

LIST OF SAVED POLICIES WITHIN LOCAL PLAN NO.3

CS.1	Prudent use of natural resources
CS.2	Care for the environment
CS.5	Achieving balanced communities
CS.6	Implementation of development
CS.7	The sustainable location of development
CS.8	Landscape character
H.1	Alexandra hospital
H.2	Homes for the elderly
S.1	Designing out crime
B(HSG).5	Affordable housing
B(HSG).6	Development within or adjacent to the curtilage of an existing dwelling
B(HSG).10	Gypsy sites
B(BE).9	Streetscapes in Conservation Areas
B(BE).11	Buildings of local interest
B(BE).13	Qualities of good design
B(BE).14	Alterations and extensions
B(BE).16	Shopfronts
B(BE).17	Shop front security
B(BE).18	Advertisements
B(BE).19	Green architecture
B(BE).20	Public art
B(BE).22	Temporary buildings and uses
B(BE).25	Undergrounding of telephone and electricity lines

B(BE).28	Waste management
B(BE).29	Construction waste
B(NE).1a	Trees, woodland and hedgerows
B(NE).3	Wildlife corridors
B(NE).10a	Sites of national wildlife importance
B(NE).10b	Sites of regional or local wildlife importance
B(RA).1	Detailed extent of and control of development in the Green Belt
B(RA).2	Housing in the open countryside outside the Green Belt
B(RA).3	Areas of development restraint
B(RA).4	Change of use of buildings in rural areas for employment purposes
B(RA).5	Reuse and conversion of buildings
B(RA).6	Farm diversification
B(RA).8	Development at Astwood Bank
B(RA).9	Development at Feckenham
B(RA).10	Exceptions housing at Astwood Bank and Feckenham
L.1	Children's day nurseries
L.2	Education provision
E(EMP).1	Employment provision
E(EMP).2	Design of employment development
E(EMP).3	Primarily employment areas
E(EMP).3a	Development affecting primarily employment areas
E(EMP).4	Locational criteria for development within primarily employment areas

E(EMP).5	Edward Street site
E(EMP).6	North West Redditch master plan employment
E(TCR).1	Vitality and viability of the town centre
E(TCR).2	Town centre enhancement
E(TCR).3	Peripheral zone
E(TCR).4	Need and the sequential approach
E(TCR).5	Protection of the retail core
E(TCR).6	North West quadrant
E(TCR).8	Coach parking within the town centre
E(TCR).9	District centres
E(TCR).10	District centre redevelopment
E(TCR).11a	Retail sales at petrol filling stations
E(TCR).12	Class A3 uses
C(CF).1	Community facilities
C(CF).2	Cemeteries
C(T).2	Road hierarchy
C(T).7	Public transport infrastructure
C(T).8	Transport interchange
C(T).11	Road schemes
C(T).12	Parking standards
R.1	Primarily open space
R.2	Protection of incidental open space
R.3	Provision of informal unrestricted open spaces
R.4	Provision and location of children's play areas
R.5	Playing pitch provision

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| R.6 | Protection and provision of allotments |
| R.7 | North West Redditch master plan – abbey stadium |

**LIST OF POLICIES THAT CAN NO LONGER BE USED FOR
PLANNING DECISION MAKING**

CS.3	Use of previously developed land
CS.4	Minimising the need to travel
B(HSG).1	Housing provision
B(HSG).4	Density of housing development
B(HSG).9	Residential mobile homes
B(BE).1	The protection of historic assets
B(BE).1a	Historic sites of national importance
B(BE).2	Archaeological and historic sites and structures
B(BE).3	Education and enhancement of archaeological and historic sites and structures
B(BE).4	Listed buildings
B(BE).5	Enabling development
B(BE).6	Development within Conservation Areas
B(BE).8	Demolition within Conservation Areas
B(BE).10	Trees in Conservation Areas
B(BE).12	Criteria for requiring design statements
B(BE).23	Telecommunications
B(BE).24	Minor telecommunications development
B(BE).26	Major gas pipelines and electricity lines
B(BE).27	Surface water run-off and foul sewage
B(NE).4	Noise
B(NE).5	Pollution implications of development
B(NE).6	Contaminated land

B(NE).7	Hazardous installations, waste disposal sites and sewage treatment works
B(NE).8	Impact on watercourses and aquifers
B(NE).9	Flood risk and surface water drainage
B(NE).11	Protection of species
B(NE).12	Features in the landscape of nature conservation importance
B(RA).7	Extension of gardens in the rural area
E(TCR).7	Railway goods yard
E(TCR).11	Local shops/parades
E(TCR).13	Uses of upper floors
C(T).1	Access to and within development – ensures development incorporates safe and convenient access arrangements in their design
C(T).3	Transport assessments
C(T).4	Travel plans
C(T).5	Walking routes
C(T).6	Cycle routes
C(T).9	Freight
C(T).10	Traffic management
R.3a	Green open spaces and corridors
R.8	Public rights of way
R.9	Recreational walking routes
R.10	Recreational cycling routes
R.11	Outdoor sports in the countryside