
DARLINGTON LOCAL PLANNING POLICY FRAMEWORK

**Responsible Cabinet Member - Councillor Chris McEwan,
Economy and Regeneration Portfolio**

Responsible Director – Richard Alty, Director of Place

Purpose of the Report

1. For the Council to endorse elements of former national planning guidance that should continue to be relied on in taking decisions on planning applications. This would be an interim measure prior to the guidance in question being formally incorporated into the local development framework.

Summary

2. At its meeting on 1 May 2012 Cabinet received a report explaining that a majority of the Government's planning policy documents had been superceded by a single document known as the National Planning Policy Framework (NPPF). The NPPF has replicated much of the policy guidance that was previously in place however Cabinet agreed that it was necessary and desirable to adopt an approach whereby relevant guidance in these former statements should continue to be relied on as good practice in cases where the statutory development plan or NPPF was silent or provided insufficient detail on the planning matter in question.
3. The relevant guidance deals with: the consideration of new permanent accommodation in the countryside; noise and development; and there are further relevant documents that deal with highway design, parking standards and contaminated land.

Recommendation

4. It is recommended that Cabinet recommends to Council the following specific technical and procedural guidance be agreed as interim planning policy that can be a material consideration in making decisions on planning applications, until it is included in an appropriate adopted development plan document or supplementary planning document.
 - (a) PPS7 Annexe A (**attached**);
 - (b) PPS7, para 28 - definitions of higher quality and poorer quality agricultural land;
 - (c) PPG24 – Planning and Noise – Annexes 3 and 6 (**attached**);

- (d) Development on Land Affected by Contamination, Yorkshire and Humberside Pollution Advisory Council, March 2011 (**attached**);
- (e) The Design Guide and Specification for Residential and Industrial Estate developments (**attached**).

Richard Alty, Diector of Place

Background Papers

None applicable.

Roy Merrett: Extension 2037

S17 Crime and Disorder	Well designed and planned places reduce the incidence of crime.
Health and Well Being	Will help to protect noise sensitive land uses and ensure land uses are properly remediated.
Sustainability	Will help promote sustainable development.
Diversity	No specific impact.
Wards Affected	All wards.
Groups Affected	No specific groups.
Budget and Policy Framework	Although in practice the proposed decision will not change the way decisions are dealt with, it does have the effect of changing our local planning policy guidance by adopting national planning policy which is not specifically picked up in the NPPF. It therefore represents a change to the Council's policy framework and accordingly is recommended to Council by Cabinet.
Key Decision	Not an Executive decision
Urgent Decision	Not an Executive decision
One Darlington: Perfectly Placed	No specific impact.
Efficiency	Will not have an adverse effect on the efficiency of the service.

MAIN REPORT

5. At its meeting on 1 May 2012, Cabinet received a report explaining that a majority of the Government's planning policy documents had been superseded by a single document known as the National Planning Policy Framework (NPPF). The NPPF has replicated much of the policy guidance that was previously in place however Cabinet agreed that it was necessary and desirable to adopt an approach whereby relevant guidance in these former statements should continue to be relied on as good practice in cases where the statutory development plan or NPPF was silent or provided insufficient detail on the planning matter in question.
6. The purpose of this report is therefore to identify the specific elements of former guidance that have not been incorporated into the NPPF but which would assist greatly with the Council's planning decision making whilst not conflicting with the NPPF and therefore to gain Cabinet's and Council's endorsement for their continued use. The various documents referred to are attached as appendices to this report.
7. It is considered that there is value in continuing to rely on the following aspects of former national policy guidance due to its useful technical, procedural, or definitional content that is not included in the NPPF, or the Council's own LDF Core Strategy or saved Local Plan policies:-
 - (a) PPS7 Annexe A – This deals with the exceptional circumstances under which a new unit of permanent residential accommodation is justified in the open countryside to enable rural workers to live close to their place of work along with various relevant tests needed to assess this and any appropriate conditions;
 - (b) PPS7 para 28: Definitions of higher and poorer quality agricultural land. PPS7 defines the former as Grade 1, 2 and 3a of the Agricultural Land Classification and the latter as Grades 3b, 4 and 5;
 - (c) PPG24 – Planning and Noise – Annexe 3 (Guidance on the assessment of noise from different sources) and Annexe 6 (Insulation of buildings against external noise).
8. In addition to the above the NPPF requires that adequate site investigation information is presented with planning applications to ensure that LPAs are adequately able to consider the contamination of sites and how this should be dealt with. 'Development on Land Affected by Contamination' is a technical advice note which provides guidance for developers seeking to develop land which may be contaminated. Many other authorities in the North East of England, Yorkshire and Lincolnshire have already adopted this guidance. In this context it is recommended that Cabinet and Council formally endorse the use of guidance in this document.
9. The NPPF does not provide guidance on the detailed standards of highway design and parking provision that should be used in relation to various categories of development. However it states that if setting local parking standards for residential and non-residential development, local planning authorities should take into account:
 - (a) the accessibility of the development;

- (b) the type, mix and use of development;
- (c) the availability of and opportunities for public transport;
- (d) local car ownership levels; and
- (e) an overall need to reduce the use of high-emission vehicles.

10. In this context it is still considered necessary to stipulate appropriate standards of highway design in the interests of safety and a maximum standard of parking provision that the LPA may expect from new development. Prior to the adoption of the NPPF the LPA was guided by highway design and parking standards in the Design Guide and Specification for Residential and Industrial Estate developments. This document is referenced in the LDF Core Strategy which was adopted last year and has previously been endorsed and utilised as guidance by each of the Tees Valley Authorities. As such, it is therefore proposed to continue to utilise these standards.