
**USE OF SUPPLEMENTARY PLANNING DOCUMENTS FOR DEVELOPMENT
MANAGEMENT PURPOSES**

Responsible Cabinet Member - Councillor Chris McEwan
Economy and Regeneration Portfolio

Responsible Director – Richard Alty, Director of Place

SUMMARY REPORT

Purpose of the Report

1. This report is to seek Council's agreement that specific supplementary planning documents continue to be used by the Council for development management purposes.

Summary

2. Adoption of the Darlington Local Development Framework (LDF) Core Strategy has meant that several policies of the Borough of Darlington Local Plan are no longer 'saved', having been superseded by more up to date policies in the Core Strategy. Existing supplementary planning guidance, such as the Affordable Housing Supplementary Planning Document (SPD) and the Design of New Development SPD elaborate on and are directly related to some of the policies that are no longer 'saved'. The Council needs to consider if these documents are to continue to be used for development management purposes.
3. There is much in the planning documents that is still relevant to the current consideration of planning applications, and the material in the supplementary documents is generally at a more detailed level than is set out in Core Strategy policies. All the supplementary documents have included local and stakeholder community engagement as part of their preparation, and in a large part, continue to be relevant in the current national and local planning policy context.
4. In order to be able to consider planning applications against a locally prepared policy framework that is as up to date and comprehensive as possible, the Council needs to formally agree that existing supplementary planning policy documents can continue to be used for development management purposes, until such time as more up to date LDF documents are adopted to replace them. There is a separate item on this agenda which seeks Council's agreement to adopt one such updated document, the Design of New Development SPD.

Recommendation

5. It is recommended that :-

- (a) Council agree that the following existing supplementary planning policy documents continue to be used for development management purposes, until such time as more up to date Local Development Framework documents are adopted to replace them, or they become obsolete:
 - (i) Design of New Development SPD, 2010
 - (ii) Affordable Housing SPD, April 2007
 - (iii) Open Space Strategy, 2007
 - (iv) Commuted Sums from New Housing Developments for the Enhancement of Existing Equipped Play Areas, 2001
 - (v) Tees Valley Design Guide (highway standards) undated – a ‘live’ document.

Reasons

6. The recommendations are supported by the following reasons :-

- (a) To support the effective implementation of the policies of the development plan for Darlington.
- (b) To maintain a comprehensive planning policy framework during the preparation of development plan documents to support the adopted Core Strategy.

Richard Alty
Director of Place

Background Papers

- (i) Borough of Darlington Local Plan (with alterations), 2001
- (ii) Darlington LDF Core Strategy, May 2011
- (iii) Design of New Development SPD, July 2009
- (iv) Affordable Housing SPD, April 2007
- (v) Open Space Strategy, 2007
- (vi) Commuted Sums from New Housing Developments for the Enhancement of Existing Equipped Play Areas, 2001
- (vii) Guidelines for the Introduction of A2 and A3 Uses and Amusement Centres into the Secondary Shopping Frontages of Darlington Town Centre, 1998
- (viii) Tees Valley Design Guide (highway standards) undated – a ‘live’ document.

Valerie Adams : Extension 2477

S17 Crime and Disorder	Authorisation to continue to use the Design of New Development SPD in particular should help to prevent crime and disorder by reducing opportunities for it in new development.
Health and Well Being	Some of the policy guidance this report is seeking to retain, such as around affordable housing and open space, has proven links to health and well being.
Carbon Impact	Authorisation to continue to use the Design of New Development SPD in particular should help to reduce the increase in carbon emissions that can arise from new development.
Diversity	Planning policy documents prepared since 2007 have been subject to generic and disabilities Equalities Impact Assessment during their preparation.
Wards Affected	All
Groups Affected	All
Budget and Policy Framework	This report does not recommend a change to the Council's budget, and recommends retention of elements of the Council's existing policy framework.
Key Decision	This is not an executive decision
Urgent Decision	This is not an executive decision
One Darlington: Perfectly Placed	Applying the policy guidance of the supplementary planning documents is key to ensuring new development takes place in ways that support the LDF Core Strategy, itself the spatial expression of One Darlington: Perfectly Placed.
Efficiency	Avoids the costs and time associated with preparing replacement detailed planning policy guidance.

MAIN REPORT

Information and Analysis

7. On 6th May, the Council adopted the Darlington Local Development Framework (LDF) Core Strategy. The Core Strategy is the principal document of the LDF, and the LDF is the suite of planning policy documents that will replace the adopted Borough of Darlington Local Plan. So far, only the Core Strategy had been completed; the programme for completion of other documents is set out in the Council's Local Development Scheme 2011-2014, agreed by Council in January 2011.

8. Adoption of the Core Strategy means that several policies of the Borough of Darlington Local Plan are no longer 'saved', having been superseded by more up to date policies in the Core Strategy. Several Local Plan policies were supported by, and elaborated upon, in more detailed supplementary planning policy documents (see **Table 1** below), comprising Supplementary Planning Documents and Supplementary Planning Guidance. Without a Council resolution confirming the documents as part of the Council's decision making framework, the Council's effective use of these documents for development management purposes will be weakened, as the policies which they expand or elaborate on are no longer part of the statutory development plan. Note that supplementary planning documents (SPD) have more weight in the planning system than does supplementary planning guidance (SPG). SPD have been through prescribed regulatory procedures in their preparation and can be given more weight than SPG whose status is as a 'material consideration of weight'.

Table 1

Supplementary planning policy document	Local Plan Policies that the SPD supported	Core Strategy Policies it supports
Supplementary Planning Documents		
1. Design of New Development SPD, July 2010	Primarily policies E1, E10, E14, E25, E29, E46, R1, T13 and T24.	CS2
2. Affordable Housing SPD, April 2007	H9, H10	CS4, CS11
Supplementary Planning Guidance		
3. Open Space Strategy, 2007	R4	CS17, CS18
4. Commuted Sums from New Housing Developments for the Enhancement of Existing Equipped Play Areas, 2001	R6 and R7	CS17
5. Guidelines for the Introduction of A2 and A3 Uses and Amusement Centres into the Secondary Shopping Frontages of Darlington Town Centre, 1998	S4, S5, S19	CS7
6. Tees Valley Design Guide (highway standards) undated – a 'live' document.	Primarily T8, 12, T13 and T24	CS2
7. Adding to Quality: A Development Strategy for Darlington Town Centre – adopted February 2001.	N/a	N/a

9. There is much in the supplementary planning policy documents that is still relevant to the consideration of planning applications because, as **Table 1** shows, there are clear links between their content and adopted Core Strategy policies, the supplementary documents generally providing more detail than is set out in the Core Strategy policies. In order to be able to consider planning applications against a locally prepared policy framework that is as up to date and comprehensive as possible, the Council needs to formally agree that specific existing supplementary planning policy documents can continue to be used for development management purposes, until such time as more up to date LDF documents are adopted to replace them (see **Table 2**).

Table 2

LDF documents being prepared	Target Date of Adoption
1. Revised Design of New Development SPD	Autumn 2011
2. Planning Obligations SPD	January 2012
3. Making Places and Accommodating Growth Development Plan Document (site allocation and development policies)	July 2013
4. Darlington Eastern Town Centre Fringe Action Area Plan	February 2014

10. Preparation of all the supplementary planning policy documents has included local and stakeholder community engagement, and, in large part, they continue to be relevant in the current national and local planning policy context. As such, there is no reason for them not to continue to be used for development management purposes. The exception to this is 'Adding to Quality' (No. 7 in Table 1 above), whose provisions for developing the town centre have either been implemented, or are adequately covered in newer documents, primarily the Core Strategy (particularly Policies CS7 and CS8) and the Feethams Development Brief.
11. Where supplementary planning policy documents contain material that has been superseded by material in the Core Strategy or by more recent national planning policy, officers' recommendations and advice will be based on the most up to date policy elements. For example, the Affordable Housing SPD indicates that the amount of affordable housing that will be sought differs according to which sub area of the Borough a site lies, but the more up to date Core Strategy (policy CS11) indicates that up to 30% affordable housing needs to be provided as part of new housing developments, regardless of where the site is in the Borough. Officers would apply the 'up to 30%' requirement. Where applicants and others are unclear, they can contact Planning Officers for guidance.