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**PLANNING POSITION WHILST PREPARING THE NEW LOCAL PLAN**

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**Purpose of the Report**

1. To clarify the Council's approach to the application of planning policy in Darlington's context whilst a new plan is being developed.
2. To feed comments of Scrutiny Committee into the Cabinet's consideration on 5 April 2016.

**Summary**

3. Further to the Place Scrutiny Meeting on 11 February 2016 work has been ongoing on the preparation of an Interim Planning Position Statement. This statement is due to go to Cabinet for approval on 5 April 2016. A copy of that draft report and accompanying Appendix is included. **Appendix 1** of the report is the draft statement for consideration.
4. The Planning Position Statement will provide clarification on the relevant material considerations in determining planning applications under national planning policy. Further detail is contained within the draft Cabinet Report.

**Recommendation**

5. It is recommended that Scrutiny Committee notes the Cabinet report dated 5 April 2016 and endorses the attached Interim Planning Position Statement;

**Ian Williams  
Director of Economic Growth**

**Background Papers**

See attached draft Interim Planning Position Statement.

David Nelson : Extension 6291

S17 Crime and Disorder	The statement proposed are unlikely to have a direct impact on crime and disorder. Principles of designing out crime are a cross cutting issue for planning matters.
Health and Well Being	The statement proposed should have an indirect beneficial effect on health and wellbeing.
Carbon Impact	A Sustainability Appraisal was carried out on the MGP Preferred Options. Achieving sustainable development is a fundamental objective of the Position Statement.
Diversity	An Equalities Impact Assessment was carried out on the MGP Preferred Options.
Wards Affected	All
Groups Affected	All
Budget and Policy Framework	This decision does not represent a change to the budget and policy framework.
Key Decision	Yes
Urgent Decision	No
One Darlington: Perfectly Placed	The Local Plan reflects the spatial implications of the overarching aims of One Darlington: Perfectly Placed it has particularly close links to the outcomes of delivering successful communities, giving children the best start in life and providing a strong economy.
Efficiency	By reducing uncertainty and clarifying local policy, the proposed statement and other material presented will help development management decision making.

## MAIN REPORT

### Proposed Planning Position Statement in relation to NPPF Presumption in Favour of Sustainable Development

#### Background

1. If an application is submitted that cannot be assessed against up to date local policies national policy will take precedent. A key part of this is the presumption in favour of sustainable development, as set out in paragraph 14 of the NPPF. It is therefore proposed that the Interim Planning Position Statement will guide local interpretation of national policy.
2. It is important that this interim position is formally agreed by the Council as it will help make sure it gets the best form of development possible from any schemes that come forward whilst the new Local Plan is being prepared. It is also important to provide potential developers with a useful framework for any proposals they bring forward. As well as guiding planning application decision making, application of the Interim Statement will help provide information on interpretation of national policy and our current evidence base that will inform the development of the forthcoming new Local Plan.
3. The proposed interim planning statement has been finalised, taking into consideration the comments received by the public and others during at least two public consultations that were carried as part of MGP preparation. In many cases, the finalised position also reflects the findings of sustainability appraisal work, and takes into account the most recent changes to national planning policy, guidance and best practice. The statements are also consistent with the up to date evidence base and draft policies that were already considered by Members. These factors suggest that, if agreed, the interim planning position could be afforded some weight in determining planning applications, rather than the full weight that can be afforded to up to date adopted development plan policies, and that the Council should be able to argue successfully at planning appeal that these should be given some weight.
4. A position statement has been prepared (**Appendix 1**) which sets out the Council's aspirations and ambitions for sustainable economic growth including existing work on key growth zones. The strategic growth zones identified in Core Strategy remain key priorities for the council and still represent the most sustainable locations for significant growth in the borough and we will continue to encourage suitable development in these areas. Each area has a 'Growth Zone Concept Plan' included in the statement to provide context of the key considerations in each zone.
  - (a) In addition the document contains position statements on the following matters:-
    - (i) Town Centre
    - (ii) Retail

- (iii) North West Urban Fringe
- (iv) Eastern Urban Fringe
- (v) Employment Sites
- (vi) Housing Sites
- (vii) Gypsy and Travellers Sites
- (viii) Heritage Assets
- (ix) Landscape Character
- (x) Green Infrastructure
- (xi) Outdoor Sports
- (xii) Biodiversity & Geodiversity
- (xiii) Access and Accessibility
- (xiv) Parking
- (xv) Physical Infrastructure
- (xvi) Sustainable Drainage Systems (SuDS)
- (xvii) Airport Safety

5. A number of these statements are intended to provide context for the local interpretation of the ‘show stopper’ considerations that override the presumption in favour of sustainable development as detailed in NPPF footnote 9. For Darlington these are:

- (a) Sites protected under Birds and Habitats Directives and/or Sites of Special Scientific Interest;
- (b) Local Green Space
- (c) Designated Heritage Assets (within the Borough of Darlington this could include Scheduled Monuments, Listed Buildings, Registered Parks & Gardens or Conservation Areas)
- (d) Locations at Risk of Flooding

### **Outline of Interim Planning Position on Housing Proposals**

6. In order to achieve a five year supply the council needs to deliver housing quickly and cannot wait for a comprehensive local plan to be in place otherwise a backlog of under delivery will develop. The council will consider suitably located sites in sustainable locations. In order to assist developers, further guidance is provided within the planning position statement to identify local considerations for applying the NPPF presumption in favour of sustainable development.

### **Identified Sustainable Housing Sites**

7. Owing to the rigorous site assessment process already undertaken it is considered that the sites identified in the MGP Revised Preferred Options<sup>1</sup> are capable of accommodating a sustainable housing development, subject to the submission of an acceptable scheme in relation to other material considerations, be deemed acceptable against national policy criteria. Further Detail is provided in **Appendix 1 (Section 7)**.

### **Approach for land not previously identified for housing**

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<sup>1</sup> Excluding Egglestone View and sites already developed.

8. The Council recognised the potential for under delivery of housing in the adopted Core Strategy Policy CS10, supporting windfall housing development in appropriate locations at the Urban Fringe and within or adjacent to larger villages if housing delivery fell below projected rates. This part of Policy CS10 continues to be relevant to determining applications. However, in order to continue to plan positively for housing development to meet the needs of our population, applications for planning permission for residential development in all areas of the Borough should be considered in accordance with the presumption in favour of sustainable development set out in the National Planning Policy Framework. This means that planning permission should be granted unless the adverse impact of doing so would significantly outweigh the benefits when assessed against the Framework as a whole, or in specific circumstances where development should be restricted. Saved Local Plan policies and surviving Core Strategy policies (**Appendix 1, Annex 1**) continue to be relevant to determining site specific issues and whether a development can be considered 'sustainable'.
9. The interim housing statement sets out an approach to this that is a logical extension of the approach set out in the Core Strategy, tempered by key sustainability priorities.
10. Key sustainability considerations in Darlington are ensuring proposals:-
  - (a) Do not unacceptably impact strategic infrastructure without sufficient mitigation;
  - (b) Have access to education facilities that have sufficient capacity or capability for expansion (typically 1km to a Primary School with appropriate safe route);
  - (c) Have access to goods and services (including shops, post office, etc.);
  - (d) Accessibility to public transport and connectivity with existing settlements (such as footpath and cycleway links);
  - (e) Utilise good design that respects the character of the area including protection of open countryside (NPPF Para 55);
  - (f) Does not prejudice the good planning and future delivery of the strategic vision for the borough.
  - (g) Compliance with restrictive policies identified in the NPPF <footnote 9ref>. For Darlington these could be:
    - (i) Sites protected under Birds and Habitats Directives and/or Sites of Special Scientific Interest;
    - (ii) Local Green Space
    - (iii) Designated Heritage Assets (within the Borough of Darlington this could include Scheduled Monuments, Listed Buildings, Registered Parks & Gardens or Conservation Areas)
    - (iv) Locations at Risk of Flooding
11. At both pre-application and application stage these principles will be applied and balanced in an assessment of the sustainability credentials of a proposal being made under the national presumption in favour of sustainable development.

12. The position statement as attached to this report is still in draft form and is due to be reported to cabinet on 5 April 2016 and is still being fed through the approval process. Any significant changes will be reported verbally to Place Scrutiny.