

DRAFT NATIONAL PLANNING POLICY FRAMEWORK

To promote discussion of the Development Management content of the Draft National Planning Policy Framework

Recommendation: That the attached document extract be the subject of open discussion.

Resource Implications: Nil

1.0 SUPPORTING INFORMATION

- 1.1 The Draft National Planning Policy Framework has been the subject of much recent media attention.
- 1.2 To afford the opportunity for open discussion, the relevant document extract relating specifically to Development Management is attached.

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Background Papers: Draft National Planning Policy Framework, DCLG, July 2011
– copy of extract relating to Development Management

Development management

53. The primary objective of development management is to foster the delivery of sustainable development, not to hinder or prevent development.
54. To enable each local authority to proactively fulfil their planning role, and to actively promote sustainable development, local planning authorities need to:
 - approach development management decisions positively – looking for solutions rather than problems so that applications can be approved wherever it is practical to do so
 - attach significant weight to the benefits of economic and housing growth
 - influence development proposals to achieve quality outcomes; and
 - enable the delivery of sustainable development proposals.
55. The relationship between development management and plan-making should be seamless and both should recognise the presumption in favour of sustainable development and the positive approach to planning set out in this Framework. The application of the presumption should achieve the delivery of enhanced levels of development consistent with national, strategic and local requirements.

Pre-application engagement and front loading

56. Early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties. Good quality pre-application discussion enables better coordination between public and private resources and improved outcomes for the community.
57. Local planning authorities have a key role to play in encouraging other parties to take maximum advantage of the pre-application stage. They cannot require that a developer engages with them before submitting a planning application, but they could encourage take-up of any pre-application services they do offer. They could also, where they think this would be beneficial, encourage any applicants who are not already required to do so by law to engage with the local community before submitting their applications.
58. The more issues considered at pre-application stage, the greater the benefits. Statutory planning consultees also need to take the same early, pro-active approach, and provide advice in a timely manner throughout the development process. The participation of other consenting bodies in pre-application discussions should enable early consideration of all the fundamental issues relating to whether a particular development will be acceptable in principle. Consents relating to how a development is built or operated can be dealt with at a later stage.

59. The right information is crucial to good decision making, particularly where formal assessments are required (such as Environmental Impact Assessment, Habitats Regulations Assessment and Flood Risk Assessment). To avoid delay, developers should discuss what information is needed with the local planning authority and expert bodies as early as possible. Local planning authorities should publish a list of their information requirements for applications, which should be proportionate to the nature and scale of development proposals. Local planning authorities should only request supporting information that is relevant, necessary and material to the application in question.
60. Developers and local planning authorities should consider the potential of entering into planning performance agreements, where this might achieve a faster and more effective application process.
61. For their role in the planning system to be effective and positive, statutory consultees will need to take the same early and pro-active approach to their involvement in development proposals, providing advice in a timely manner at all stages of the development process. This assists local planning authorities in issuing timely decisions, helping to ensure developers do not experience unnecessary delays and costs.

Determining applications

62. The planning system is plan-led. Therefore Local Plans, incorporating neighbourhood plans where relevant, are the starting point for the determination of any planning application.
63. In assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development.

Tailoring planning controls to local circumstances

64. Local planning authorities should consider using Local Development Orders to relax planning controls for particular areas or categories of development, where the impacts would be acceptable, and in particular where this would boost enterprise and growth. The use of article 4 directions to remove national permitted development rights should be limited to situations where this is necessary to protect local amenity or the wellbeing of the area (this could include the use of article 4 directions to require planning permission for the demolition of local facilities). Similarly, planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do so.

Neighbourhood Development and Community Right to Build Orders

65. Neighbourhoods can use neighbourhood development orders to grant planning permission. Developments that are permitted through a neighbourhood development order will not require further planning permission from local planning authorities.

66. Community Right to Build Orders require the support of the local community through a referendum. Therefore, local planning authorities should take a proactive and positive approach to proposals, working collaboratively with community organisations to resolve any issues before draft Orders are submitted for examination. Independent examiners should apply the presumption in favour of sustainable development when considering draft Orders.

Planning conditions and obligations

67. Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.
68. Planning obligations should only be sought where they meet all of the following tests:
- necessary to make the development acceptable in planning terms
 - directly related to the development; and
 - fair and reasonably related in scale and kind of development.
69. Planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.
70. Local planning authorities should avoid unnecessary conditions or obligations, particularly when this would undermine the viability of development proposals.