

PLANNING COMMITTEE

AGENDA



Wednesday 4 April 2018

at 10.00am

in the Council Chamber,
Civic Centre, Hartlepool.

MEMBERS OF PLANNING COMMITTEE:

Councillors S Akers-Belcher, Barclay, Belcher, Buchan, Cook, Fleming, James, Loynes, Martin-Wells, Morris and Sirs

1. APOLOGIES FOR ABSENCE

2. TO RECEIVE ANY DECLARATIONS OF INTEREST BY MEMBERS

3. MINUTES

- 3.1 To confirm the minutes of the meeting held on 7th March 2018

4. ITEMS REQUIRING DECISION

4.1 Planning Applications – *Assistant Director (Economic Growth and Regeneration)*

1. H/2018/0045 Little Black Book, 18 Whitby Street (page 1)
2. H/2018/0005 Pulse Bar, 25-26 Church Street and first floor of 27 Church Street (page 11)
3. H/2017/0651 6 Front Street, Greatham (page 29)
4. H/2017/0650 6 Front Street, Greatham (page 41)

5. ITEMS FOR INFORMATION

- 5.1 Appeal at the former Saxon PH, Easington Road, Hartlepool - *Assistant Director (Economic Growth and Regeneration)*
- 5.2 Consultation on Revisions to the National Planning Policy Framework - *Assistant Director (Economic Growth and Regeneration)*



- 5.3 Update on Current Complaints - *Assistant Director (Economic Growth and Regeneration)*

6. ANY OTHER BUSINESS WHICH THE CHAIR CONSIDERS URGENT

7. LOCAL GOVERNMENT (ACCESS TO INFORMATION) (VARIATION) ORDER 2006

EXEMPT ITEMS

Under Section 100(A)(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following items of business on the grounds that it involves the likely disclosure of exempt information as defined in the paragraphs referred to below of Part 1 of Schedule 12A of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006

8 ITEMS REQUIRING DECISION

- 8.1 Enforcement Action (paras 5 and 6) – *Director of Regeneration and Neighbourhoods*

9. ANY OTHER CONFIDENTIAL ITEMS WHICH THE CHAIRMAN CONSIDERS ARE URGENT

10. FOR INFORMATION

Any requests for a Site Visit on a matter then before the Committee will be considered with reference to the Council's Planning Code of Practice (Section 16 refers). No requests shall be permitted for an item requiring a decision before the committee other than in accordance with the Code of Practice

Any site visits approved by the Committee at this meeting will take place on the morning of the Next Scheduled Meeting on Wednesday 9 May 2018



PLANNING COMMITTEE

MINUTES AND DECISION RECORD

7th March 2018

The meeting commenced at 10.00am in the Civic Centre, Hartlepool

Present:

Councillor: Rob Cook (In the Chair)

Councillors: Stephen Akers-Belcher, Sandra Belcher, Tim Fleming, Marjorie James, Brenda Loynes, Ray Martin-Wells and George Morris

In accordance with Council Procedure Rule 4.2 Councillor Shane Moore was in attendance as substitute for Councillor Bob Buchan.

Also Present: Councillors Kevin Cranney, Jim Lindridge and Leisa Smith

Officers: Mike Blair, Transport and Infrastructure Manager
Adrian Hurst, Environmental Health Manager (Environmental Protection)
Daniel James, Planning Team Leader (DC)
Kieran Bostock, Principal Engineer (Environmental Engineering)
Ryan Cowley, Senior Planning Officer
Jane Tindall, Senior Planning Officer
Richard Maynes, Solicitor
Jo Stubbs, Democratic Services Officer

99. Apologies for Absence

Apologies were submitted by Councillors Allan Barclay and Bob Buchan.

100. Declarations of interest by members

Councillor Ray Martin-Wells declared a non-prejudicial interest in Planning Application H/2018/0002 (English Martyrs Comprehensive School) due to his status as a member of the Cleveland Fire Authority.

Councillor Marjorie James declared a non-prejudicial interest in Planning Application H/2018/0002 (English Martyrs Comprehensive School) due to her status as a member of the Cleveland Fire Authority.

Councillor Rob Cook declared a non-prejudicial interest in Planning

Application H/2018/0002 (English Martyrs Comprehensive School) due to his status as a member of the Cleveland Fire Authority and as a Governor of English Martyrs School.

Councillor Ray Martin-Wells declared a prejudicial interest in Planning Application H/2017/0608 (Land at Wynyard Woods) and indicated he would leave the meeting during consideration of this item.

101. Confirmation of the minutes of the meeting held on 31st January 2018

Minutes approved

102. Confirmation of the minutes of the meeting held on 7th February 2018

Minutes approved

103. Planning Applications *(Director of Regeneration and Neighbourhoods)*

Number: H/2017/0565

Applicant: LOFTMAN LEISURE LTD MR CHRIS DODDS BIRCHILL GARDENS HARTLEPOOL

Agent: LOFTMAN LEISURE LTD MR CHRIS DODDS 38 BIRCHILL GARDENS HARTLEPOOL

Date received: 04/12/2017

Development: Change of use of land to, and installation of, ten hole crazy golf course including associated course structures, hard and soft landscaping, outside seating/picnic area and street furniture, an enclosed visitor/reception cabin, boundary treatments including 1.8m high fence enclosure, and other associated works.

Location: LAND AT THE CLIFF SEATON CAREW HARTLEPOOL

This item had been deferred at the meeting on 7th February 2018 to enable a site visit to take place (minute 91 refers). Previously there had also been some discussion around who would have responsibility for collecting litter from the outside of the fencing. The Chair informed members that following discussions it had been agreed that the appellant would collect litter from the inside of the fence (which the Senior Planning Officer confirmed is to be included in the Council's lease) while the Council's Neighbourhood Services Department would be responsible for litter on the outside of the fence. A

member noted that a large section of green space was included in the plans, of which the crazy golf was a small part and queried the potential for expansion. The Senior Planning Officer confirmed that the crazy golf site would be situated as per the plans and that any amendments to the location would require planning permission. A member queried whether a lamppost in the middle of the site would be retained. The Senior Planning Officer advised that there were plans to re-locate it to the footpath.

The appellant had spoken at the previous meeting and was therefore unable to speak again. There were no questions from members.

Andrew Moss spoke in objection to the proposal. He referred to the large number of objections from residents, all based on the location. The site in question was accessible and open and should be retained for the benefit of the public. There were other sites in Seaton where such an attraction could be located and the selection of this site did not accord with the Seaton Carew Masterplan or Government policy on the protection of green spaces. It would be detrimental to residents and he urged members to refuse the application.

Councillor Smith, Seaton Ward Councillor, referred to consultation which had previously been undertaken on this matter. She noted that this had been prior to the failure of the Longscar CPO and based on a different location. Residents were not against a crazy golf site in theory but would prefer it to be located behind the clock tower, near to an existing car park and playground. The proposed location could lead to parking issues and the security fence could be a magnet for anti-social behaviour which would impact on residents living nearby. Consideration was now being given by residents to applying for village green status for the site in question which could have an impact. She urged that alternative sites be looked at.

Councillor Cranney, Chair of Regeneration Services Committee, Spoke in support of the application which would increase tourism. A public consultation in 2015 and resulted in 378 responses in support of the development of play facilities. This would be an additional attraction for Seaton as a destination and support businesses in the area. The location would open up the promenade area and increase the outdoor leisure park facilities.

Members expressed their disappointment that the Heritage and Countryside Manager was not present given Seaton's status as a conservation area but acknowledged that no objection had been received from the Heritage and Countryside Manager. Members repeated a previous request that the conservation area status of Seaton be reviewed. Members appreciated the comments regarding the proposed location but noted that there had been buildings on the site previously. Also the proposal was based on that particular location and members were unable to approve based on a site of their choosing. They took on board the comments regarding the visual impact and fears of anti-social behaviour but felt these were outweighed by the positive impact on businesses in the area.

Members approved the application by a majority.

Decision: Planning Permission Approved

CONDITIONS AND REASONS

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. The development hereby approved shall be carried out in accordance with the following plan(s) and details;

 LCGSC1023 (LCGSC Trincomalee Dimensions),
 LCGSC1025 (LCG Planning Top View Final),
 LCGSC1026 (LCG Hole Numbers),
 LCGSC1027 (LCG Surfaces),
 LCGSC1028 (LCG Indicative Views),
 Boundary Fence elevations and details
 received 22nd November 2017 by the Local Planning Authority;
 DRWG NO E/L/494b (site location plan),
 LCGSC1020 (LCG Cabin Final),
 LCGSC1021 (LCG Cabin Internal),
 LCGSC1022 (LCG Trincomalee),
 LCGSC1023Wire (LCGSC Trincomalee Dimensions),
 LCGSC1024 (LCG Museum),
 received 30th November 2017 by the Local Planning Authority; and
 LCGSC1019 (LCG Seaton Carew Position of Crazy Golf Course)
 received 4th December 2017 by the Local Planning Authority.
 For the avoidance of doubt.
3. Notwithstanding the submitted information, final details of all external finishing materials (including the proposed cabin/kiosk and Trincomalee structure) shall be submitted to and approved by the Local Planning Authority before development commences, samples of the desired materials being provided for this purpose. Thereafter the development shall be carried out in accordance with the approved details.
In the interests of visual amenity.
4. Notwithstanding the submitted details and prior to the commencement of development, final details of proposed hard landscaping and surface finishes shall be submitted to and agreed in writing by the Local Planning Authority. This will include all external finishing materials, finished levels, and all construction details, confirming materials, colours, finishes and fixings. The agreed scheme shall be implemented prior to operation of the site and/or the site being open to the public. Any defects in materials or workmanship appearing within a period of 12 months from completion of the total development shall be made-good by the owner as soon as practicably possible.
To enable the local planning authority to control details of the proposed development, in the interest of the visual amenity of the area.
5. Notwithstanding the submitted details, a detailed scheme of landscaping and tree and shrub planting shall be submitted to and

approved in writing by the Local Planning Authority before the development hereby approved is commenced. The scheme must specify sizes, types and species, indicate the proposed layout, mounding and surfacing of all open space areas, include a programme of the works to be undertaken, and be implemented in accordance with the approved details and programme of works.

In the interests of visual amenity.

6. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting season following the occupation of the building(s) or completion of the development, whichever is the sooner. Any trees plants or shrubs which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of the same size and species, unless the Local Planning Authority gives written consent to any variation.

In the interests of visual amenity.

7. Prior to the erection of any external CCTV cameras/columns associated with the development hereby approved, full details of the design, siting, angle of alignment and specification shall be submitted to and agreed in writing by the Local Planning Authority. The agreed CCTV provision shall be implemented wholly in accordance with the agreed scheme.

To enable the Local Planning Authority to control details and in the interests of the amenities of neighbouring residents and visual amenity.

8. Prior to the erection of any external lighting associated with the development hereby approved, full details of the method of external illumination, siting, angle of alignment, light colour and luminance of external areas of the site shall be submitted to and agreed in writing by the Local Planning Authority. The agreed lighting shall be implemented wholly in accordance with the agreed scheme.

To enable the Local Planning Authority to control details and in the interests of the amenities of neighbouring residents and highway safety.

9. Development shall not commence until a detailed scheme for the disposal of surface water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall take place in accordance with the approved details.

To prevent the increased risk of flooding from any sources in accordance with the NPPF.

10. The proposed means of boundary enclosure hereby approved shall be carried out in accordance with the following approved plan(s) and details; LCGSC1027 (LCG Surfaces) and Boundary Fence elevations and details received 22nd November 2017 by the Local Planning Authority, unless a variation to the agreed scheme is otherwise agreed in writing with the Local Planning Authority.

For the avoidance of doubt and in the interests of visual amenity.

11. No construction/building or demolition works or deliveries shall be carried out except between the hours of 07:30am and 06:00pm on

Mondays to Fridays and between 08:00am and 12:30pm on Saturdays. There shall be no construction or demolition activity on Sundays or on Bank Holidays.

To avoid excessive noise and disturbance to the occupants of nearby properties.

12. The premises shall not be open to the public outside the following times 08:00 to 20:00 Mondays to Fridays, Saturdays, Sundays and Bank Holidays.

In the interests of the amenities of the occupants of neighbouring properties.

13. Prior to the development being brought into use, provision shall be made for the siting of a waste bin within the crazy golf course in accordance with approved plan LCGSC1027 (LCG Surfaces) received 22nd November 2017 by the Local Planning Authority. The waste bin shall remain in place for the lifetime of the development.
In the interest of waste management.

The Committee considered representations in relation to this matter.

Number: H/2017/0574

Applicant: MR A HOGG RELTON WAY HARTLEPOOL

Agent: CAD-LINK ARCHITECTURAL SERVICES LTD 26 MOUNTSTON CLOSE HARTLEPOOL

Date received: 21/11/2017

Development: Extension to detached garage

Location: 13 RELTON WAY HARTLEPOOL

This item had been deferred at the meeting on 7th February 2018 to enable a site visit to take place (minute 91 refers). The applicant, Andrew Hogg, urged members to grant the application, assuring them that the allegations that he intended to run a business out of the premises were false.

Members felt the proposed development was simple and straightforward and saw no evidence that Mr Hogg would be using the site as a business enterprise.

Members approved the application unanimously.

Decision: **Planning Permission Approved**

CONDITIONS AND REASONS

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. The development hereby permitted shall be carried out in accordance with the following plans; Drawing number 001 (existing floor layout site location plan) , Drawing number 002 (existing elevations), Drawing number 003 (proposed floor layout site layout), Drawing number 004 (proposed front and rear elevations proposed section), Drawing number 005 (proposed side elevations) received by the Local Planning Authority on the 23rd of October 2017. Heritage Statement received by the Local Planning Authority on the 21st of November 2017.
For the avoidance of doubt.
3. The external materials used for this development shall match those of the existing garage unless otherwise agreed in writing with the Local Planning Authority.
In the interests of visual amenity.
4. The garage hereby approved shall only be used for purposes incidental to the use of the dwellinghouse and shall not be converted; expanded, altered and no trade or business shall be carried out therein without the prior written consent of the Local Planning Authority
In the interests of the amenities of the occupants of neighbouring properties.
5. The garage hereby approved shall not be converted, extended or altered in any way.
In the interests of the amenities of the occupants of neighbouring properties.

The Committee considered representations in relation to this matter.

Number:	H/2018/0002
Applicant:	BAM CONSTRUCTION LTD FIFTH AVENUE BUSINESS PARK TEAM VALLEY TRADING ESTATE GATESHEAD
Agent:	LICHFIELDS MR JONATHAN WALLACE THE ST NICHOLAS BUILDING ST NICHOLAS STREET NEWCASTLE UPON TYNE
Date received:	11/01/2018
Development:	Demolition of existing school buildings and redevelopment of the site to provide a replacement school building and playing pitches along with extended WC facilities, car parking, hard and soft landscaping and access arrangements

Location: ENGLISH MARTYRS COMPREHENSIVE SCHOOL
CATCOTE ROAD HARTLEPOOL

Members queried whether the boundary between the school and housing could be brought forward in order that the area in between be kept tidy by the school. They asked that as part of the redesign a parking area be installed on site enabling parents to drop their children off on the school site rather than on Catcote Road. The Transport and Infrastructure Manager acknowledged these comments but felt that the site being proposed was no more detrimental than that already in place and it would therefore be hard to justify an objection based on these grounds.

Members referred to the proposed movement of the playing pitches and requested further information and reassurance on what would be involved and whether flooding would be an issue. The Principal Engineer indicated that as part of the conditions no work could be carried out until he was totally satisfied that drainage would not be a problem. At this point in time however there was no detailed design in place. He assured members that his team had ample capacity to deal with any issues in a prompt manner. A member referred to a previous instance when soil was dropped onto hard standing leading to surface flooding and asked that the hard standing be removed altogether in this case. The Principal Engineer confirmed that this would be included as a condition and enforced as such.

Members also referred to a tabled letter from the Chief Fire Officer advising that sprinklers be included as part of the plans. They were disappointed that this advice had not been taken on board as sprinklers would protect life and buildings. Members queried whether the installation of sprinklers could be conditioned as part of the application. The Solicitor advised that technically it could be but it could be a financial drain on the applicant and was something for the planning officers to recommend. The Planning Team Leader advised that planning officers were supportive of members' views on this matter and had previously raised it with the applicant however he advised that planning conditions should not be applied where they duplicate other legislation. A vote on the inclusion of sprinklers as a condition on the planning application was moved and seconded. This was subsequently approved unanimously.

The Chair asked that it be recorded that the following members voted in favour of the inclusion of sprinklers as a condition on the planning application: Councillors Stephen Akers-Belcher, Sandra Belcher, Tim Fleming, Marjorie James, Brenda Loynes, Ray Martin-Wells, Shane Moore and George Morris

Steve Hammond, Headteacher of English Martyrs, advised members that the school had previously been designated for a rebuild under the Building Schools for the Future programme but this had been cancelled before the funding was confirmed. The funding for this rebuild had come from the Education and Skills Funding Agency (ESFA) with further funding from the Council as the school had agreed to increase their numbers. The main issue for the school was safeguarding. The current layout and its location on a main

road meant it was impossible for the school to go into lockdown to protect its pupils if necessary. The proposed changes to the layout would provide this security. In addition the current buildings and facilities were felt to be in need of updating and improvement. With reference to sprinklers the ESFA were refusing to fund their inclusion as the inclusion of sprinklers was not a requirement under local policy. It was not something the school could afford. Similarly the ESFA did not have responsibility for funding any traffic improvements and the school could not afford to. He suggested that the Council may wish to provide funding. He also noted that there was an existing drop-off zone for pupils on the school site. The Vice-Chair suggested that the Catholic Church be approached for this funding but Mr Hammond reiterated that there was no funding available for this. He also noted that none of the other secondary schools in Hartlepool had sprinklers fitted.

Members expressed their full support for the application provided sprinklers were included. They acknowledged that this may cause problems for the applicant but felt that advice from the Chief Fire Officer could not be ignored. It was something which members wished to see introduced into all new school buildings across the borough, English Martyrs just happened to be the first school rebuild application. They noted the comments of Mr Hammond that it was not a requirement under local policy but they felt that by making this decision they were forming local policy. They also praised Mr Hammond for the vast number of sporting facilities which would be included as part of the rebuild.

Members approved the application with the added condition that sprinklers be included.

Decision: Planning Permission Approved

CONDITIONS AND REASONS

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. The development hereby approved shall be carried out in accordance with the following approved plan(s) and details;
140867-ONE-ZZ-XX-DR-L-1001-D5-P01 (Location Plan),
140867-ONE-ZZ-XX-DR-L-1006-D5-P02 (Existing & Proposed Playing Fields Arrangement),
140867-RYD-00-ZZ-DR-A-36003-S0-P3 (GA Elevations - Sheet 2)
140867-RYD-01-XX-DR-A-36006-S0-P3 (GA Elevations & Sections - WC Extension and Art Room Replacement)
140867-RYD-00-00-DR-A-30001-S0-P8 (GA Plan Level 00)
140867-RYD-00-01-DR-A-30002-S0-P8 (GA Plan Level 01)
140867-RYD-00-02-DR-A-30003-S0-P8 (GA Plan Level 02)
140867-RYD-00-R2-DR-A-30004-S0-P6 (GA Roof Plan)
140867-RYD-01-00-DR-A-30020-S0-P4 (GA Ground Floor Plan - WC Extension and Art Room Replacement Wall)

140867-ONE-ZZ-XX-DR-L-1402-D5-P01 (Site Sections)
 received 2nd January 2018 by the Local Planning Authority;
 140867-ONE-ZZ-XX-DR-L-1007-D5-P01 (Existing Block Plan),
 140867-ONE-ZZ-XX-DR-L-1008-D5-P01 (Proposed Block Plan),
 received 11th January 2018 by the Local Planning Authority;
 English Martyrs School: Building External Materials Schedule
 received 12th February 2018 by the Local Planning Authority;
 140867-ONE-00-Z0-DR-L-0202-D2-P01 (Planting Plan)
 Eco-Habitats for Bats & Swifts specification
 received 14th February 2018 by the Local Planning Authority;
 7.0 Construction Phasing: Site Access & Logistics 2
 received 19th February 2018 by the Local Planning Authority;
 13726-ONE-00-Z0-DR-L-1403-D5-P01 (Site Section)
 received 28th February 2018 by the Local Planning Authority;
 and amended plans;
 140867-ONE-ZZ-XX-DR-L-1003-D5-P05 (Landscape General
 Arrangement)
 140869-RYD-ZZ-ZZ-DR-A-36002-S0-P7 (GA Elevations - Sheet 1)
 received 20th February 2018 by the Local Planning Authority;
 140867-ONE-ZZ-XX-DR-L-1401-D5-P02 (Existing & Proposed
 Contours)
 received 28th February 2018 by the Local Planning Authority.
 For the avoidance of doubt.

3. Notwithstanding the requirements of condition 4, no development shall take place until a scheme for surface water management has been submitted to and approved in writing by the local planning authority. The scheme shall include details of any plant and works required to adequately manage surface water; detailed proposals for the delivery of the surface water management system including a timetable for its implementation; and details of how the surface water management system will be managed and maintained thereafter to secure the operation of the surface water management system. With regard to management and maintenance of the surface water management system, the scheme shall identify parties responsible for carrying out management and maintenance including the arrangements for adoption by any public authority or statutory undertaker or any other arrangements to secure the operation of the surface water management system throughout its lifetime. The scheme shall be fully implemented and subsequently managed and maintained for the lifetime of the development in accordance with the agreed details. To accord with the provisions of the NPPF in terms of satisfying matters of flood risk and surface water management.
4. Development shall be implemented in accordance with the drainage scheme contained within the submitted document entitled "Drainage Strategy Report (part 1 & 2)" dated "14/12/17". The drainage scheme shall ensure that both the foul and surface water flows discharge to the combined sewer at manhole. The joint discharge rate shall not exceed the available capacity of 47.1 l/sec that has been identified in this sewer. The final surface water discharge rate shall be agreed by the Local Planning Authority.

- To prevent the increased risk of flooding from any sources in accordance with the NPPF.
5. Notwithstanding the submitted information, a Construction Management Plan shall be submitted and agreed in writing with the Local Planning Authority, prior to the commencement of development, to agree the routing of all HGVs movements associated with the construction phases, effectively control dust emissions from the site remediation and construction works, this shall address earth moving activities, control and treatment of stock piles, parking for use during construction and measures to protect any existing footpaths and verges, vehicle movements, wheel cleansing, sheeting of vehicles, offsite dust/odour monitoring and communication with local residents. The scheme shall include a timetable for any land affected by the construction or demolition works to be made good following completion of the development. The development shall thereafter be carried out in accordance with the agreed scheme and timetable.
In the interests of the occupiers of adjacent and nearby premises and highway safety.
 6. Prior to the commencement of development, a scheme to encourage reasonable steps to secure local training and employment shall be submitted to and agreed in writing with the Local Planning Authority. Thereafter the development shall be carried out in accordance with the agreed scheme.
To assist in ensuring that Hartlepool's economy grows sustainably in accordance with emerging policy QP1 of the emerging Hartlepool Local Plan and the adopted Planning Obligations SPD.
 7. (a) Within 6 months of the commencement of use of the new school block the following documents shall be submitted to and approved in writing by the Local Planning Authority after consultation with Sport England:
 - (i) A detailed assessment of ground conditions (including drainage and topography) of the land proposed for the playing field which identifies constraints which could adversely affect playing field quality; and
 - (ii) Where the results of the assessment to be carried out pursuant to (i) above identify constraints which could adversely affect playing field quality, a detailed scheme to address any such constraints. The scheme shall include a written specification of the proposed soils structure, proposed drainage, cultivation and other operations associated with grass and sports turf establishment and a programme of implementation.
 (b) The approved scheme shall be carried out in full and in accordance with the approved programme of implementation and in any event not later than 18 months after the occupation of the school block. The land shall thereafter be maintained in accordance with the scheme and made available for playing field use in accordance with the scheme. To ensure that the playing field is prepared to an adequate standard and is fit for purpose and to accord with Development Plan Policy.
 8. The landscaping and tree and shrub planting hereby approved shall be implemented in accordance with the following plans and details;
140867-ONE-ZZ-XX-DR-L-1003-D5-P05 (Landscape General

Arrangement) received 20th February 2018 by the Local Planning Authority and 140867-ONE-00-Z0-DR-L-0202-D2-P01 (Planting Plan) received 14th February 2018 by the Local Planning Authority, unless an alternative scheme is otherwise agreed in writing with the Local Planning Authority. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting season following the completion of the development. Any trees plants or shrubs which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of the same size and species, unless the Local Planning Authority gives written consent to any variation.

In the interests of visual amenity and to enhance biodiversity in accordance with paragraph 118 of the NPPF.

9. Notwithstanding the submitted information, final details of means of all boundary enclosures shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the school building(s) hereby approved. Thereafter the development shall be carried out in accordance with the approved details.
In the interests of visual amenity.
10. Notwithstanding the details submitted within the application and prior to the occupation of the school building(s) hereby approved, full details of the appearance, layout and scale of the bin store and cycle storage shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed in accordance with the approved details.
In the interests of visual amenity.
11. Notwithstanding the submitted details and prior to the laying of any hard surfaces, final details of proposed hard landscaping and surface finishes shall be submitted to and agreed in writing by the Local Planning Authority. This will include all external finishing materials, finished levels, and all construction details, confirming materials, colours, finishes and fixings. The agreed scheme shall be implemented prior to operation of the site and/or the site being open to the public. Any defects in materials or workmanship appearing within a period of 12 months from completion of the total development shall be made-good by the owner as soon as practicably possible.
In the interests of visual amenity.
12. Notwithstanding the submitted details and prior to the installation of the first and second floor corridor/stairwell windows located in the south facing end elevations of the two projecting wings of the main school building hereby approved (as shown on plan 140869-RYD-ZZ-ZZ-DR-A-36002-S0-P7 received 20th February 2018 by the Local Planning Authority), a scheme for the obscure glazing and restricted opening of these windows shall be first submitted to and approved in writing by the Local Planning Authority. The windows shall thereafter be installed in accordance with the approved details and thereafter retained for the lifetime of the development.
In the interest of the amenities of neighbouring land users and to prevent overlooking.

13. Notwithstanding the submitted details and prior to the erection of the proposed substation hereby approved, full details of the proposed substation shall be submitted to and agreed in writing by the Local Planning Authority. This will include final details of the construction and appearance of the substation, including all external finishing materials, finished levels and technical specifications. The substation shall thereafter be constructed in accordance with the approved details. In the interest of visual amenity and the amenity of neighbouring land users.
14. Prior to the erection of any external lighting associated with the development hereby approved, full details of the method of external illumination, siting, angle of alignment, light colour and luminance of external areas of the site shall be submitted to and agreed in writing by the Local Planning Authority. The agreed lighting shall be implemented wholly in accordance with the agreed scheme.
To enable the Local Planning Authority to control details and in the interests of the amenities of neighbouring residents and highway safety.
15. Prior to the erection of any external CCTV cameras/columns associated with the development hereby approved, full details of the design, siting, angle of alignment and specification shall be submitted to and agreed in writing by the Local Planning Authority. The agreed CCTV provision shall be implemented wholly in accordance with the agreed scheme.
To enable the Local Planning Authority to control details and in the interests of the amenities of neighbouring residents and visual amenity.
16. The levels of the site, including the finished floor levels of the buildings and structures to be erected and proposed earthworks shall be carried out in accordance with the following submitted plans; 140867-ONE-ZZ-XX-DR-L-1402-D5-P01 (Site Sections), 140867-RYD-01-XX-DR-A-36006-S0-P3 (GA Elevations & Sections - WC Extension and Art Room Replacement) received 2nd January 2018 by the Local Planning Authority; and 140867-ONE-ZZ-XX-DR-L-1401-D5-P03 (Existing & Proposed Contours), 137262-ONE-00-Z0-DR-L-1403-D5-P01 received 28th February 2018 by the Local Planning Authority, unless otherwise agreed in writing with the Local Planning Authority.
In the interest of visual amenity and the amenity of neighbouring land users.
17. The external materials used for the WC Extension and Art Room Replacement Wall hereby approved (shown on plan 140867-RYD-01-XX-DR-A-36006-S0-P3 received 2nd January 2018 by the Local Planning Authority) shall match those of the existing building(s) to be retained unless otherwise agreed in writing with the Local Planning Authority.
In the interests of visual amenity.
18. The external materials used for the proposed main school building hereby approved (shown on plan 140869-RYD-ZZ-ZZ-DR-A-36002-S0-P7 received 20th February 2018 by the Local Planning Authority) shall be in accordance with the following submitted details; English Martyrs School: Building External Materials Schedule received 12th February

2018 by the Local Planning Authority, unless an alternative similar scheme of materials is otherwise agreed in writing with the Local Planning Authority.

In the interests of visual amenity.

19. The bat roost and swift nest bricks hereby approved shall be installed prior to the building being brought into use in accordance with the following plans and details; Eco-Habitats for Bats & Swifts specification received 14th February 2018 by the Local Planning Authority and 140869-RYD-ZZ-ZZ-DR-A-36002-S0-P7 (GA Elevations - Sheet 1) received 20th February 2018 by the Local Planning Authority. To conserve and enhance biodiversity in accordance with paragraph 118 of the NPPF.
20. The development hereby approved shall be carried out in accordance with the details provided within the submitted Low and Zero Carbon Technologies Feasibility Study (received 2nd January 2018 by the Local Planning Authority) and section 10 (Sustainability) of the submitted Design and Access Statement (received 2nd January 2018 by the Local Planning Authority).
To ensure a sustainable form of development which minimises energy consumption to comply with paragraph 96 of the NPPF.
21. Waste generated during the demolition, construction and operational phases of the development hereby approved shall be managed and disposed of in accordance with the details set out within the submitted Project Management Plan (including Construction Phase H&S Plan) received 22nd February 2018 by the Local Planning Authority.
To ensure compliance with the requirement for a site specific detailed waste audit in accordance with Policy MWP1 of the Tees Valley Joint Minerals and Waste Development Plan Document 2011.
22. No construction/building or demolition works shall be carried out except between the hours of 8:00am and 6:00pm on Mondays to Fridays and between 8:00am and 1:00pm on Saturdays. There shall be no construction or demolition activity on Sundays or on Bank Holidays.
To avoid excessive noise and disturbance to the occupants of nearby properties.
23. No deliveries associated with the construction phase of the development hereby approved shall be carried out except between the hours of 06:30am and 7:30am, 9:30am and 2:30pm and 4:00pm and 6:00pm on Mondays to Fridays and between 8:00am and 1:00pm on Saturdays. There shall be no deliveries on Sundays or on Bank Holidays.
To avoid excessive noise and disturbance to the occupants of nearby properties.
24. Demolition and the clearance of any vegetation, including trees and hedgerows, shall take place outside of the bird breeding season. The bird breeding season is taken to be March-August inclusive unless otherwise advised by the Local Planning Authority. Unless the site is first checked, within 48 hours prior to the relevant works taking place, by a suitably qualified ecologist who confirms that no breeding birds are present and a report is subsequently submitted to the Local Planning

- Authority confirming this.
In the interests of breeding birds.
25. The car parking areas hereby approved shall be laid out in accordance with the approved plans and in compliance with the HBC Design Guide and Specification.
In the interest of highway safety.
26. Prior to the occupation of the school buildings hereby approved, details of a scheme for the installation of a sprinkler system within the buildings shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of any ancillary buildings, equipment or structures required for the operation of the sprinkler system. Thereafter the development shall be carried out in accordance with the approved details before the occupation of the buildings hereby approved and shall be retained for the lifetime of the development, unless any variation to the scheme is agreed in writing with the Local Planning Authority.
In the interests of fire safety.

The Committee considered representations in relation to this matter.

Councillor Ray Martin-Wells left the meeting

Number: H/2017/0608

Applicant: CHARLES CHURCH ROBERTSON HOMES
RADCLIFFE CRESCENT THORNABY STOCKTON
ON TEES

Agent: CHARLES CHURCH ROBERTSON HOMES
RADCLIFFE CRESCENT THORNABY STOCKTON
ON TEES

Date received: 21/11/2017

Development: Construction of access road extending from the approved Dere Street development (H/2016/0501) to link to the residential development to the South West (13/0342/EIS Stockton Borough Council)

Location: LAND AT WYNYARD WOODS WEST WYNYARD

Ben Stephenson, the Agent, was present and urged members to support the application.

Members approved the application unanimously.

Decision: **Planning Permission Approved**

CONDITIONS AND REASONS

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. The development hereby permitted shall be carried out in accordance with the plans Dwg No(s) S(WW)-023 (location plan), S(WW)-024 (access road plan) and details received by the Local Planning Authority on the 22nd November 2017.
For the avoidance of doubt.
3. A scheme of soft landscaping shall be submitted to and approved in writing by the Local Planning Authority before the development hereby approved is commenced. The scheme shall indicate the proposed layout and surfacing of all grass verges and include a programme of the works to be undertaken, and be implemented in accordance with the approved details and programme of works.
In the interests of visual amenity.
4. No development shall commence until details of external lighting associated with the development hereby approved, including full details of the method of external illumination, siting, angle of alignment; light colour, luminance of external areas of the site, has been submitted to and agreed in writing by the Local Planning Authority. The agreed lighting shall be implemented wholly in accordance with the agreed scheme and retained for the lifetime of the development hereby approved.
To enable the Local Planning Authority to control details and in the interests of the amenities of adjoining residents, highway safety and natural habitat.
5. No development shall not commence until a detailed scheme for the disposal of surface water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall take place in accordance with the approved details.
To accord with the provisions of the NPPF in terms of satisfying matters of flood risk and surface water management.
6. No part of the development shall be brought into use until vehicular and pedestrian access (including cycleway) connecting the proposed development to the public highway has been constructed to the satisfaction of the Local Planning Authority.
In the interests of highway and pedestrian safety and in the interests of the visual amenity of the surrounding area.
7. The proposed access road, footpaths and cycleway shall be built and maintained to achieve as a minimum the adoptable standards as defined by the Hartlepool Design Guide and Specification for Residential and Industrial Development, an advanced payment code/Section 38 shall be entered into and the works shall be carried out in accordance with a timetable first submitted to and approved in writing by the Local Planning Authority unless some variation is otherwise agreed in writing by the Local Planning Authority.

In order to ensure the roads are constructed and maintained to an acceptable standard.

8. Prior to the commencement of development, details of proposed hard landscaping and surface finishes (including cycleway, footpaths and any other areas of hard standing to be created) shall be submitted to and agreed in writing by the Local Planning Authority. This will include all finishing materials, finished levels, and all construction details confirming materials, colours and finishes. The scheme shall be completed to the satisfaction of the Local Planning Authority in accordance with the agreed details. Any defects in materials or workmanship appearing within a period of 12 months from completion of the total development shall be made-good by the owner as soon as practicably possible.

To enable the Local Planning Authority to control details of the proposed development, in the interests of visual amenity of the area and highway safety.

The Committee considered representations in relation to this matter.

Number:	H/2017/0670
Applicant:	HARTLEPOOL BOROUGH COUNCIL VICTORIA ROAD HARTLEPOOL
Agent:	HARTLEPOOL BOROUGH COUNCIL MR S WILKIE CIVIC CENTRE VICTORIA ROAD HARTLEPOOL
Date received:	09/01/2018
Development:	Removal of existing play equipment and replacement with new items including a SUTU interactive ball wall and associated ball fencing and court, a basket swing, climbing net, spinner, zip line, two spinners and six benches
Location:	ROSSMERE PARK ROSSMERE WAY HARTLEPOOL

Ward Councillor Jim Lindridge spoke in favour of the proposed improvements which would be a tremendous asset to the town. They would enhance the quality of life for all the residents and could ease traffic concerns on Rossmere Way. He urged members to support the application.

The Vice-Chair advised that given his previous involvement and public support of this application he would not take part in the vote.

Members approved the application by a majority.

Decision: Planning Permission Approved

CONDITIONS AND REASONS

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. The development hereby permitted shall be carried out in accordance with the plans Dwg No(s) 310/09 L002 (location plan), 310-009L001 (play area revisions) and details received by the Local Planning Authority on the 21st December 2018 and Dwg No: 310-09 L003 SUTU goal wall elevation received by the Local Planning Authority on the 10th January 2018.
For the avoidance of doubt.
3. Notwithstanding the proposals detailed in the Design and Access Statement/submitted plans and prior to the commencement of development, details of hard and soft landscaping including surface finishes (footpaths and any other areas of hard standing to be created) shall be submitted to and agreed in writing by the Local Planning Authority. This will include all external finishing materials, finished levels, and all construction details confirming materials, colours, finishes and fixings. The agreed scheme shall be implemented prior to the operation of the site and/or the site being open to the public. Any defects in materials or workmanship appearing within a period of 12 months from completion of the total development shall be made-good by the owner as soon as practicably possible.
To enable the local planning authority to control details of the proposed development, in the interests of visual amenity of the area.
4. No construction/building or demolition works or deliveries shall be carried out except between the hours of 8.00 am and 6.00 pm on Mondays to Fridays and between 09.00 am and 1:00 pm on Saturdays. There shall be no construction or demolition activity on Sundays or on Bank Holidays.
To avoid excessive noise and disturbance to the occupants of nearby properties.
5. The 'SUTU ball wall' hereby approved shall be switched off between the hours of 9.00 pm and 8.00 am to prevent the structure from being used (including all sounds and illumination).
In the interests of the amenities of the occupants of neighbouring properties.

The Committee considered representations in relation to this matter.

Number: H/2017/0657

Applicant: MR JOSEPH FRANKS 10 QUEBECK GROVE
BILLINGHAM

Agent: MR JOSEPH FRANKS 10 QUEBECK GROVE

BILLINGHAM

- Date received:** 11/01/2018
- Development:** Change of use from hairdressers to bar (Use Class A4)
- Location:** THE WOODHOUSE UNIT 2 NAVIGATION POINT
MIDDLETON ROAD HARTLEPOOL

Joe Franks, the applicant, urged members to support the application which would bring jobs into Hartlepool and hopefully bring some life back into a declining area.

Members approved the application by a majority.

Decision: **Planning Permission Approved**

CONDITIONS AND REASONS

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. The development hereby permitted shall be carried out in accordance with the following plans; Existing & Proposed Plans, Signage & Location Plan (Drg. 211117001) received by the Local Planning Authority on the 21st December 2017.
For the avoidance of doubt.
3. The unit hereby approved shall only be open to the public between the hours of 7.00am - 23.30pm Monday - Sunday,
In the interests of the amenities of the occupants of neighbouring properties.
4. No construction/building/demolition works or deliveries shall be carried out except between the hours of 8.00am and 6.00pm on Mondays to Fridays and between 9.00am and 1.00pm on Saturdays. There shall be no construction activity including demolition on Sundays or on Bank Holidays, unless otherwise agreed in writing by the Local Planning Authority
To ensure that the development does not prejudice the enjoyment of neighbouring occupiers of their properties.
5. The development hereby approved does not include or make provision for any external seating areas.
For the avoidance of doubt.

The Committee considered representations in relation to this matter.

104. Appeal at land to the North of Voltigeur Drive and Otterington Close, Hart (*Assistant Director (Economic Growth and Regeneration)*)

Members were advised that an appeal had been submitted against the Council's decision to refuse planning permission for the erection of 3 detached residential lands. The decision had been delegated through the Chair following previous refusal of a similar application.

Decision

That officers be authorised to contest the appeal.

105. Appeal at Unit 30-34 Navigation Point (*Assistant Director (Economic Growth and Regeneration)*)

Members were advised that an appeal had been submitted against a Committee decision to refuse retrospective planning permission to change a car parking area to an external seating area.

Decision

That officers be authorised to contest the appeal.

106. Update on Current Complaints (*Assistant Director (Economic Growth and Regeneration)*)

Members were given information on 7 complaints currently under investigation and 9 complaints which had been completed.

Decision

That the report be noted

107. Local Government (Access to Information) (Variation Order) 2006

Under Section 100(A)(4) of the Local Government Act 1972, the press and public were excluded from the meeting for the following items of business on the grounds that they involved the likely disclosure of exempt information as defined in the paragraphs referred to below of Part 1 of Schedule 12A of the Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006.

Minute 108 – (Enforcement Action) – This item contains exempt information under Schedule 12A Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006 namely (para 5) information in which a claim to legal professional privilege could be maintained in legal proceedings and (para 6) information which reveals that the authority proposes (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person or (b) to make an order or direction under any enactment.

- 108. Enforcement Action** (*Assistant Director (Economic Growth and Regeneration)*) This item contains exempt information under Schedule 12A Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006 namely (para 5) information in which a claim to legal professional privilege could be maintained in legal proceedings and (para 6) information which reveals that the authority proposes (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person or (b) to make an order or direction under any enactment.

Members were asked to consider enforcement action. Further details are in the closed minutes.

Decision

Details are in the closed minutes.

- 109. Any Other Items which the Chairman Considers are Urgent**

The Chairman ruled that the following items of business should be considered by the Committee as a matter of urgency in accordance with the provisions of Section 100(B) (4)(b) of the Local Government Act 1972 in order that the matter could be dealt with without delay.

- 110. Future Site Visit**

The Chair advised members that a planning application was expected to come before members in the near future regarding Seaview Park. He proposed that a site visit take place prior to the meeting when members would consider the application in order that members would be able to compare the site with the plans that had been provided by the applicant. Members approved this course of action.

- 111. Sprinklers in buildings**

Following on from the decision made by the Committee regarding the inclusion of sprinklers in the new English Martyrs building a member

suggested that this could now be enshrined as policy for all multiple occupancy and 3-storey properties. She asked that it be included as part of standard conditions for new builds and adaptations and remodelling works. The Chair indicated that officers would consider whether such a policy could be included as part of safety and security measures.

The meeting concluded at 12 noon.

CHAIR

No: 1
Number: H/2018/0045
Applicant: MR MRS S SPENCE MOORHEN ROAD HARTLEPOOL TS26 0SY
Agent: ALAN POTTER SURVEYING LTD MR A POTTER 31 WOODVILLE CRESCENT SUNDERLAND SR4 8RE
Date valid: 08/02/2018
Development: Provision of replacement UPVC framed windows and shopfront cladding details to south facing elevation (retrospective).
Location: LITTLE BLACK BOOK 18 WHITBY STREET HARTLEPOOL

PURPOSE OF REPORT

1.1 A valid application has been submitted for the development highlighted within this report accordingly Hartlepool Borough Council as Local Planning Authority is required to make a decision on this application. This report outlines the material considerations in relation to the proposal and presents a recommendation.

BACKGROUND

1.2 None relevant.

PROPOSAL

1.3 Retrospective approval is sought for the installation of replacement UPVC framed windows and shop front UPVC cladding details to south facing elevation on to Exeter Street at 18 Whitby Street (occupied by 'Little Black Book').

1.4 The application has been referred to the Planning Committee due to the retrospective nature of the application and in line with the Council's scheme of delegation.

SITE CONTEXT

1.5 The application site is a three storey Victorian period property located within the historic commercial centre of Hartlepool in what is now the Church Street Conservation Area which is a designated heritage asset. The surrounding area is predominantly commercial in nature consisting of traditional Victorian commercial properties, however it is noted that there is a modern car valeting centre directly adjacent to the application site (albeit outside of the Conservation Area).

1.6 The property contains of two entrances to the property with the main entrance being on Church Street and the second side entrance (to which this application relates) onto Exeter Street. The building consists of cream render, with boarded windows to the ground and first floor. The present use of the building is as an adult entertainment venue, operating on Thursday, Friday and Saturday nights.

PUBLICITY

1.7 The application has been advertised by way of neighbour letters (12 in total), site notice and press advert. To date no representations have been received.

1.8 The period for publicity expires 29/03/2017 and any additional comments received will be tabled before Members at the Planning Committee.

CONSULTATIONS

1.9 The following consultation replies have been received:

HBC Heritage and Countryside (Conservation): The application site is located in Church Street Conservation Area, and is adjacent to the former Constitutional Club and opposite the former Post Office, all of which are designated heritage assets.

Policy HE1 of the recently submitted Local Plan states that the Borough Council will seek to preserve, protect and positively enhance all heritage assets.

When considering any application for planning permission that affects a conservation area, the 1990 Act requires a local planning authority to pay special attention to the desirability of preserving or enhancing the character or appearance of the area. The National Planning Policy Framework (NPPF) goes further in seeking positive enhancement in conservation areas to better reveal the significance of an area (para. 137, NPPF). It also looks for local planning authorities to take account of the desirability of new development making a positive contribution to local character and distinctiveness (paras. 126 & 131, NPPF).

Further to this at a local level, Local Plan policy HE1 in the adopted Local Plan is relevant, this states, 'Proposals for development within a conservation area will be approved only where it can be demonstrated that the development will preserve or enhance the character or appearance of the area.'

Policy HE3 of the recently submitted local plan states that the Borough Council will seek to ensure that the distinctive character of Conservation Areas within the Borough will be conserved or enhanced through a constructive conservation approach. Proposals for development within Conservation Areas will need to demonstrate that they will conserve or positively enhance the character of the Conservation Areas.

Attention should be paid to the desirability of preserving the setting listed buildings in accordance with section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. The National Planning Policy Framework (NPPF) looks for local planning authorities to take account of the significance of a designated heritage asset and give, 'great weight' to the asset's conservation (para 132, NPPF).

Church Street Conservation Area comprises the former historic and commercial area of West Hartlepool. The buildings are generally of Victorian origin, though a number of buildings have had late Victorian or Edwardian alterations, particularly to the front

elevations. The properties are usually three storey, though a handful are more, some buildings having additional attic accommodation with traditional gabled roof dormers for light and ventilation.

The building form and materials consist of pitched slate roofs, with chimney stacks and pots. The emphasis to the building is vertical given the traditional sliding sash windows and the shop fronts at street level. Elevations are brick finished or rendered and painted. Some later alterations particularly in the Edwardian period have added decorative features in the form of stucco render. Bay windows of the Victorian canted and the Edwardian square type have been added above shop fronts at the first floor, often replacing earlier sash windows.

The conservation area is considered to be 'at risk' under the criteria used by Historic England to assess heritage at risk.

Policy HE7 of the recently submitted Local Plan sets out that the retention, protection and enhancement of heritage assets classified as 'at risk' is a priority for the Borough Council.

The significance of the conservation area lies in the following values;

- Aesthetic value derived from the architectural detailing within the area, including the buildings and the finer architectural detailing such as windows, doors and shop fronts.
- Historic value of the development of the Church Street area as one of the principal roads in the development of West Hartlepool, and
- Communal in the value provided by the meaning it has to residents of Hartlepool as the central area for industrial development in Hartlepool's heyday.

This is a retrospective application for the replacement of a timber frontage to the side of the building in UPVC including UPVC windows and board style cladding.

The works cause less than substantial harm to the significance of Church Street Conservation Area. The introduction of UPVC as a material is alien in this conservation area, particularly such a large expanse to a visible elevation when approaching the main street in the conservation area. Aside from the material the style of cladding, horizontal boarding, is not seen elsewhere in the area where typically such frontages are timber windows with either a rendered or timber stallriser.

The proposed works form the wider setting of the listed buildings and it is considered that this setting would be harmed by the proposal.

No information has been provided to demonstrate that this harm will be outweighed by the public benefits of the proposal.

HBC Public Protection: No Objection.

PLANNING POLICY

1.10 In relation to the specific policies referred to in the section below please see the Policy Note at the end of the agenda.

Local Policy

1.11 The following policies in the adopted Hartlepool Local Plan 2006 are relevant to the determination of this application:

GEP1 – General Environmental Principles
HE1 – Protection and Enhancement of Conservation Areas
HE2 – Environmental Improvements in Conservation Areas

Emerging Local Plan – Advanced Stage (Mach 2018)

1.12 The Council's emerging Local Plan is currently at an advanced stage and as such weight can also be given to policies within this document, with more or less weight apportioned to individual policies dependent on the level of objection received to date in relation to those policies, identified through the public consultation process.

1.13 In this context, it is considered that the following policies can be afforded great weight in the decision-making process;

SUS1- Presumption in Favour of sustainable development
LS1- Locational Strategy
HE1- Heritage Assets
HE3 – Conservation Areas
HE4 – Listed Buildings and Structures

National Policy

1.14 In March 2012 the Government consolidated all planning policy statements, circulars and guidance into a single policy statement, termed the National Planning Policy Framework (NPPF). The NPPF sets out the Governments Planning policies for England and how these are expected to be applied. It sets out the Government requirements for the planning system. The overriding message from the Framework is that planning authorities should plan positively for new development, and approve all individual proposals wherever possible. It defines the role of planning in achieving sustainable development under three topic heading – economic, social and environmental, each mutually dependent. There is a presumption in favour of sustainable development. It requires local planning authorities to approach development management decisions positively, utilising twelve 'core principles' that should underpin both plan-making and decision taking, these being; empowering local people to shape their surrounding, proactively drive and support economic development, ensure a high standard of design, respect existing roles and character, support a low carbon future, conserve the natural environment, encourage re-use of previously developed land, promote mixed use developments, conserve heritage assets, manage future patterns of growth and take account of and support local

strategies relating to health, social and cultural well-being. The following paragraphs are relevant to this application:

Paragraph 126 – A Positive Strategy for the Historic Environment

Paragraph 131 – Viable Uses Consistent with Conservation

Paragraph 132 – Weight Given to Assets Conservation

Paragraph 134 – Harm to Heritage Asset

Paragraph 137 – Opportunities for new development

Paragraph 196 – Primacy of the Development Plan

Paragraph 197 – Presumption in favour of sustainable development.

PLANNING CONSIDERATIONS

1.15 The main issues for consideration in this instance are the appropriateness of the proposal in terms of the policies and proposals held within the Development Plan and in particular the impact on visual amenity of the building, Conservation Area and setting of the listed buildings nearby, neighbour amenity and highway safety.

PRINCIPLE OF DEVELOPMENT

1.16 As identified in Section 38(6) of the Planning and Compulsory Purchase Act 2004 the key consideration in the determination of a planning application is the development plan. Applications should be determined in accordance with the development plan unless material considerations indicate otherwise.

1.17 The principle of the development is acceptable in this location being a replacement to an existing shop frontage, subject to the material planning consideration of the proposal in relation to its location within the Conservation Area, and the nearby Listed Buildings.

IMPACT ON HERITAGE ASSETS & VISUAL AMENITY OF SURROUNDING AREA

1.18 When considering any application for planning permission that affects a conservation area, the 1990 Act requires a local planning authority to pay special attention to the desirability of preserving or enhancing the character or appearance of the area. The National Planning Policy Framework (NPPF) goes further in seeking positive enhancement in conservation areas to better reveal the significance of an area (para. 137, NPPF). It also looks for local planning authorities to take account of the desirability of new development making a positive contribution to local character and distinctiveness (paras. 126 & 131, NPPF).

1.19 Additionally, attention should be paid to the desirability of preserving the setting listed buildings in accordance with section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. The National Planning Policy Framework (NPPF) looks for local planning authorities to take account of the significance of a designated heritage asset and give, 'great weight' to the asset's conservation (para. 132, NPPF).

1.20 Further to the above National Planning considerations at a local level, adopted Local Plan policy HE1 is relevant, this states, "*Proposals for development within a*

conservation area will be approved only where it can be demonstrated that the development will preserve or enhance the character or appearance of the area.”

1.21 Policy HE2 seeks to encourage environmental improvements within conservation areas.

1.22 Within the emerging Local Plan, Policy HE3 states that the Borough Council will seek to ensure that the distinctive character of Conservation Areas within the Borough will be conserved or enhanced through a constructive conservation approach. Proposals for development within Conservation Areas will need to demonstrate that they will conserve or positively enhance the character of the Conservation Areas. Furthermore, Policy HE4 seeks to protect the significance of a listed building to ensure harm is not caused through inappropriate development within its setting.

1.23 In 2009, the Planning Committee agreed a series of guidelines for replacement windows in conservation areas which states;

“Any planning application for replacement or alteration of traditional windows on the building on front, side and rear elevations which is not of a type appropriate to the age and character of the building (in terms of design and detailing) and the character and appearance of the conservation area should be denied consent. The use of traditional materials will be encouraged, however the use of modern material will be accepted provided that the window is of design (i.e. pattern of glazing bars, horns etc), profile (including that of the frame, the opening element and the positioning within the aperture) and opening mechanism matching those of the original traditional window (i.e., hinged or sliding)”.

1.24 Moreover, in 2014 the Council adopted a ‘Shop Front and Commercial Frontages Design Guide’ Supplementary Planning Document (SPD) which sets out in section 4 the guidelines for the refurbishment of shop fronts. These are as follows:

- Where historic shop fronts exist, these should be refurbished as original detailing can not only enhance the individual building, but also contributes to the character of the area.
- The age and architecture of the building should be taken into consideration in any new design or alterations.
- Account should be taken of the scale and proportions of the building when considering a new shop front.
- The street scene and the design solutions adopted at adjoining buildings should be noted so that the new shop front fits into the street scene.
- The finishing materials should be chosen to complement the design of the host building and surrounding property.
- Where a shop front occupies the ground floor of more than one building, the design and proportions of each shop front should relate to each individual

building. A single shop front that spans two or more buildings disregarding architectural detail and decoration will not be acceptable.

- Where a building is located on a corner site it should aim to address both elevations.

1.25 The Council's Heritage and Countryside Manager was consulted on the application and concluded that the application would cause 'less than substantial harm' (as defined by para 134 of the NPPF) to the significance of Church Street Conservation Area owing to the introduction of a modern material that is considered alien in this conservation area, particularly such a large expanse to a visible elevation when approaching the main street in the conservation area; and the style and design of the cladding is not seen elsewhere in the area, where typically such frontages are timber windows with either a rendered or timber stallriser, and thus would further lead to the appearance of an alien feature within the Church Street Conservation Area.

1.26 In addition to the above, the proposed works form the wider setting of the listed buildings within the immediate vicinity to the application site. It is the opinion of the Council's Heritage and Countryside Manager that the proposal is considered to harm the setting of the nearby listed buildings due to the design and style of the works.

1.27 Paragraph 134 of the NPPF is clear that where it is identified that a proposal will lead to 'less than substantial harm' on a designated heritage asset, the harm should be weighed against the public benefits of the proposal to assess the acceptability of the scheme. However, no information has been provided with the application to demonstrate that this harm will be outweighed by the public benefits of the proposal, nor are there any readily identifiable public benefits to the scheme.

1.28 Notwithstanding the above policy considerations, the Council is currently investing and undertaking a comprehensive regeneration project within the Church Street Conservation Area as part of the Innovation and Skills Quarter, which includes the conversion, and regeneration of the former General Post Office adjacent to this site. This proposal is considered to be contrary to the aspirations of the area, and detrimental to the regeneration investment within the general vicinity.

NEIGHBOURING AMENITY

1.29 It is not considered the works would affect the amenity of any neighbours, due to the nature of the works. Furthermore no objections have been received from HBC Public Protection.

HIGHWAY SAFETY

1.30 It is not considered that the development will impact the highway safety of pedestrians or vehicles, or prevent safe ingress or egress to the building. This view is supported by HBC Traffic and Transport who have raised no objections to the works.

CONCLUSION

1.31 The Local Planning Authority considers that, by virtue of the design, style and materials of the shop front, the development would cause less than substantial harm to the Church Street Conservation Area, being a designated heritage asset, and would also impact upon the setting of the listed buildings within the immediate vicinity, through the introduction of modern materials, and taking a form that is alien within the Church Street Conservation Area. No justification has been submitted in terms of public benefits of the scheme and the development is considered to have a detrimental impact on the character and appearance of the Conservation Area. Therefore the scheme is considered to be contrary to saved Policies HE1 and HE2 of the Hartlepool Local Plan 2006, and Policies HE3 and HE4 of the emerging Local Plan (2018), along with paragraphs 126, 131, 132, 134 and 137 of the National Planning Policy Framework.

EQUALITY AND DIVERSITY CONSIDERATIONS

1.32 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

1.33 The Crime and Disorder Act 1998 requires local authorities to consider crime and disorder reduction in the exercise of all their duties, activities and decision-making.

1.34 There are no Section 17 implications.

REASON FOR DECISION

1.35 It is considered by Officers that the proposal in the context of relevant planning policies and material planning considerations is not acceptable as set out in the Officer's Report.

RECOMMENDATION – REFUSE for the following reason;

1. By virtue of the materials, design and style of the shop front the Local Planning Authority considers that the development would cause less than substantial harm to the Church Street Conservation Area to the detriment of the character and appearance of the Conservation Area, being a designated heritage asset and would also impact upon the setting of the listed buildings within the immediate vicinity. It is further considered that there is no information to suggest that this harm would be outweighed by any public benefits of the development. As such it is considered to be contrary to saved Policies HE1 and HE2 of the Hartlepool Local Plan 2006, and Policies HE3 and HE4 of the emerging Local Plan (2018), along with paragraphs 126, 131, 132, 134 and 137 of the National Planning Policy Framework.

BACKGROUND PAPERS

1.36 Background papers used in the compilation of reports relating to planning items are available for inspection in Civic Centre, Victoria Road, Hartlepool during working hours. Copies of the applications are available on-line:

<http://eforms.hartlepool.gov.uk:7777/portal/servlets/ApplicationSearchServlet> except for such documents that contain exempt or confidential information and a paper copy of responses received through publicity are also available in the Members library.

CONTACT OFFICER

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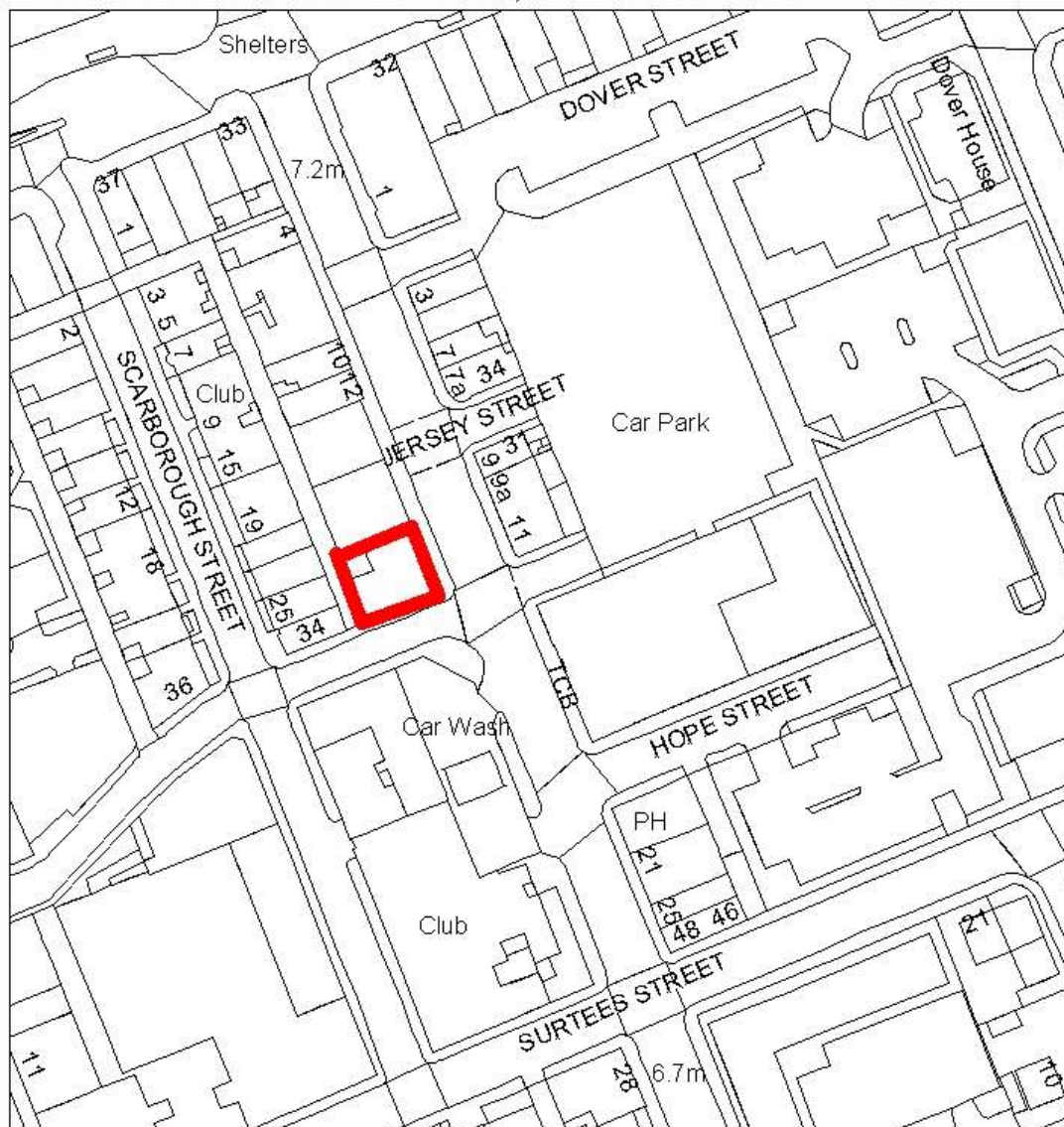
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LITTLE BLACK BOOK, 18 WHITBY STREET



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 20/03/18
	SCALE 1:1000	
Regeneration and Neighbourhoods Level 1 Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO H/2018/0045	REV

No: 2
Number: H/2018/0005
Applicant: MR T BATES 24 WESTBOURNE ROAD HARTLEPOOL
 TS25 5RE
Agent: DAVIS PLANNING PARTNERSHIP MRS JILL DAVIS
 17A POST HOUSE WYND DARLINGTON DL3 7LP
Date valid: 16/01/2018
Development: Change of use to gin bar, student gallery/coffee shop and
 five residential apartments
Location: PULSE BAR 25 26 CHURCH STREET & FIRST FLOOR
 OF 27 CHURCH STREET HARTLEPOOL HARTLEPOOL

PURPOSE OF REPORT

2.1 A valid application has been submitted for the development highlighted within this report accordingly Hartlepool Borough Council as Local Planning Authority is required to make a decision on this application. This report outlines the material considerations in relation to the proposal and presents a recommendation.

BACKGROUND

2.2 The following planning applications are considered relevant to the current application:

2.3 H/FUL/1992/0534 – Alterations including new bay window, formation of 2 flats on first and second floors and installation of new shop front, approved.

2.4 HFUL/1995/0511 – Change of use and alterations, two-storey extension to provide restaurant and installation of new restaurant front and bay window, approved.

2.5 HFUL/1998/0628 – Application to allow opening of first floor until 2:20am Monday to Saturday, approved.

PROPOSAL

2.6 The application seeks permission to subdivide and change the use of a former nightclub to allow for a gin bar unit (A4 use class) and student gallery/coffee shop unit (D1/A3 use class) on the ground floor, with five residential apartments on the upper floors. The application also proposes new shop fronts to the ground floor units and retractable canopies to allow for an outside seating area to the front of the site.

2.7 Access to the upper floor apartments is to be taken from an existing external staircase within the rear yard of number 26 Church Street, which takes access from Dover Street.

2.8 The application has been referred to planning committee at the request of an Elected Member.

SITE CONTEXT

2.9 The application site is located on the south side of Church Street, between the junctions with Whitby Street to the west and Lynn Street to the east, and is within the Church Street Conservation Area. The site includes the entirety of 25-26 Church Street and the upper floors of 27 Church Street. The buildings are commercial in nature although currently vacant, having previously been in use as a nightclub (sui generis).

PUBLICITY

2.10 The application has been advertised by way of neighbour letters (9no), site notice and a press notice. To date, 1no objection has been received from a neighbouring occupier which can be summarised as follows:

- Potential noise nuisance issue.

2.11 The period for publicity expired 15/02/18.

2.12 Copy Letters **B**

CONSULTATIONS

2.13 The following consultation replies have been received:

HBC Heritage & Countryside (Conservation) – The application site is located in Church Street Conservation Area.

Policy HE1 of the recently submitted Local Plan states that the Borough Council will seek to preserve, protect and positively enhance all heritage assets.

When considering any application for planning permission that affects a conservation area, the 1990 Act requires a local planning authority to pay special attention to the desirability of preserving or enhancing the character or appearance of the area. The National Planning Policy Framework (NPPF) goes further in seeking positive enhancement in conservation areas to better reveal the significance of an area (para. 137, NPPF). It also looks for local planning authorities to take account of the desirability of new development making a positive contribution to local character and distinctiveness (paras. 126 & 131, NPPF).

Further to this at a local level, Local Plan policy HE1 in the adopted Local Plan is relevant, this states, 'Proposals for development within a conservation area will be approved only where it can be demonstrated that the development will preserve or enhance the character or appearance of the area.'

Policy HE3 of the recently submitted local plan states that the Borough Council will seek to ensure that the distinctive character of Conservation Areas within the Borough will be conserved or enhanced through a constructive conservation approach. Proposals for development within Conservation Areas will need to

demonstrate that they will conserve or positively enhance the character of the Conservation Areas.

Church Street Conservation Area comprises the former historic and commercial area of West Hartlepool. The buildings are generally of Victorian origin, though a number of buildings have had late Victorian or Edwardian alterations, particularly to the front elevations. The properties are usually three storey, though a handful are more, some buildings having additional attic accommodation with traditional gabled roof dormers for light and ventilation.

The building form and materials consist of pitched slate roofs, with chimney stacks and pots. The emphasis to the building is vertical given the traditional sliding sash windows and the shop fronts at street level. Elevations are brick finished or rendered and painted. Some later alterations particularly in the Edwardian period have added decorative features in the form of stucco render. Bay windows of the Victorian canted and the Edwardian square type have been added above shop fronts at the first floor, often replacing earlier sash windows.

The conservation area is considered to be 'at risk' under the criteria used by Historic England to assess heritage at risk.

Policy HE7 of the recently submitted Local Plan sets out that the retention, protection and enhancement of heritage assets classified as 'at risk' is a priority for the Borough Council.

The significance of the conservation area lies in the following values;

- Aesthetic value derived from the architectural detailing within the area, including the buildings and the finer architectural detailing such as windows, doors and shop fronts.
- Historic value of the development of the Church Street area as one of the principal roads in the development of West Hartlepool, and,
- Communal in the value provided by the meaning it has to residents of Hartlepool as the central area for industrial development in Hartlepool's heyday.

The current building is a bar on the ground and first floor with a vacant second floor. The proposals is the division of the bar on the ground floor into two units, one a small bar and the other for commercial use. The first and second floor are proposed to be converted to five apartments.

The property is located within the Innovation and Skills Quarter which is the focus of investments at the moment. This includes support from the combined authority in public realm improvements and the conversion of the former Post Office Building. Furthermore the Heritage Lottery Fund are supporting a programme of works which include investing in public realm in Church Square, activities to raise awareness around the heritage of the area and grant investment in properties. Under the Townscape Heritage Scheme the building has been identified as a key building within the conservation area.

In principle there are no objections to this proposal. The alterations to provide two smaller units on the ground floor and an alternative use for the upper floors are positive steps which should bring this building back into use.

It is requested that should this application be approved, the following conditions are used in order to ensure that the final detailing to the works is appropriate to the conservation area,

1. Large scale details of all new windows and doors.
2. Large scale windows of works to shop fronts including sections.
3. Finishing materials.

HBC Economic Development – No comments received.

HBC Traffic & Transport – There are no objections to the proposed use of the bar or residential apartments.

The 5 apartments have no specified off street parking. The site is located close to the town centre and within walking distance of public transport. It would be expected that car ownership would be low.

Nearby on street parking is either limited waiting or business user bays. Residents requiring to park would be required to purchase a Business permit.

HBC Public Protection – I would have no objection to the proposed application other than the following conditions;

On any day the tables, chairs and partitions and any related items (umbrellas, bins, ashtrays etc.) shall be removed from the highway not later than 20.00 hours or sunset in Hartlepool whichever is the sooner, and shall not be replaced on the highway before 08:00 hours the following day.

In the interests of public order and the amenities of the occupants of neighbouring properties.

No music shall be played in, or be piped/relayed to, the outside seating area.

In the interests of the amenities of the occupants of neighbouring properties

An extract vent condition to the kitchen of the ground floor coffee shop

A sound insulation condition to the party walls of the premises

The gin bar and the student gallery/coffee shop shall only be open to the public between the hours of 07.00 and 24.00.

In the interests of the amenities of the occupants of neighbouring properties.

Separate refuse storage facilities shall be provided for the commercial element of the building (the gin bar and the student gallery/coffee shop) and the residential

apartments. No development shall take place until the details of the location of the refuse storage facility have been submitted to and approved by the local planning authority.

Updated comments of 07/03/18:

Further to your email in relation to the provision of a noise assessment for the above application please find below two conditions to include in our response to the above application;

1. The residential accommodation hereby permitted shall not be occupied until a noise assessment has been submitted to and approved in writing by the Local Planning Authority, and a scheme of sound insulation works has been installed and thereafter retained. Such a scheme of works shall be capable of restricting noise breakout from the commercial use to all adjoining and adjacent residential accommodation to levels complying with the following:

- All habitable rooms: NR20
- All habitable rooms : LAF_{max} 45dB, max 10 events

Note: Noise rating curves should be measured as an L_{Zeq} (15 mins) at octave band centre frequencies 31.5Hz to 8kHz).

Where the above noise criteria cannot be achieved with windows partially open, include a system of alternative acoustically treated ventilation to all habitable rooms.

2. Before the use of the development is commenced, validation testing of the sound attenuation works shall have been carried out and the results submitted to and approved by the Local Planning Authority. Such validation testing shall
 - Be carried out in accordance with the approved noise assessment
 - Demonstrate that the specified noise levels have been achieved. In the event that the specified noise levels have not been achieved then, notwithstanding the sound attenuation works thus far approved, a further scheme of sound attenuation works capable of achieving the specified noise levels shall be submitted to and approved by the Local Planning Authority. Such further scheme of works shall be installed as approved in writing by the Local Planning Authority before the use is commenced and shall thereafter be retained.

HBC Housing Services – No comments received.

HBC Public Health – It is noted that further licensed premises could have an impact on the health & wellbeing of the Substance Misuse clients within Hartlepool. Although we have no objection as such, would like this point is taken into consideration.

Hartlepool Civic Society – No comments received.

Northumbrian Water – Thank you for consulting Northumbrian Water on the above proposed development.

In making our response to the local planning authority Northumbrian Water will assess the impact of the proposed development on our assets and assess the capacity within Northumbrian Water's network to accommodate and treat the anticipated flows arising from the development. We do not offer comment on aspects of planning applications that are outside of our area of control.

Having assessed the proposed development against the context outlined above I can confirm that at this stage we would have no comments to make.

Hartlepool Water – No comments received.

Cleveland Police – Thank you for sending through the notification of planning application for the proposed gin bar/student gallery/coffee shop and residential development in Church Street Hartlepool.

I would be happy to offer the developer any advice in relation to security for the development and would encourage them to contact me at their earliest opportunity. Our details can be found on the Secured by Design website <http://www.securedbydesign.com/contact-directory-of-cpdas-and-alos/> under Cleveland Police.

HBC Engineering Consultancy – I wouldn't have any concerns with using the latest Government mapping [to determine whether a site is at risk of flooding].

Tees Archaeology – 25-27 Church Street are part of a nineteenth century terrace and would originally have been used for a mixture of commercial and residential purposes. They are within the Church Street Conservation Area and were built during the early stages of the development of West Hartlepool.

Although the buildings are of historic interest I understand that the interiors have been considerably altered, in addition to the external alterations. I do not therefore recommend any historic building recording takes place prior to their conversion.

PLANNING POLICY

2.14 In relation to the specific policies referred to in the section below please see the Policy Note at the end of the agenda.

National Planning Policy Framework (NPPF)

2.15 In March 2012 the Government consolidated all planning policy statements, circulars and guidance into a single policy statement, termed the National Planning Policy Framework (NPPF). The NPPF sets out the Government's Planning policies for England and how these are expected to be applied. It sets out the Government requirements for the planning system. The overriding message from the Framework is that planning authorities should plan positively for new development, and approve all individual proposals wherever possible. It defines the role of planning in achieving

sustainable development under three topic headings – economic, social and environmental, each mutually dependent. There is a presumption in favour of sustainable development. It requires local planning authorities to approach development management decisions positively, utilising twelve 'core principles' that should underpin both plan-making and decision taking, these being; empowering local people to shape their surrounding, proactively drive and support economic development, ensure a high standard of design, respect existing roles and character, support a low carbon future, conserve the natural environment, encourage re-use of previously developed land, promote mixed use developments, conserve heritage assets, manage future patterns of growth and take account of and support local strategies relating to health, social and cultural well-being.

2.16 The following paragraphs in the NPPF are of relevance to this application:

Para	Subject
2	Application of planning law (development plan and material considerations)
6	Purpose of the planning system – creation of sustainable development
7	Three dimensions to sustainable development
9	Pursuing sustainable development
11	Determination is accordance with the development plan
12	Status of the development plan
13	The National Planning Policy Framework constitutes guidance
14	Presumption in favour of sustainable development
17	Core planning principles
21	Over-burdening of business investment
23	Town centre management and growth
34	Sustainable transport
37	Minimise journey lengths
51	Approval of planning applications
56	Design of built environment
57	High quality and inclusive design
60	Local distinctiveness
61	Integration of development
64	Poor design
93	Climate change and renewable energy
96	Renewable energy and energy efficiency
97	Renewable energy
126	Positive strategy for the historic environment
128	Heritage assets
129	Significant heritage assets
131	Viable uses consistent with conservation
132	Weight given to asset's conservation
134	Harm to heritage asset
137	New development in Conservation Areas
196	Planning system is plan led
197	Presumption in favour of sustainable development
203	Can unacceptable development be made acceptable
204	Planning obligations tests
205	Flexibility in planning obligations

206	Planning conditions
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Adopted Hartlepool Local Plan 2006

2.17 The following policies in the adopted Hartlepool Local Plan 2006 are relevant to the determination of this application:

Policy	Subject
GEP1	General Environmental Principles
GEP2	Access for All
GEP3	Crime Prevention by Planning and Design
GEP7	Frontages of Main Approaches
GEP9	Developers' Contributions
COM1	Development of the Town Centre
REC13	Late Night Uses
HE1	Protection and Enhancement of Conservation Areas
Hsg6	Residential Uses of Upper Floors
Hsg8	Housing Improvements

Emerging Local Plan – Publication Stage (December 2016)

2.18 The Council's emerging Local Plan has now been through the Examination in Public (EiP), pending the findings of the Planning Inspector, and as such weight can also be given to policies within this document, with more or less weight apportioned to individual policies dependent on the level of unresolved objection received to date in relation to those policies, identified through the public consultation process, in accordance with paragraph 216 of the NPPF.

2.19 In this context, it is considered that the following policies can be afforded a degree of weight in the decision-making process;

Policy	Subject
SUS1	Presumption in Favour of Sustainable Development
LS1	The Locational Strategy
CC2	Reducing and Mitigating Flood Risk
QP1	Planning Obligations
QP3	Location, accessibility, highway safety and parking
QP4	Layout and Design of Development
QP5	Safety and Security
QP6	Technical matters
QP7	Energy Efficiency
RC1	Retail and Commercial Centre Hierarchy
RC17	Late Night Uses Area
HE1	Heritage assets
HE3	Conservation areas
HE7	Heritage at Risk

Planning Policy Comments (summarised):

2.20 Planning Policy supports the principle of the proposed development subject to the comments made below. The application has been assessed against the 2006 adopted Local Plan and the emerging 2016 Local Plan, which is now considered to have great weight in the decision making process due to the advanced stage the consideration of the local plan is at.

2.21 This development will bring a large vacant building back into use within the Church Street Conservation Area, providing five residential premises and two new commercial premises. This is a priority building for redevelopment within the area. The emerging local plan has proposed to reduce the late night use area, as a result this site is now outside of the area covered by the late night use policy (RC17 of the Emerging Plan). The proposed use of a gin bar (A4 use class) is an acceptable town centre use, however within the Innovation and Skills Quarter (2016 Local Plan Policy RC3) there is a move away from permitting A4 uses. Notwithstanding this, 2016 Local Plan Policy (RC2 – The Town Centre) allows for consideration to be given to the length of time a building has been vacant when considering other uses, in light of this the proposal is considered acceptable as on this occasion the development will bring a vacant building back into use (which had permitted use as a nightclub) in addition the proposed A4 use covers a reduced floorspace from the existing night club. However, this is on the basis that the operating hours are compliant with 2016 Local Plan Policy (RC2 – The Town Centre).

2.22 The development of five residential dwellings meets the threshold for the provision of planning obligations. The following planning obligations area required, in line with the Planning Obligations SPD:

- Green Infrastructure - £1,250 (£250 per dwelling).
- Built sports - £1,250 (£250 per dwelling)
- Playing Pitches - £1,166.45 (£233.29 per dwelling)
- Tennis Courts - £285.10 (£57.02 per dwelling)

PLANNING CONSIDERATIONS

2.23 The main material planning considerations when considering this application are the principle of development, the impact on the amenity of neighbouring land users, the impact on the character and appearance of the conservation area, the impact on highway safety and parking, and flood risk.

PRINCIPLE OF DEVELOPMENT

2.24 This application relates to the subdivision of the ground floor of the building to form two business premises (a gin bar and gallery/café), the installation of new shop fronts with retractable canopies to these units and the introduction of five residential units on the upper floors of the buildings. The premises have been vacant for some time and are a priority site within the Church Street area, which is undergoing redevelopment as part of the Innovation and Skills Quarter.

2.25 The emerging Local Plan seeks to reduce the extent of late night uses in the locality, however weight should be given to the length of time the premises have been vacant and that the proposed drinking establishment would be of a far reduced extent than the existing nightclub use. While there is less support for A4 uses in this

location within the emerging Local Plan, where they are considered appropriate they are expected to comply with reduced opening hours to protect the amenity of neighbouring residential premises. Policy RC17 requires businesses outside of the Late Night Uses Area to close between 11:30pm and 07:00am.

2.26 Each of the proposed uses are acceptable in a town centre location, in principle, subject to the site being capable of accommodating the intended uses without undue impact to the amenity of existing occupants of neighbouring premises and proposed occupants of the development itself. The principle of the physical alterations proposed to the buildings will be subject to an assessment of the design of the proposals and their likely impact on the character of the conservation area. These matters will be addressed in subsequent sections of this report.

AMENITY OF NEIGHBOURING LAND USERS

2.27 Following public consultation, concern was raised by a neighbouring commercial premise about the potential impact of noise on the operation of their business. It is acknowledged that the existing lawful use of the premises as a nightclub has the potential to be disruptive to neighbouring occupiers due to noise and that the proposals would see a reduction in the level of late night use with commercial activity being on the ground floor only. Notwithstanding that, a bar use would still have the potential to impact neighbours with regards to noise, albeit to a lesser extent. The proposals would also see the introduction of residential use on the upper floors, which would be much more sensitive to noise impacts than the existing situation.

2.28 The Council's Public Protection Service have identified a number of conditions that would be necessary to ensure the proposed development does not impact on the amenity of neighbouring occupiers, including the need for a noise assessment to be carried out and any necessary mitigation measures implemented, as well as restrictions on the hours of use of both the building and outside seating areas. These conditions are reasonable, directly related to the development and necessary to ensure the development can operate without adversely affecting the amenity of neighbouring occupiers.

IMPACT ON CHARACTER AND APPEARANCE OF CONSERVATION AREA

2.29 When considering any application for planning permission that affects a conservation area, the 1990 Act requires a local planning authority to pay special attention to the desirability of preserving or enhancing the character or appearance of the area. The NPPF goes further in seeking positive enhancement in conservation areas to better reveal the significance of an area (para. 137). It also looks for local planning authorities to take account of the desirability of new development making a positive contribution to local character and distinctiveness (paras. 126 & 131). Furthermore, the relevant saved and emerging local plan policies are set out and are considered within the Council's Heritage and Countryside Manager's comments above.

2.30 The application site is within the Church Street Conservation Area and the buildings concerned are three-storey commercial properties, Victorian in period with

shop fronts to the ground floor, bay windows at first floor and sash windows to the second floor. Although some original features remain, other alterations have been made overtime, some of which are not sympathetic. As a result the site has been identified as of key importance as part of the Townscape Heritage Project, while the wider Conservation Area is considered at risk.

2.31 The proposed new shop fronts are of a traditional style and materials, being of timber construction and the proposed canopies are recessed within the fascia. As such, the proposed works would be sympathetic to the existing building and in keeping with the street scene and conversation area more generally. The proposed works are therefore positive in the context of current efforts to improve the public realm in this part of the town centre. Subject to conditions requiring larger scale details of the proposed works being submitted the Council's Heritage and Countryside Manager has no objections to the proposals.

IMPACT ON PARKING AND HIGHWAY SAFETY

2.32 The proposed residential units will not benefit from dedicated off-street parking, however the site is within the town centre with immediate access to services and sustainable transport links, as such reliance on a car would be unlikely and alternative means of travel are easily accessible. The Council's Traffic and Transport team have raised no objections to the proposals on that basis.

FLOOD RISK

2.33 Planning Policy have identified the need to determine whether the site lies within an area at flood risk. Although close to a flood risk zone, the application site is within flood zone 1 and not therefore considered to be at flood risk, a flood risk assessment is not therefore required. The Council's Engineers have confirmed this approach. Furthermore, no objections have been received from Northumbrian Water.

WASTE STORAGE

2.34 The application site benefits from a yard area to the rear that the applicant proposes as a suitable area for the storage of waste. There would be no objection to this location in principle, however further detail as to the way commercial and domestic waste will be stored separately are required to ensure both uses can operate appropriately. Such detail could be secured via planning condition. A planning condition is secured to prevent any waste storage to the front of the buildings in the interests of the visual amenity of the surrounding area.

HEALTH & WELLBEING

2.35 The proposed gin bar use would result in an additional bar in an area which already has a number of similar functioning premises. The Council's Public Health section has raised concerns regarding the detrimental impact the proposed bar could have on their clients as well as all residents of Hartlepool who suffer from alcohol addiction

2.36 In relation to planning and health, paragraph 171 of the NPPF states:

“Local Planning Authorities should work with public health leads and health organisations to understand and take account of the health status and needs of the local population (such as sports, recreation and places of worship), including expected future changes, and any information about relevant barriers to improving health and well-being.”

2.37 It is recognised that planning is closely linked with health and has an important role to play in encouraging health habits and active lifestyles. Whilst it is acknowledged that there is a contribution to be made by planning through designing in healthy environments and promoting healthy eating and drinking habits, the end user has a choice. Given the number of existing bars/drinking establishments in the locality it is not considered that the addition of one more “drinking establishment” (A4 Use) could result in a significant or disproportionate reduction in the health and well being for residents in this area of Hartlepool.

2.38 Furthermore, the proposal is considered to be a suitable area for a proposed use of this kind to be located as detailed above.

ARCHAEOLOGY

2.39 The area is of historic significance, however the buildings themselves have been altered so much in the past that limited original fabric remains and therefore Tees Archaeology have confirmed in this instance conditions requiring recording surveys are not necessary.

DEVELOPER CONTRIBUTIONS

2.40 The development of five residential dwellings meets the threshold for the provision of planning obligations, as outlined in the Planning Policy section of this report. The applicant has confirmed they are able to make the contributions required and therefore the proposals are considered sustainable development.

CONCLUSION

2.41 The application is considered to be acceptable with respect to the above mentioned relevant material planning considerations and is considered to be in accordance with the saved policies of the adopted Hartlepool Local Plan 2006, emerging policies of the emerging Hartlepool Local Plan 2016 and relevant paragraphs of the NPPF. The development is recommended for approval subject to the planning conditions set out below.

EQUALITY AND DIVERSITY CONSIDERATIONS

2.42 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

2.43 The Crime and Disorder Act 1998 requires local authorities to consider crime and disorder reduction in the exercise of all their duties, activities and decision-making.

2.44 There are no Section 17 implications.

REASON FOR DECISION

2.45 It is considered by Officers that the proposal in the context of relevant planning policies and material planning considerations is acceptable as set out in the Officer's Report.

RECOMMENDATION – APPROVE subject to a Section 106 Agreement to secure contributions towards green infrastructure (£1,250), built sports (£1,250), playing pitches (£1,166.45) and tennis courts (£285.10), and the following planning conditions:

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. The development hereby permitted shall be carried out in accordance with the following plans: P001 revision A (Existing Basement & Ground Floor Layout), P002 revision A (Existing First & Second Floor Layout), P003 revision A (Existing Sections), P004 revision A (Existing Section & Front Elevation), P005 revision A (Existing Rear Elevation), P006 revision A (Proposed Basement & Ground Floor Layout), P007 revision A (Proposed First & Second Floor Layout), P008 revision A (Proposed Sections), P009 revision A (Proposed Section & Front Elevation), P010 revision A (Proposed Rear Elevation), P011 revision A (Site Location Plan), P011 revision A (Existing & Proposed Block Plan), all date received by the Local Planning Authority 04/01/18.
For the avoidance of doubt.
3. Prior to the commencement of development large scale details showing all new windows and doors shall be submitted to and approved in writing by the Local Planning Authority and thereafter the approved details shall be implemented on site.
To enable the Local Planning Authority to control details of the proposed development in the interest of visual amenity and the character of the heritage asset.
4. Prior to commencement of development large scale details showing all works to shop fronts, including sections, shall be submitted to and approved in writing by the Local Planning Authority and thereafter the approved details shall be implemented on site.

To enable the Local Planning Authority to control details of the proposed development in the interest of visual amenity and the character of the heritage asset.

5. Prior to commencement of development details of the materials to be used in the external alterations hereby approved shall be submitted to and approved in writing by the Local Planning Authority and thereafter the approved details shall be implemented on site.
To enable the Local Planning Authority to control details of the proposed development in the interest of visual amenity and the character of the heritage asset.

6. The residential accommodation (5no. apartments) hereby approved shall not be occupied until a noise assessment has been first submitted to and approved in writing by the Local Planning Authority. Such a scheme of works shall be capable of restricting noise breakout from any commercial uses to all adjoining and adjacent residential accommodation to levels complying with the following:

- All habitable rooms: NR20
- All habitable rooms : LAF_{max} 45dB, max 10 events

Note: Noise rating curves should be measured as an LZeq(15 mins) at octave band centre frequencies 31.5Hz to 8kHz).

Where the above noise criteria cannot be achieved with windows partially open, the scheme shall include a system of alternative acoustically treated ventilation to all habitable rooms. The agreed scheme of sound insulation works shall be installed in full prior to the occupation of the residential accommodation, and shall be retained thereafter for the lifetime of the development.

In the interests of the amenities of existing and future occupiers of the development hereby approved and neighbouring premises.

7. Prior to the first use of any part of the commercial and residential developments hereby approved, validation testing of the sound attenuation works required in condition 6 shall have been carried out and the results submitted to and approved by the Local Planning Authority. Such validation testing shall be carried out in accordance with the approved noise assessment (required under condition 6) and shall demonstrate that the specified noise levels have been achieved. In the event that the specified noise levels have not been achieved then, notwithstanding the sound attenuation works thus far approved under condition 6, a further scheme of sound attenuation works capable of achieving the specified noise levels shall be submitted to and approved by the Local Planning Authority. Such further scheme of works shall be installed as approved in writing by the Local Planning Authority before the first use of any part of the commercial and residential developments hereby approved and shall thereafter be retained. In the interests of the amenities of existing and future occupiers of the development hereby approved and neighbouring premises.

8. Prior to the installation of any extraction or ventilation equipment details shall be submitted to and approved in writing by the Local Planning and thereafter implemented and retained in accordance with the approved details.
In the interests of a satisfactory form of development.
9. Prior to occupation of any part of the development hereby approved a scheme for the storage of both commercial and residential refuse at the site shall be submitted to and approved in writing by the Local Planning Authority and therefore after implemented and retained in accordance with the approved details. No waste storage facilities shall be positioned to the front of the properties.
In the interests of a satisfactory form of development.
10. The ground floor commercial uses (A3, A4 and D1) hereby approved shall not be open to the public between the hours of 11:30pm and 07:00am.
In the interests of the amenities of the area and neighbouring residential properties and to comply with Policy RC17 of the emerging Local Plan.
11. On any day the tables, chairs and partitions and any related items (umbrellas, bins, ashtrays etc.) shall be removed from the highway not later than 20.00 hours or sunset in Hartlepool whichever is the sooner, and shall not be replaced on the highway before 08:00 hours the following day.
In the interests of public order and the amenities of the occupants of neighbouring properties.
12. No music shall be played in, or be piped/relayed to, the outside seating area.
In the interests of the amenities of the occupants of neighbouring properties.
13. The ground floor of 26 Church Street shall be used for gallery/café use (D1/A3) and for no other purpose (including any other purpose in Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order with or without modification.
In the interests of the amenities of the occupants of neighbouring properties.

BACKGROUND PAPERS

2.46 Background papers used in the compilation of reports relating to planning items are available for inspection in Civic Centre, Victoria Road, Hartlepool during working hours. Copies of the applications are available on-line:
<http://eforms.hartlepool.gov.uk:7777/portal/servlets/ApplicationSearchServlet> except for such documents that contain exempt or confidential information and a paper copy of responses received through publicity are also available in the Members library.

CONTACT OFFICER

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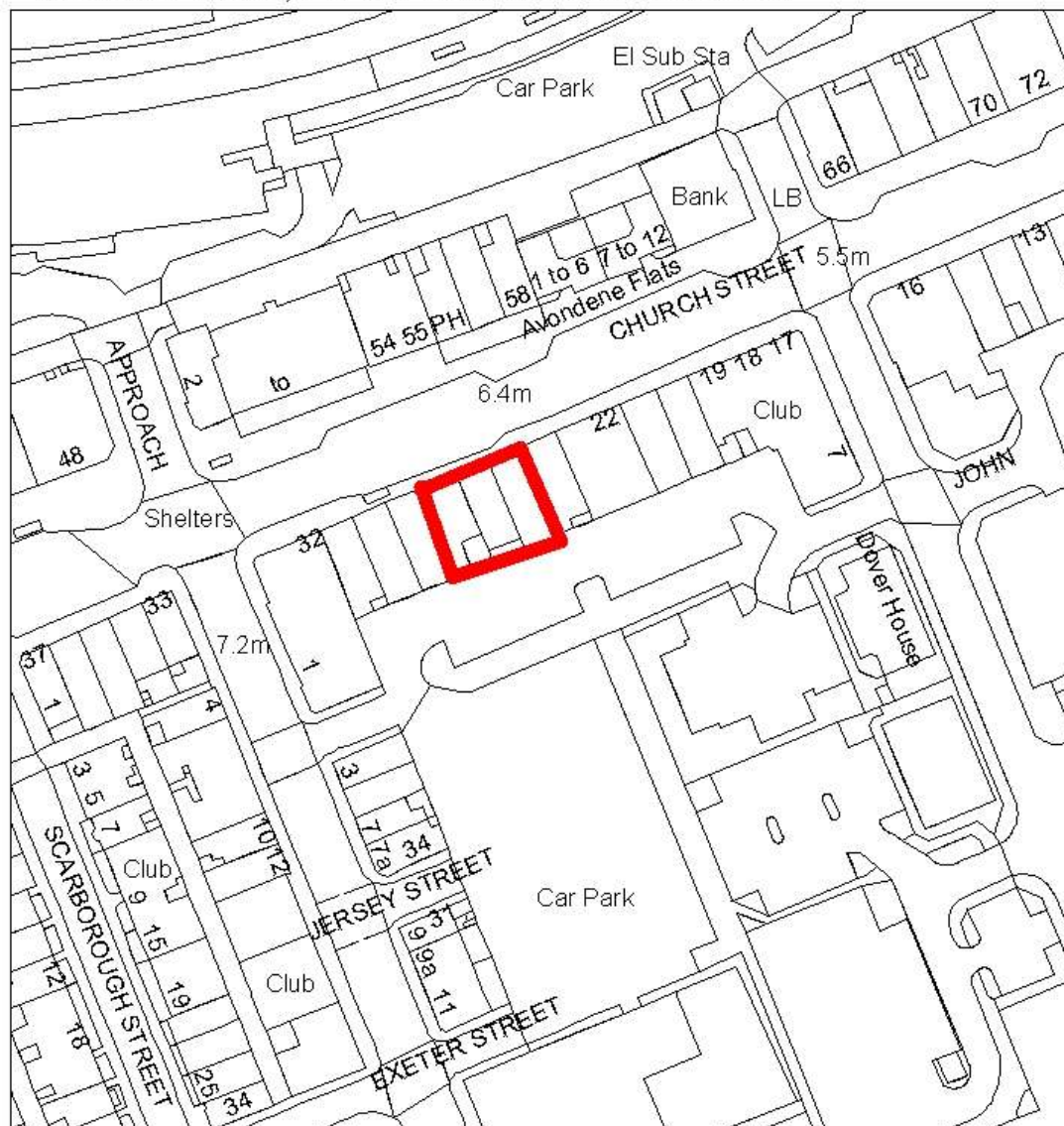
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PULSE BAR, 25-26 CHURCH STREET



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 20/03/18
	SCALE 1:1000	
Regeneration and Neighbourhoods Level 1 Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO H/2018/0005	REV

No: 3
Number: H/2017/0651
Applicant: MR K POOLE ESTATE OFFICE GREATHAM
Agent: ELDER LESTER MCGREGOR MR IAN MCGREGOR
REEDS MILL ATLAS WYND YARM TS15 9AD
Date valid: 02/01/2018
Development: Conversion of existing property into two dwellings
Location: 6 FRONT STREET GREATHAM HARTLEPOOL

PURPOSE OF REPORT

3.1 A valid application has been submitted for the development highlighted within this report accordingly Hartlepool Borough Council as Local Planning Authority is required to make a decision on this application. This report outlines the material considerations in relation to the proposal and presents a recommendation.

BACKGROUND

3.2 There are no relevant historic planning applications associated with the site, however this planning application is accompanied by an associated application for listed building consent –

3.3 H/2017/0650 – Listed building consent for the conversion of existing property into two dwellings.

PROPOSAL

3.4 The application seeks permission to subdivide the existing property to form two separate dwellings. This will primarily take the form of internal alterations to introduce new insulated stud walls to separate the two dwellings at ground and first floor, as well as to form new bathrooms at first floor and allow the rebuilding of a stairwell serving the proposed unit to the south. New kitchens are to be installed on the ground floor of each property.

3.5 The new walls separating the two units will sit separately from the existing wall allowing the original coving and skirting to remain, and will mean the works are reversible. Coving and skirting details will be replicated within the new sections of internal stud wall.

3.6 The only external alteration proposed is one window at first floor in the rear elevation to serve a bathroom. As there are existing doorways serving the main house and the extension to the front, there would not be the need to introduce additional openings to the front to serve the new dwelling.

3.7 The application has been referred to planning committee as three objections from neighbouring occupiers have been received.

SITE CONTEXT

3.8 The application site is located to the west of Front Street, Greatham, to the south of the junction with High Street. The application property is a late 18th Century end of terrace dwelling, one of a small group of listed buildings of the same period and style, set back from the main road by a shared private drive and grassed area.

3.9 The property has been subject to some 19th Century alterations, including a two-storey extension to side and clay pantile roof. The main part of the original property is double fronted with box bay windows to the ground floor with central doorway and three single sash windows above. The roof to the main part of the property is pitched front to back with side gable and chimney stacks to either side.

3.10 The side extension to the south of the property is of a smaller scale than the main house, the roof being set below than main house and hipped to the side. There is a single doorway to the front elevation and two first floor windows. The fenestration to the extension is of a more modest design and scale, which reflects it being a later addition to the main house.

PUBLICITY

3.11 The application has been advertised by way of neighbour letters (15no), site notice and a press notice. To date, 3no objections have been received from neighbouring land users, including a number from the same properties. The objections received can be summarised as follows:

- Lack of parking, an additional dwelling would worsen this issue.

3.12 The period for publicity expired 15/02/18.

3.13 Copy Letters **C**

CONSULTATIONS

3.14 The following consultation replies have been received:

HBC Heritage & Countryside (Conservation) – The application site is a grade II listed building in Greatham Conservation Area.

Policy HE1 of the recently submitted Local Plan states that the Borough Council will seek to preserve, protect and positively enhance all heritage assets.

In considering applications for listed buildings the 1990 Act requires a local planning authority to pay special attention to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. The National Planning Policy Framework (NPPF) looks for local planning authorities to take account of the significance of a designated heritage asset and give great weight to the asset's conservation (para 132, NPPF).

The adopted Local Plan Policy HE8 states, "Alterations to part of a listed building will only be approved where it can be demonstrated that the main part of the building will

be preserved and enhanced and where no significant features of special architectural or historic interest are lost.”

Policy HE4 of the recently submitted local plan states the Borough Council will seek to “conserve or enhance the town’s listed buildings by resisting unsympathetic alterations, encouraging appropriate physical improvement work, supporting appropriate and viable proposals to secure their re-use and restoration.”

When considering any application for planning permission that affects a conservation area, the 1990 Act requires a local planning authority to pay special attention to the desirability of preserving or enhancing the character or appearance of the area. The National Planning Policy Framework (NPPF) goes further in seeking positive enhancement in conservation areas to better reveal the significance of an area (para. 137, NPPF). It also looks for local planning authorities to take account of the desirability of new development making a positive contribution to local character and distinctiveness (paras. 126 & 131, NPPF).

Further to this at a local level, Local Plan policy HE1 in the adopted Local Plan is relevant, this states, “Proposals for development within a conservation area will be approved only where it can be demonstrated that the development will preserve or enhance the character or appearance of the area.”

Policy HE3 of the recently submitted local plan states that the Borough Council will seek to ensure that the distinctive character of Conservation Areas within the Borough will be conserved or enhanced through a constructive conservation approach. Proposals for development within Conservation Areas will need to demonstrate that they will conserve or positively enhance the character of the Conservation Areas.

The special character of the Greatham Conservation Area is predominantly derived from the village centre around The Green, its early development as a religious based hospital in the 13th century and as an agricultural settlement. Mixed in with this early stage of growth are much later early 19th century individual houses or short terraces and late Victorian terraced housing.

The proposal is the subdivision of a single house into two including the creation of new rooms in order to install bathrooms and kitchens in each half of the property.

The property appears to have retained its original floor plan however the alterations which are proposed are sympathetic and for the most part retain the original spaces or provide alterations which could be reversed should there be a request to return the property to one dwelling.

To the exterior the main intervention is a new window to the rear of the building at first floor level. This mirrors a small window already existing on the property.

In principle there would be no objections to the proposal however it is requested that should the application be approved the following conditions are considered.

1. Photographic survey of the building.

2. Large scale details showing all new external windows and doors.
3. Details of new air extraction to kitchens, bathrooms and toilets.

HBC Traffic & Transport – The property is serviced by a private drive which has 2 access points, there are no designated parking bays on the private drive but it is possible to park 3 cars fronting the property. It would be difficult to pass any parked cars, therefore it would be necessary to reverse back and leave via the access the vehicle gained entry from. This is already the current situation. There is garage and a potential space available to the side of the property which would not block access to the allotments.

There would therefore be sufficient parking available for 2 properties, I would therefore have no highway or traffic concerns with this application.

HBC Public Protection – Do not object.

Hartlepool Civic Society – The Society has studied the plans and would make the following comments regarding the exterior (notably the garden) of the property.

It is important that no dividing physical barrier should be added to the front garden. The setting of this listed building should not be affected by the proposed changes to the status of the building. The garden must be retained as though the property is 'one'.

Northumbrian Water – Thank you for consulting Northumbrian Water on the above proposed development.

In making our response to the local planning authority Northumbrian Water will assess the impact of the proposed development on our assets and assess the capacity within Northumbrian Water's network to accommodate and treat the anticipated flows arising from the development. We do not offer comment on aspects of planning applications that are outside of our area of control.

Having assessed the proposed development against the context outlined above I can confirm that at this stage we would have no comments to make.

Greatham Parish Council – No comments.

PLANNING POLICY

3.15 In relation to the specific policies referred to in the section below please see the Policy Note at the end of the agenda.

National Planning Policy Framework (NPPF)

3.16 In March 2012 the Government consolidated all planning policy statements, circulars and guidance into a single policy statement, termed the National Planning Policy Framework (NPPF). The NPPF sets out the Government's Planning policies

for England and how these are expected to be applied. It sets out the Government requirements for the planning system. The overriding message from the Framework is that planning authorities should plan positively for new development, and approve all individual proposals wherever possible. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependent. There is a presumption in favour of sustainable development. It requires local planning authorities to approach development management decisions positively, utilising twelve 'core principles' that should underpin both plan-making and decision taking, these being; empowering local people to shape their surrounding, proactively drive and support economic development, ensure a high standard of design, respect existing roles and character, support a low carbon future, conserve the natural environment, encourage re-use of previously developed land, promote mixed use developments, conserve heritage assets, manage future patterns of growth and take account of and support local strategies relating to health, social and cultural well-being.

3.17 The following paragraphs in the NPPF are of relevance to this application:

Para	Subject
2	Application of planning law (development plan and material considerations)
6	Purpose of the planning system – creation of sustainable development
7	Three dimensions to sustainable development
9	Pursuing sustainable development
11	Determination is accordance with the development plan
12	Status of the development plan
13	The National Planning Policy Framework constitutes guidance
14	Presumption in favour of sustainable development
17	Core planning principles
51	Approval of planning applications
56	Design of built environment
57	High quality and inclusive design
126	Positive strategy for the historic environment
128	Heritage assets
129	Significant heritage assets
131	Viable uses consistent with conservation
132	Weight given to asset's conservation
134	Harm to heritage asset
196	Planning system is plan led
197	Presumption in favour of sustainable development
203	Can unacceptable development be made acceptable
206	Planning conditions

Adopted Hartlepool Local Plan 2006

3.18 The following policies in the adopted Hartlepool Local Plan 2006 are relevant to the determination of this application:

Policy	Subject
GEP1	General Environmental Principles

GEP2	Access for All
GEP3	Crime Prevention by Planning and Design
Hsg1	Housing Improvements

Emerging Local Plan – Publication Stage (December 2016)

3.19 The Council's emerging Local Plan has now been through the Examination in Public (EiP), pending the findings of the Planning Inspector, and as such weight can also be given to policies within this document, with more or less weight apportioned to individual policies dependent on the level of unresolved objection received to date in relation to those policies, identified through the public consultation process, in accordance with paragraph 216 of the NPPF.

3.20 In this context, it is considered that the following policies can be afforded a degree of weight in the decision-making process;

Policy	Subject
SUS1	Presumption in Favour of Sustainable Development
LS1	The Locational Strategy
QP3	Location, accessibility, highway safety and parking
QP4	Layout and Design of Development
QP6	Technical matters
HE1	Heritage assets
HE3	Conservation areas
HE4	Listed buildings and structures

HBC Planning Policy Comments (summarised):

3.21 There are no planning policy concerns in relation to this application with regard to the principle of development. The Hartlepool Strategic Housing Market Assessment (2015), details that there is an oversupply of large houses with 4+ bedrooms and an undersupply of smaller homes, this proposal will contribute towards meeting this need.

3.22 With regard to the detail of the proposal being acceptable, planning policy support the view of the Heritage and Countryside Manager as to whether the proposal is acceptable works to a listed building and meets the heritage policy requirements.

PLANNING CONSIDERATIONS

3.23 The main material planning considerations when considering this application are the principle of development, the impact on the character and appearance of the listed building and surrounding area, the impact on the amenity of neighbouring land users and the impact on highway safety and parking.

PRINCIPLE OF DEVELOPMENT

3.24 This application relates to the creation of an additional dwelling in a residential area within development limits, subject to an appropriate assessment of the potential impact of the specific proposal on the surrounding area and the detailed design of alterations proposed, the principle of development is in accordance with policy and is therefore acceptable.

IMPACT ON HIGHWAY SAFETY & PARKING

3.25 Neighbouring occupiers have objected to the proposal due to concerns regarding existing parking arrangements and that the introduction of an additional household would increase parking pressures. The applicant property and the immediate neighbouring properties are serviced by a private drive with three access points.

3.26 There are no designated parking bays and the parking of cars can make it difficult to pass, which means drivers have to reverse out of the access point they entered from rather than exiting in a forward gear. This is the existing situation and would remain the case as part of the proposed development.

3.27 It is possible to park three vehicles fronting the existing property and there is an attached garage to the side, the Council's Traffic and Transport team have advised there is sufficient parking for two properties available and on that basis do not object to the proposals.

3.28 While noting the concerns of neighbouring occupiers, it is difficult to afford them significant weight given the assessment above.

IMPACT ON CHARACTER AND APPEARANCE OF LISTED BUILDING & SURROUNDING CONSERVATION AREA

3.29 In considering applications for listed buildings the 1990 Act requires a local planning authority to pay special attention to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. The NPPF looks for local planning authorities to take account of the significance of a designated heritage asset and give, great weight to the asset's conservation (para 132).

3.30 Furthermore when considering any application for planning permission that affects a conservation area, the 1990 Act requires a local planning authority to pay special attention to the desirability of preserving or enhancing the character or appearance of the area. The NPPF goes further in seeking positive enhancement in conservation areas to better reveal the significance of an area (para. 137). It also looks for local planning authorities to take account of the desirability of new development making a positive contribution to local character and distinctiveness (paras. 126 & 131).

3.31 Furthermore, the relevant saved and emerging local plan policies are set out and are considered within the Council's Heritage and Countryside Manager's comments above.

3.32 The external alterations proposed to the property are limited to the installation of a single window to the rear elevation, which would reflect an existing window and create a mirrored appearance. This alteration is very minor and would not be detrimental to the character of the existing listed building or the wider conservation area, this assessment is reflective of the views of the Council's Heritage and Countryside Manager, subject to a number of planning conditions including the requirement for large scale details of the proposed works to be submitted via condition.

3.33 The application does not include any details of subdivision of the plot at this stage, Hartlepool Civic Society have expressed concern about the potential impact a physical barrier to the front garden could have on the setting of the listed building. As the applicant does not intend to physically subdivide the garden at this stage it is considered appropriate to include a condition requiring details of any such subdivision to be submitted to the Council for approval in the first instance to ensure this does not detract from the setting of the building.

3.34 It is also considered appropriate to require details of bin storage arrangements to be provided to ensure any subdivision takes account of this requirement and prevents storage of bins to the front, again in the interests of preserving the setting of the listed building.

AMENITY OF NEIGHBOURING LAND USERS

3.35 The proposed sub-division to form 2 dwellings is considered to be in keeping with the residential nature of the area and as such, in principle, would not result in a detrimental impact on the amenity and privacy of neighbouring occupiers by virtue of the remaining satisfactory separation distances and relationships, and minimal external alterations to the building to facilitate the sub-division. The proposed physical alterations to subdivide the property include a greater level of insulation that would prevent noise transference unduly impacting the amenity of future occupiers of the new dwellings.

3.36 The Council's Public Protection team have raised no objection to the proposed development. It is therefore reasonable to conclude that the amenity and privacy of neighbouring land users will not be negatively affected in a way that would warrant refusal of the application.

CONCLUSION

3.37 The application is considered to be acceptable with respect to the above mentioned relevant material planning considerations and is considered to be in accordance with the saved policies of the adopted Hartlepool Local Plan 2006, emerging policies of the emerging Hartlepool Local Plan 2016 and relevant paragraphs of the NPPF. The development is recommended for approval subject to the planning conditions set out below.

EQUALITY AND DIVERSITY CONSIDERATIONS

3.38 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

3.39 The Crime and Disorder Act 1998 requires local authorities to consider crime and disorder reduction in the exercise of all their duties, activities and decision-making.

3.40 There are no Section 17 implications.

REASON FOR DECISION

3.41 It is considered by Officers that the proposal in the context of relevant planning policies and material planning considerations is acceptable as set out in the Officer's Report.

RECOMMENDATION – APPROVE subject to the following conditions;

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. The development hereby approved shall be carried out in accordance with drawing numbers 1745/003 (Site Location Plan), 1745-001 (Existing Plans & Elevations), 1745-002 (Proposed Plans and Elevations) all date received 07/12/17 and 1745/004 (Existing & Proposed Site Plans) date received 02/01/18.
For the avoidance of doubt.
3. Prior to the commencement of development a photographic survey of the building shall be carried out and submitted to the Local Planning Authority.
In the interests of recording the historic fabric of the building.
4. Prior to commencement of development, large scale details showing all new external doors and windows shall be submitted to and approved in writing by the Local Planning Authority and thereafter the approved details shall be implemented on site.
To enable the Local Planning Authority to control details of the proposed development in the interest of visual amenity and the setting of the heritage assets.
5. Prior to commencement of development details of all new air extraction to kitchens, bathrooms and toilets required as part of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority and thereafter the approved details shall be implemented on site.
To enable the Local Planning Authority to control details of the proposed development in the interest of visual amenity and the setting of the heritage assets.
6. Notwithstanding the submitted information, a scheme for means of enclosure shall be submitted to and approved in writing by the Local Planning Authority,

before the dwellings hereby approved are occupied. Thereafter the development shall be carried out in accordance with the approved details and the enclosures erected prior to the occupation of the dwellings hereby approved.

In the interests of the amenity of proposed occupiers of the dwelling(s) and that of surrounding neighbouring properties, and in the interests of visual amenities and the setting of the heritage assets.

7. Notwithstanding the submitted information and prior to the occupation of the dwelling(s) hereby approved, details for the storage of refuse shall be submitted to and agreed in writing by the Local Planning Authority. The agreed details shall be implemented accordingly.
In the interests of the amenities of the occupants of neighbouring properties and ensure a satisfactory form of development.

BACKGROUND PAPERS

3.42 Background papers used in the compilation of reports relating to planning items are available for inspection in Civic Centre, Victoria Road, Hartlepool during working hours. Copies of the applications are available on-line: <http://eforms.hartlepool.gov.uk:7777/portal/servlets/ApplicationSearchServlet> except for such documents that contain exempt or confidential information and a paper copy of responses received through publicity are also available in the Members library.

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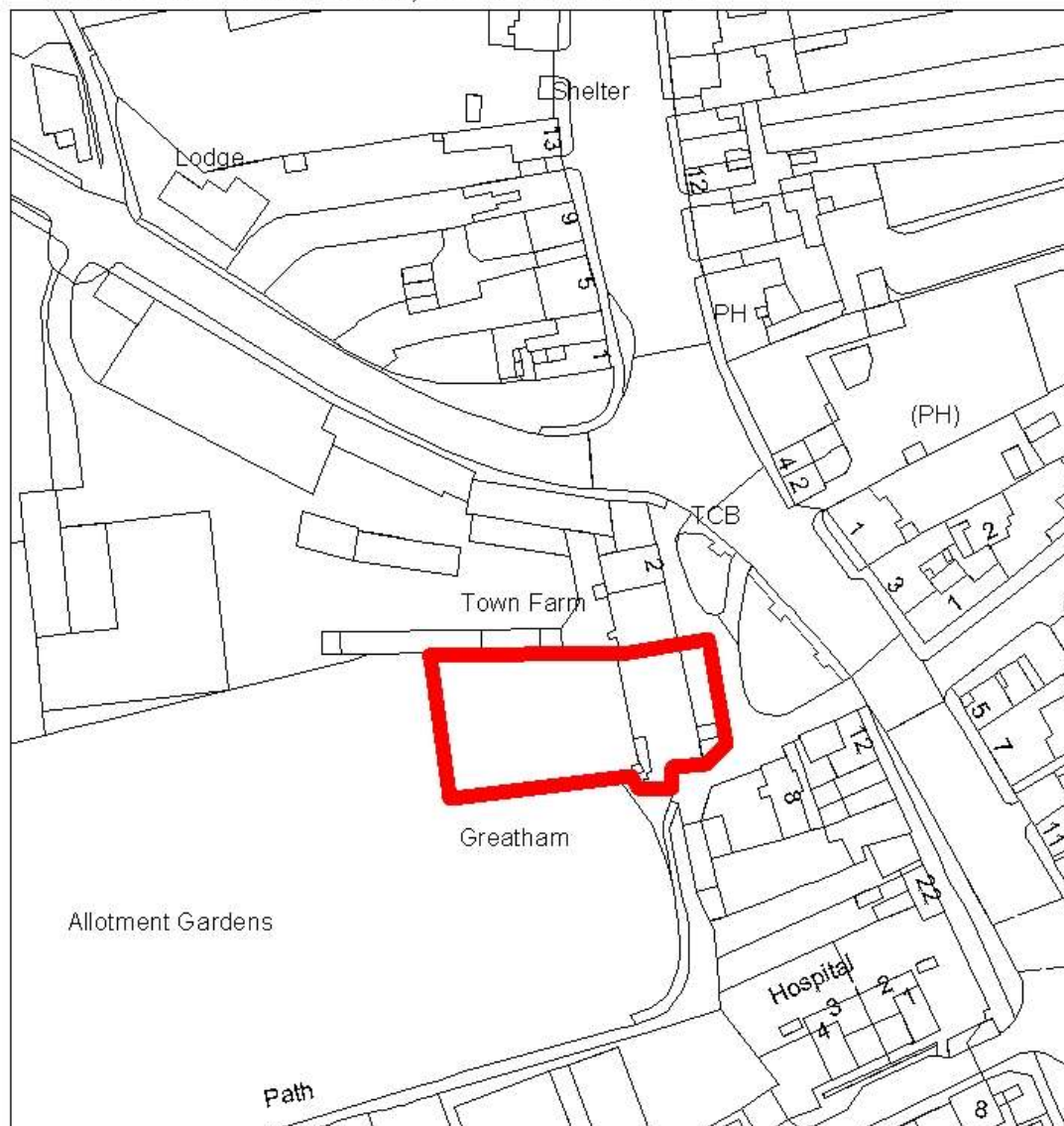
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6 FRONT STREET, GREATHAM



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 20/03/18
	SCALE 1:1000	
Regeneration and Neighbourhoods Level 1 Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO H/2017/0650 H/2017/0651	REV

No: 4
Number: H/2017/0650
Applicant: MR K POOLE ESTATE OFFICE GREATHAM
Agent: ELDER LESTER MCGREGOR MR IAN MCGREGOR
 REEDS MILL ATLAS WYND YARM TS15 9AD
Date valid: 02/01/2018
Development: Listed Building Consent for the conversion of existing
 property into two dwellings
Location: 6 FRONT STREET GREATHAM HARTLEPOOL

PURPOSE OF REPORT

4.1 A valid application has been submitted for the development highlighted within this report accordingly Hartlepool Borough Council as Local Planning Authority is required to make a decision on this application. This report outlines the material considerations in relation to the proposal and presents a recommendation.

BACKGROUND

4.2 There are no relevant historic planning applications associated with the site; however this application accompanies an associated planning application –

4.3 H/2017/0651 – Conversion of existing property into two dwellings.

PROPOSAL

4.4 The application seeks permission to subdivide the existing property to form two separate dwellings. This will primarily take the form of internal alterations to introduce new insulated stud walls to separate the two dwellings at ground and first floor, as well as to form new bathrooms at first floor and allow the rebuilding of a stairwell serving the proposed unit to the south. New kitchens are to be installed on the ground floor of each property.

4.5 The new walls separating the two units will sit separately from the existing wall allowing the original coving and skirting to remain, and will mean the works are reversible. Coving and skirting details will be replicated within the new sections of internal stud wall.

4.6 The only external alteration proposed is one window at first floor in the rear elevation to serve a bathroom. As there are existing doorways serving the main house and the extension to the front, there would not be the need to introduce additional openings to the front to serve the new dwelling.

4.7 The application has been referred to planning committee as it is associated with the 'full' planning application (H/2017/0651) that has been referred to planning committee having received from three objections from neighbouring occupiers.

SITE CONTEXT

4.8 The application site is located to the west of Front Street, Greatham, to the south of the junction with High Street. The application property is a late 18th Century end of terrace dwelling, one of a small group of listed buildings of the same period and style, set back from the main road by a shared private drive and grassed area.

4.9 The property has been subject to some 19th Century alterations, including a two-storey extension to side and clay pantile roof. The main part of the original property is double fronted with box bay windows to the ground floor with central doorway and three single sash windows above. The roof to the main part of the property is pitched front to back with side gable and chimney stacks to either side.

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PUBLICITY

4.11 The application has been advertised by way of neighbour letters (15no), site notice and a press notice. To date, no objections have been received from neighbouring land users.

4.12 The period for publicity expired 15/02/18.

4.13 Copy Letters **D**

CONSULTATIONS

4.14 The following consultation responses have been received:

HBC Heritage & Countryside (Conservation) – The application site is a grade II listed building in Greatham Conservation Area.

Policy HE1 of the recently submitted Local Plan states that the Borough Council will seek to preserve, protect and positively enhance all heritage assets.

In considering applications for listed buildings the 1990 Act requires a local planning authority to pay special attention to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. The National Planning Policy Framework (NPPF) looks for local planning authorities to take account of the significance of a designated heritage asset and give, great weight to the asset's conservation (para 132, NPPF).

The adopted Local Plan Policy HE8 states, "Alterations to part of a listed building will only be approved where it can be demonstrated that the main part of the building will be preserved and enhanced and where no significant features of special architectural or historic interest are lost."

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Further to this at a local level, Local Plan policy HE1 in the adopted Local Plan is relevant, this states, “Proposals for development within a conservation area will be approved only where it can be demonstrated that the development will preserve or enhance the character or appearance of the area.”

Policy HE3 of the recently submitted local plan states that the Borough Council will seek to ensure that the distinctive character of Conservation Areas within the Borough will be conserved or enhanced through a constructive conservation approach. Proposals for development within Conservation Areas will need to demonstrate that they will conserve or positively enhance the character of the Conservation Areas.

The special character of the Greatham Conservation Area is predominantly derived from the village centre around The Green, its early development as a religious based hospital in the 13th century and as an agricultural settlement. Mixed in with this early stage of growth are much later early 19th century individual houses or short terraces and late Victorian terraced housing.

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The property appears to have retained its original floor plan however the alterations which are proposed are sympathetic and for the most part retain the original spaces or provide alterations which could be reversed should there be a request to return the property to one dwelling.

To the exterior the main intervention is a new window to the rear of the building at first floor level. This mirrors a small window already existing on the property.

In principle there would be no objections to the proposal however it is requested that should the application be approved the following conditions are considered.

1. Photographic survey of the building.
2. Large scale details showing all new external windows and doors.

3. Details of new air extraction to kitchens, bathrooms and toilets.

Tees Archaeology – Thank you for the consultation on this application. I do not have any comments.

Hartlepool Civic Society – The Society has studied the plans and would make the following comments regarding the exterior (notably the garden) of the property.

It is important that no dividing physical barrier should be added to the front garden. The setting of this listed building should not be affected by the proposed changes to the status of the building. The garden must be retained as though the property is 'one'.

Greatham Parish Council – No comments.

PLANNING POLICY

4.15 In relation to the specific policies referred to in the section below please see the Policy Note at the end of the agenda.

National Planning Policy Framework (NPPF)

4.16 In March 2012 the Government consolidated all planning policy statements, circulars and guidance into a single policy statement, termed the National Planning Policy Framework (NPPF). The NPPF sets out the Government's Planning policies for England and how these are expected to be applied. It sets out the Government requirements for the planning system. The overriding message from the Framework is that planning authorities should plan positively for new development, and approve all individual proposals wherever possible. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependent. There is a presumption in favour of sustainable development. It requires local planning authorities to approach development management decisions positively, utilising twelve 'core principles' that should underpin both plan-making and decision taking, these being; empowering local people to shape their surrounding, proactively drive and support economic development, ensure a high standard of design, respect existing roles and character, support a low carbon future, conserve the natural environment, encourage re-use of previously developed land, promote mixed use developments, conserve heritage assets, manage future patterns of growth and take account of and support local strategies relating to health, social and cultural well-being.

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206	Planning conditions

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4.18 The following policies in the adopted Hartlepool Local Plan 2006 are relevant to the determination of this application:

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GEP2	Access for All
GEP3	Crime Prevention by Planning and Design
Hsg1	Housing Improvements

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4.19 The Council's emerging Local Plan has now been through the Examination in Public (EiP), pending the findings of the Planning Inspector, and as such weight can also be given to policies within this document, with more or less weight apportioned to individual policies dependent on the level of unresolved objection received to date in relation to those policies, identified through the public consultation process, in accordance with paragraph 216 of the NPPF.

4.20 In this context, it is considered that the following policies can be afforded a degree of weight in the decision-making process;

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HE3	Conservation areas
HE4	Listed buildings and structures

HBC Planning Policy Comments (Summarised):

4.21 There are no planning policy concerns in relation to this application with regard to the principle of development. The Hartlepool Strategic Housing Market Assessment (2015), details that there is an oversupply of large houses with 4+ bedrooms and an undersupply of smaller homes, this proposal will contribute towards meeting this need.

4.22 With regard to the detail of the proposal being acceptable, planning policy support the view of the Heritage and Countryside Manager as to whether the proposal is acceptable works to a listed building and meets the heritage policy requirements.

PLANNING CONSIDERATIONS

4.23 The main material planning considerations when considering this application are the principle of development, the impact on the character and appearance of the listed building and surrounding area, the impact on the amenity of neighbouring land users and the impact on highway safety and parking.

PRINCIPLE OF DEVELOPMENT

4.24 This application relates to physical alterations to allow the subdivision of the property to form two independent dwellings. The principle of development would be established should the associated full planning application be approved. This application seeks to assess the finer detail of the works on the character and historic value of the listed building.

IMPACT ON SETTING OF LISTED BUILDING

4.25 In considering applications for listed buildings the 1990 Act requires a local planning authority to pay special attention to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. The NPPF looks for local planning authorities to take account of the significance of a designated heritage asset and give, great weight to the asset's conservation (para 132).

4.26 Furthermore, the relevant saved and emerging local plan policies are set out and are considered within the Council's Heritage and Countryside Manager's comments above.

4.27 The external alterations proposed to the property are limited to the installation of a single window to the rear elevation, which would reflect an existing window and create a mirrored appearance. This alteration is very minor and would not be detrimental to the character of the existing listed building or the wider area, this assessment is reflective of the views of the Council's Heritage and Countryside Manager.

4.28 The internal alterations include the introduction of new stud walls, however these have been proposed in a manner sensitive to the original building. These walls will be set in from the original walls so the historic fabric will be retained unaltered, including coving and skirting, which will be replicated on the new dividing walls. As a result these works would be reversible, should the property be converted back to a single dwelling in the future.

4.29 The Council's Heritage and Countryside manager has concluded that the proposed works can be supported subject to conditions requiring larger scale details of all windows and doors to be submitted, details of means of extraction required to new kitchens and bathrooms to be submitted and a photographic survey of the property to be carried out.

4.30 The application does not include any details of subdivision of the plot at this stage, Hartlepool Civic Society have expressed concern about the potential impact a physical barrier to the front garden could have on the setting of the listed building. As the applicant does not intend to physically subdivide the garden at this stage it is considered appropriate to include a condition on the associated 'full' application (H/2017/0651) requiring details of any such subdivision to be submitted to the Council for approval in the first instance to ensure this does not detract from the setting of the building.

4.31 It is also considered appropriate to require details of bin storage arrangements to be provided to ensure any subdivision takes account of this requirement and prevents storage of bins to the front, again in the interests of preserving the setting of the listed building and this is also secured by a planning condition on the associated 'full' planning application.

CONCLUSION

4.32 The application is considered to be acceptable with respect to the above mentioned relevant material planning considerations and is considered to be in accordance with the saved policies of the adopted Hartlepool Local Plan 2006, emerging policies of the emerging Hartlepool Local Plan 2016 and relevant paragraphs of the NPPF. The development is recommended for approval subject to the planning conditions set out below. If however, planning permission for the subdivision were to be refused, it may be prudent to refuse the application for alterations to the listed building as well, as the works would no longer be necessary and would therefore inappropriate.

EQUALITY AND DIVERSITY CONSIDERATIONS

4.33 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

4.34 The Crime and Disorder Act 1998 requires local authorities to consider crime and disorder reduction in the exercise of all their duties, activities and decision-making.

4.35 There are no Section 17 implications.

REASON FOR DECISION

4.36 It is considered by Officers that the proposal in the context of relevant planning policies and material planning considerations is acceptable as set out in the Officer's Report.

RECOMMENDATION – APPROVE subject to the following planning conditions;

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. The development hereby approved shall be carried out in accordance with drawing numbers 1745/003 (Site Location Plan), 1745-001 (Existing Plans & Elevations), 1745-002 (Proposed Plans and Elevations) all date received 07/12/17 and 1745/004 (Existing & Proposed Site Plans) date received 02/01/18.
For the avoidance of doubt.
3. Prior to the commencement of development a photographic survey of the building shall be carried out and submitted to the Local Planning Authority.
In the interests of recording the historic fabric of the building.
4. Prior to commencement of development large scale details showing all new external doors and windows shall be submitted to and approved in writing by the Local Planning Authority and thereafter the approved details shall be implemented on site.
To enable the Local Planning Authority to control details of the proposed development in the interest of visual amenity and the setting of the heritage assets.
5. Prior to commencement of development details of all new air extraction to kitchens, bathrooms and toilets required as part of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority and thereafter the approved details shall be implemented on site.
To enable the Local Planning Authority to control details of the proposed development in the interest of visual amenity and the setting of the heritage assets.

BACKGROUND PAPERS

4.37 Background papers used in the compilation of reports relating to planning items are available for inspection in Civic Centre, Victoria Road, Hartlepool during working hours. Copies of the applications are available on-line:
<http://eforms.hartlepool.gov.uk:7777/portal/servlets/ApplicationSearchServlet> except for such documents that contain exempt or confidential information and a paper copy of responses received through publicity are also available in the Members library.

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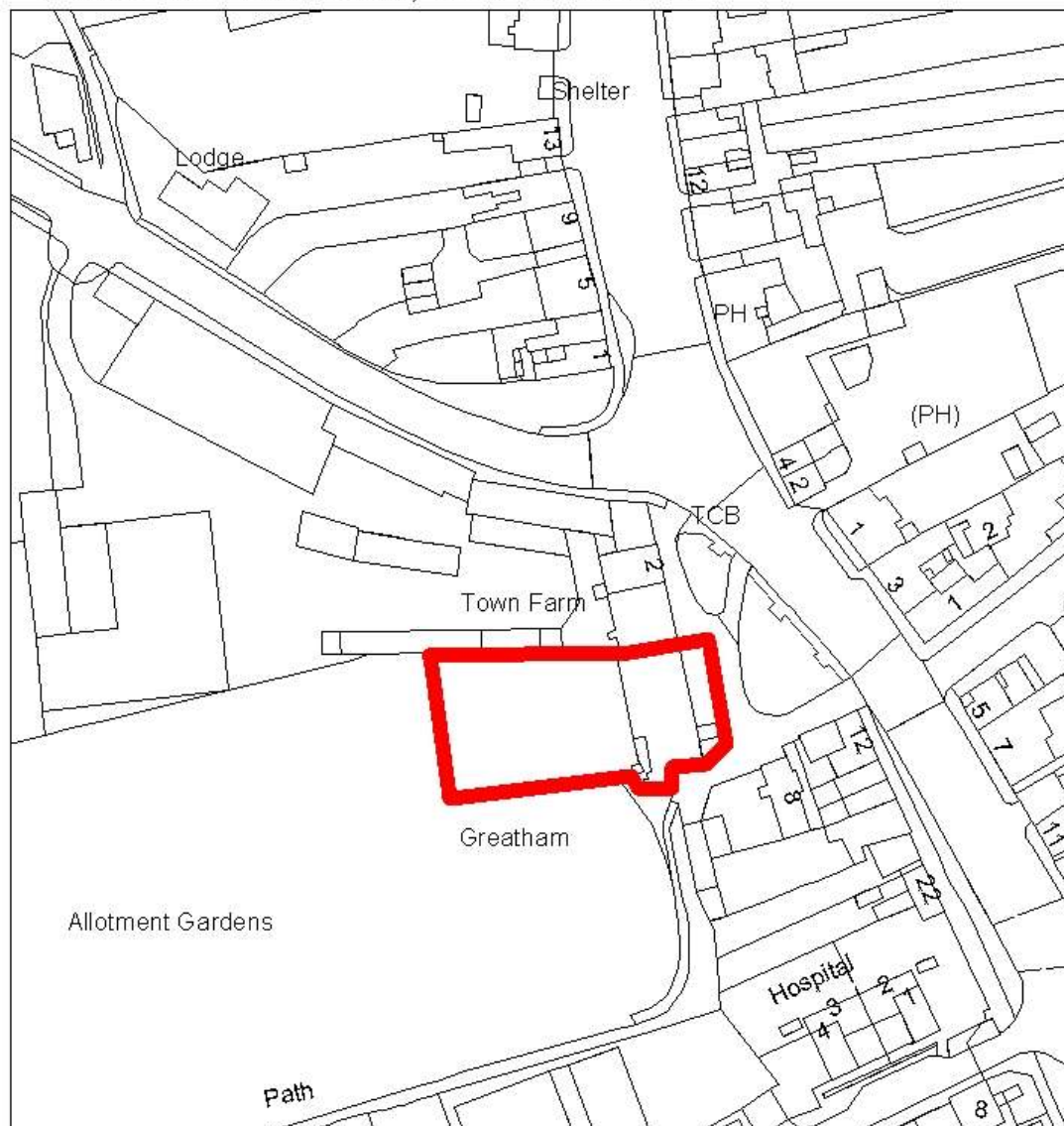
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6 FRONT STREET, GREATHAM



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HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 20/03/18
	SCALE 1:1000	
Regeneration and Neighbourhoods Level 1 Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO H/2017/0650 H/2017/0651	REV

POLICY NOTE

The following details a precis of the policies referred to in the main agenda.
For the full policies please refer to the relevant document.

ADOPTED HARTLEPOOL LOCAL PLAN 2006

Com1 (Development of the Town Centre) - States that the town centre will be developed as the main shopping, commercial and social centre of Hartlepool. The town centre presents opportunities for a range of commercial and mixed use development subject to policies Com2, Com8 and Com9. Proposals for revitalisation and redevelopment should improve the overall appearance of the area, and also public transport, pedestrian and cycleway facilities and linkages. The Borough Council will encourage the enhancement of existing or creation of new open spaces and will seek to secure the reuse of vacant commercial properties including their use for residential purposes. Proposals for A3, A4 and A5 uses will be subject to policies Com12 and Rec13 and will be controlled by the use of planning conditions.

Com2 (Primary Shopping Area) - States that in this area retail development of an appropriate design and scale in relation to the overall appearance and character of the area will be approved. Other uses will only be allowed where they do not impact on the primary retail function of this area or adversely affect the character and amenity of the surrounding area. Display window frontages may be required through planning conditions. Residential uses will be allowed on upper floors where they do not prejudice the further development of commercial activities.

Com3 (Primary Shopping Area – Opportunity Site) - Identifies this area for future retail development. Replacement car parking facilities will be required.

Com4 (Edge of Town Centre Areas) - Defines 10 edge of town centre areas and indicates generally which range of uses are either acceptable or unacceptable within each area particularly with regard to A1, A2, A3, A4, A5, B1, B2, & B8 and D1 uses. Proposals should also accord with related shopping, main town centre uses and recreational policies contained in the plan. Any proposed uses not specified in the policy will be considered on their merits taking account of GEP1.

Com5 (Local Centres) - States that proposals for shops, local services and food and drink premises will be approved within this local centre subject to effects on amenity, the highway network and the scale, function, character and appearance of the area.

Com6 (Commercial Improvement Areas) - States that the Borough Council will encourage environmental and other improvement and enhancement schemes in designated commercial improvement areas.

Com7 (Tees Bay Mixed Use Site) - Identifies this area for mixed uses comprising non food retail, leisure and business uses. Developments

attracting large numbers of visitors should comply with policies Com8 and Rec14.

Com8 (Shopping Development) - States that the sequentially preferred locations for shopping development are firstly within the town centre, then edge-of-centre sites, Victoria Harbour and then other out of centre accessible locations offering significant regeneration benefits. Retail proposals over 500 square metres located outside the primary shopping area will be required to demonstrate need, to justify appropriate scale and to demonstrate that a sequential approach has been followed. All retail proposals over 2500 square metres gross to be accompanied by a Retail Impact Assessment. For proposals between 500 and 2499 sq metres applicants should agree with the Council whether retail impact assessment is required. Legal agreements may be sought to secure rationalisation of retail provision and the improvement of accessibility and conditions will be attached to control hours of operations.

Com9 (Main Town Centre Uses) - States that main town centre uses including retail, office, business, cultural, tourism developments, leisure, entertainment and other uses likely to attract large number of visitors should be located in the town centre. Proposals for such uses outside the town centre must justify the need for the development and demonstrate that the scale and nature of the development are appropriate to the area and that the vitality and viability of the town centre and other centres are not prejudiced. A sequential approach for site selection will be applied with preferred locations after the town centre being edge-of-centre sites, Victoria Harbour and then other out of centre accessible locations offering significant regeneration benefits. Proposals should conform to Com8, To9, Rec14 and Com12. Legal agreements may be negotiated to secure the improvement of accessibility.

Com10 (Retailing in Industrial Areas) - States that retail development which would be suitable in the town centre will not be permitted in identified industrial areas. The policy also lists the types of retailing which may be acceptable in industrial areas.

Com12 (Food and Drink) - States that proposals for food and drink developments will only be permitted subject to consideration of the effect on amenity, highway safety and character, appearance and function of the surrounding area and that hot food takeaways will not be permitted adjoining residential properties. The policy also outlines measures which may be required to protect the amenity of the area.

Com13 (Commercial Uses in Residential Areas) - States that industrial, business, leisure and other commercial development will not be permitted in residential areas unless the criteria set out in the policy relating to amenity, design, scale and impact and appropriate servicing and parking requirements are met and provided they accord with the provisions of Com8, Com9 and Rec14.

Com14 (Business Uses in the Home) - States that proposals for business activities in the home which require planning permission will not be approved unless they adhere to the criteria set out in the policy relating to amenity and the character of the area.

Com16 (Headland – Mixed Use) - Aims to strengthen tourism and established economic activities to increase local employment and prosperity for this area, widen the mix of housing and conserve the environmental heritage of the Headland. Proposals for small scale retail, office and workshops, leisure and educational uses and housing developments of an appropriate scale and complementing the historic and cultural character of the area will be approved in identified mixed use areas at Middlegate, Nun Street and the Manor House site subject to criteria set out in the policy.

Dco1 (Landfill Sites) - States that development on notified landfill sites will only be approved where there will be no harm to occupiers. The policy also requires the provision of protection measures where appropriate.

Dco2 (Flood Risk) - States that the Borough Council will pay regard to the advice of the Environment Agency in considering proposals within flood risk areas. A flood risk assessment will be required in the Environment Agency's Flood Risk Zones 2 and 3 and in the vicinity of designated main rivers. Flood mitigation measures may be necessary where development is approved. Where these are impractical and where the risk of flooding on the land or elsewhere is at a level to endanger life or property, development will not be permitted.

GEP1 (General Environmental Principles) - States that in determining planning applications the Borough Council will have due regard to the provisions of the Development Plan. Development should be located on previously developed land within the limits to development and outside the green wedges. The policy also highlights the wide range of matters which will be taken into account including appearance and relationship with surroundings, effects on amenity, highway safety, car parking, infrastructure, flood risk, trees, landscape features, wildlife and habitats, the historic environment, and the need for high standards of design and landscaping and native species.

GEP2 (Access for All) - States that provision will be required to enable access for all (in particular for people with disabilities, the elderly and people with children) in new developments where there is public access, places of employment, public transport and car parking schemes and where practical in alterations to existing developments.

GEP3 (Crime Prevention by Planning and Design) - States that in considering applications, regard will be given to the need for the design and layout to incorporate measures to reduce crime and the fear of crime.

GEP7 (Frontages of Main Approaches) - States that particularly high standards of design, landscaping and woodland planting to improve the visual environment will be required in respect of developments along this major corridor.

GEP9 (Developer Contribution's) States that the Borough Council will seek contributions from developers for the provision of additional works deemed to be required as a result of the development. The policy lists examples of works for which contributions will be sought.

GEP10 (Provision of Public Art) Encourages the provision of public art and craftwork as an integral feature of new development.

GEP12 (Trees, Hedgerows and Development) States that the Borough Council will seek within development sites, the retention of existing and the planting of additional, trees and hedgerows. Development may be refused if the loss of, or damage to, trees or hedgerows on or adjoining the site will significantly impact on the local environment and its enjoyment by the public. Tree Preservation Orders may be made where there are existing trees worthy of protection, and planning conditions will be imposed to ensure trees and hedgerows are adequately protected during construction. The Borough Council may prosecute if there is damage or destruction of such protected trees.

GEP16 (Untidy Sites) - States intention to acquire by compulsory purchase untidy sites in order to achieve the proper planning of an area.

GEP17 (Derelict Land Reclamation) - States that subject to finance the Council will pursue the reclamation and re-use of derelict and disused land, including the area of the former anhydrite mine. Landscaping and tree planting will be included in schemes and account taken of open space and recreational uses and also of the nature conservation value of sites.

GEP18 (Development on Contaminated Land) - States that development on potentially contaminated land will be encouraged where the extent of the contamination has been verified, remedial measures have been identified and where there will be no significant risk to occupiers of adjacent properties or adverse effect on the environment.

GN1 (Enhancement of the Green Network) - Seeks the development, protection and enhancement of a network of green spaces in the urban area and linking to the open countryside.

GN2 (Protection of Green Wedges) - Strictly controls development in this green wedge where planning permission will only be given for development comprising extensions to existing buildings within the area, or providing ancillary facilities to recreational uses, or providing wildlife sites and subject to the effect on the overall integrity of the green wedge.

GN3 (Protection of Key Green Space Areas) - Strictly controls development of this area and states that planning permission will only be granted for developments relating to open space uses subject to the effect on visual and amenity value and character of the area, on existing uses, the continuity of the green network and on areas of wildlife interest.

GN4 (Landscaping of Main Approaches) - States that the Borough Council will undertake strategic landscaping schemes and woodland planting along this corridor.

GN5 (Tree Planting) - Seeks additional tree and woodland planting in this area through the use of planning conditions and obligations.

GN6 (Protection of Incidental Open Space) - Resists the loss of incidental open space, other than in the exceptional circumstances set out in the policy. Compensatory provision or enhancement of nearby space will be required where open space is to be developed.

HE1 (Protection and Enhancement of Conservation Areas) - States that development will only be approved where it can be demonstrated that the development will preserve or enhance the character or appearance of the Conservation Area and does not adversely affect amenity. Matters taken into account include the details of the development in relation to the character of the area, the retention of landscape and building features and the design of car parking provision. Full details should be submitted and regard had to adopted guidelines and village design statements as appropriate.

HE2 (Environmental Improvements in Conservation Areas) - Encourages environmental improvements to enhance conservation areas.

HE3 (Developments in the Vicinity of Conservation Areas) - States the need for high quality design and materials to be used in developments which would affect the setting of conservation areas and the need to preserve or enhance important views into and out of these areas.

HE6 (Protection and Enhancement of Registered Parks and Gardens) - States that design and materials in new developments in the immediate vicinity of registered parks and gardens of special historic interest should take account of the character of the area and that no special features should be lost to development.

HE8 (Works to Listed Buildings (Including Partial Demolition))
States that traditional materials and sympathetic designs should be used in works to listed buildings and to adjoining or nearby properties affecting the setting of the building. These should be in keeping with the character and special interest of the building. Those internal features and fittings comprising an integral part of the character of the building should be retained where practical. Alterations to part of a listed building will only be approved where the main part of the building is preserved or enhanced and no significant features of interest are lost.

HE12 (Protection of Locally Important Buildings) - The policy sets out the factors to be considered in determining planning applications affecting a listed locally important building. The Council will only support the demolition or alteration of locally important buildings where it is demonstrated that this would preserve or enhance the character of the site and the setting of other buildings nearby.

HE15 (Areas of Historic Landscape) - States that the Borough Council will seek to protect or enhance the salt mound area at Seaton Common and that any development will require an archaeological evaluation of the site. New historic landscapes may be designated where appropriate.

Hsg1 (Housing Improvements) - States that a high priority will be given to the improvement of the existing housing stock and to the enhancement of the local environment particularly in areas of high deprivation.

Hsg2 (Selective Housing Clearance) - States that selective demolition will be carried out to contribute to restoring the balance between demand and supply and to achieve better local amenities and a better environment. The policy also sets out criteria for re-use and re-development of cleared sites.

Hsg3 (Housing market Renewal) - States that the Council will seek to tackle the problem of imbalance of supply and demand in the existing housing stock through programmes of demolition, redevelopment, property improvement and environmental and street enhancement works. Priority will be given to West Central and North Central areas of the town.

Hsg4 (Central Area Housing) - States that the spread of commercial uses to the residential areas around, but outside the defined town centre will be resisted except where they involve the provision of local services or community based uses.

Hsg5 (Management of Housing Land Supply) - A Plan, Monitor and Manage approach will be used to monitor housing supply. Planning permission will not be granted for proposals that would lead to the strategic housing requirement being significantly exceeded or the recycling targets not being met. The policy sets out the criteria that will be taken into account in considering applications for housing developments including regeneration benefits, accessibility, range and choice of housing provided and the balance of housing supply and demand. Developer contributions towards demolitions and improvements may be sought.

Hsg6 (Mixed Use Areas) - Identifies this area for mixed use development including housing subject to there being no detrimental effect on the overall housing strategy for reducing the imbalance between supply and demand. Developer contributions towards demolitions and improvements may be sought. The policy sets out the phasing of housing provision on this site, but additional dwellings may be permitted at Victoria Harbour should the Plan, Monitor and Manage approach suggest that this can be done without

detriment to the strategic housing requirement. A flood risk assessment may be required.

Hsg7 (Conversions for Residential Uses) - States that conversions to flats or houses in multiple occupation will be approved subject to considerations relating to amenity and the effect on the character of the area. Parking requirements may be relaxed.

Hsg9 (New Residential Layout – Design and Other Requirements) - Sets out the considerations for assessing residential development including design and effect on new and existing development, the provision of private amenity space, casual and formal play and safe and accessible open space, the retention of trees and other features of interest, provision of pedestrian and cycle routes and accessibility to public transport. The policy also provides general guidelines on densities.

Hsg10 (Residential Extensions) - Sets out the criteria for the approval of alterations and extensions to residential properties and states that proposals not in accordance with guidelines will not be approved.

Hsg11 (Residential Annexes) - States that extensions to provide accommodation for relatives will be approved where they are designed to enable incorporation into the existing dwelling when no longer required. Where extensions are not appropriate and a separate dwelling is provided within the curtilage, planning conditions will bind its occupation to that of the main dwelling.

Hsg12 (Homes and Hostels) - States that proposals for residential institutions will be approved subject to considerations of amenity, accessibility to public transport, shopping and other community facilities and appropriate provision of parking and amenity space.

Hsg13 (Residential Mobile Homes) - States that proposals for the development of additional land for mobile homes will only be approved on land within the urban fence which is not allocated for permanent development, is not protected open space and which is accessible to public transport, schools and other local facilities. Substantial landscaping of the site will be required.

Hsg14 (Gypsy Site) - States that gypsy sites will be allowed subject to considerations of amenity of both the occupiers and neighbours, accessibility to and within the site, accessibility to facilities and provision of screening and landscaping.

Ind1 (Wynyrd Business Park) - States that land is reserved for development as a business park. Proposals for business development, and for those general industrial and storage uses which do not significantly affect amenity or prejudice the development of adjoining land, will be allowed where they meet the criteria set out in the policy. Town centre uses will not be allowed unless they are primarily providing support facilities for the business park. Travel

plans will be required for large scale developments. The creation and maintenance of features of nature conservation interest and landscaping and woodland planting will be sought through planning conditions and legal agreements.

Ind2 (North Burn Electronics Components Park) - States that land is reserved for development as an electronics components park and that proposals for developments associated with the electronics industry will be approved where they meet the criteria set out in the policy. Town centre uses will not be allowed unless they are primarily providing support facilities for the business park. Travel plans will be required for large scale developments.

Ind3 (Queens Meadow Business Park) - States that land is reserved for development as a business park. Proposals for business development, and for those general industrial and storage uses which do not significantly affect amenity or prejudice the development of adjoining land, will be allowed where they meet the criteria set out in the policy. Town centre uses will not be allowed unless they are primarily providing support facilities for the business park. Travel plans will be required for large scale developments.

Ind4 (Higher Quality Industrial Estates) - States that this land is reserved for higher quality industrial development. Proposals for business development, and for those general industrial and storage uses which do not significantly affect amenity or prejudice the development of adjoining land, will be allowed where they meet the criteria set out in the policy. Travel plans will be required for large scale developments.

Ind5 (Industrial Areas) - States that business uses and warehousing will be permitted in this area. General industry will only be approved in certain circumstances. A particularly high quality of design and landscaping will be required for development fronting the main approach roads and estate roads.

Ind6 (Bad Neighbour Uses) - Identifies part of the Sandgate area for the location of bad neighbour uses. Such uses will only be permitted subject to criteria in the policy relating to nuisance, visibility, screening, size of site and adequacy of car parking and servicing.

Ind7 (Port-Related Development) - Identifies this land for development making use of port facilities. Proposals for such uses will only be allowed subject to the criteria set out in policies WL1 and WL2 relating to the protection of international and national nature conservation sites and where there will be no detrimental effect on the operation of the power station or on existing industry in the vicinity. Regard will also be had to policy Dco2 regarding flood risk.

Ind8 (Industrial Improvement Areas) - States that the Borough Council will encourage environmental and other improvement and enhancement schemes in designated industrial improvement areas.

Ind9 (Potentially Polluting or Hazardous Developments) - Reserves land in this area for developments which are potentially polluting or hazardous. These will be permitted where there is no significant detrimental effect on the environment or on designated nature conservation sites, on amenity or on the development of neighbouring land. In these respects special regard will be had to advice received from the Health and safety Executive, HM Inspector of Pollution, the Environment Agency and English Nature as appropriate.

Ind10 (Underground Storage) - States that proposals for underground storage in this area will only be approved subject to criteria set out in the policy relating to risk to people, effect on the aquifer, watercourses and nature conservation sites, and amount and visibility of above ground structures. In these respects particular regard will be taken of advice received from the Health and Safety Executive, the Environment Agency, Hartlepool Water Company and English Nature as appropriate.

Ind11 (Hazardous Substances) - States that proposals for the introduction of hazardous substances will be permitted on sites identified in policy Ind9 for potentially polluting or hazardous substances subject to there being no significant increase in risk to people or significant adverse effect on designated nature conservation sites in the vicinity. In considering such proposals at other locations the Borough Council will also need to be satisfied that they will not inhibit the full opportunities for development of nearby sites.

PU3 (Sewage Treatment Works) - Allocates land at Tees Road/Brenda Road for a full sewage treatment works and sets out the considerations for the approval of extensions to existing treatment works.

PU6 (Nuclear Power Station Site) - States that development proposals on this land will be approved subject to consideration of visual impact, increased traffic flows and effect on designated nature conservation sites taking into account the advice of the Health and Safety Executive, English Nature and the Environment Agency. An environmental assessment may be required.

PU7 (Renewable Energy Developments) - States that renewable energy projects will generally be supported to facilitate the achievement of national targets for electricity generating capacity. In determining applications significant weight will be given to achieving wider environmental and economic benefits. Account will also be taken of the impact on the character of the area, amenity of residents, ecology and radar and telecommunications. A restoration scheme should be submitted.

PU10 (Primary School Location) - Reserves this land for the provision of a primary school and states that if the school is not required then part of the site outside the green wedge may be developed for housing.

PU11 (Primary School Site) - Allocates this land for a replacement school and states that if the school is not required then the site will be retained for outdoor recreational use.

Rec1 (Coastal Recreation) - States that proposals for outdoor recreational developments on this part of the coast will only be approved where the development does not significantly detract from the nature of the surrounding coastal landscape, its effect on nature conservation and on heritage interest and where the development enhances the quiet enjoyment of the coast subject to the provisions of WL1 and WL2. Active pursuits should be located within the Marina, Victoria Harbour and Seaton Carew.

Rec2 (Provision for Play in New Housing Areas) - Requires that new developments of over 20 family dwellings provide, where practicable, safe and convenient areas for casual play. Developer contributions to nearby facilities will be sought where such provision cannot be provided.

Rec3 (Neighbourhood Parks) - Identifies locations for neighbourhood parks and states that developer contributions will be sought to assist in their development and maintenance.

Rec4 (Protection of Outdoor Playing Space) - Seeks to protect existing areas of outdoor playing space and states that loss of such areas will only be acceptable subject to appropriate replacement or where there is an excess or to achieve a better dispersal of playing pitches or where the loss of school playing field land does not prejudice its overall integrity. Where appropriate, developer contributions will be sought to secure replacement or enhancing of such land remaining.

Rec5 (Development of Sports Pitches) - Identifies this location for the development and improvement of sports pitches.

Rec6 (Dual Use of School Facilities) - Seeks the wider community use of school sports and playing field facilities. Developers contributions may be sought in this respect.

Rec7 (Outdoor Recreational Sites) - Identifies this site for outdoor recreational and sporting development requiring few built facilities.

Rec8 (Areas of Quiet Recreation) - Identifies that this area will be developed for quiet recreational purposes.

Rec9 (Recreational Routes) - States that a network of recreational routes linking areas of interest within the urban area will be developed and that proposals which would impede the development of the routes will not be permitted.

Rec10 (Summerhill) - States that Summerhill will continue to develop as an access point to the countryside, nature conservation and informal recreational and sporting activities.

Rec12 (Land West of Brenda Road) - Identifies this land for outdoor recreational purposes.

Rec13 (Late Night Uses) - States that late night uses will be permitted only within the Church Street mixed use area, or the southwest area of the Marina subject to criteria relating to amenity issues and the function and character of these areas. Developer contributions will be sought where necessary to mitigate the effects of developments.

Rec14 (Major Leisure Developments) - States that major leisure developments should be located within the town centre. Then policy then sets out the sequential approach for preferable locations after the town centre as edge of centre sites including the Marina, then Victoria Harbour, or the Headland or Seaton Carew as appropriate to the role and character of these areas and subject to effect on the town centre, and then elsewhere subject also to accessibility considerations. The need for the development should be justified and travel plans prepared. Improvements to public transport, cycling and pedestrian accessibility to the development will be sought where appropriate.

Rur1 (Urban Fence) - States that the spread of the urban area into the surrounding countryside beyond the urban fence will be strictly controlled. Proposals for development in the countryside will only be permitted where they meet the criteria set out in policies Rur7, Rur11, Rur12, Rur13 or where they are required in conjunction with the development of natural resources or transport links.

Rur2 (Wynyard Limits to Development) - States that housing and employment land is identified within the Wynyard limit to development but that expansion beyond that limit will not be permitted.

Rur3 (Village Envelopes) - States that expansion beyond the village limit will not be permitted.

Rur4 (Village Design Statements) - States that the design of new developments within villages will need to take account of any relevant village design statements which have been adopted by the Borough Council as supplementary planning guidance.

Rur5 (Development At Newton Bewley) - States that minor infill/redevelopment of existing sites within the defined village limit will only be approved where no increase in the volume of traffic at access points will result.

Rur7 (Development in the Countryside) - Sets out the criteria for the approval of planning permissions in the open countryside including the development's relationship to other buildings, its visual impact, its design and use of traditional or sympathetic materials, the operational requirements agriculture and forestry and viability of a farm enterprise, proximity to intensive livestock units, and the adequacy of the road network and of sewage disposal. Within the Tees Forest area, planning conditions and obligations may be used to ensure planting of trees and hedgerows where appropriate.

Rur12 (New Housing in the Countryside) - States that isolated new dwellings in the countryside will not be permitted unless essential for the efficient functioning of viable agricultural, forestry, or other approved or established uses in the countryside and subject to appropriate siting, design, scale and materials in relation to the functional requirement and the rural environment. Replacement dwellings will only be permitted where existing accommodation no longer meets modern standards and the scale of the development is similar to the original. Infrastructure including sewage disposal must be adequate.

Rur14 (The Tees Forest) - States that proposals within the Tees Forest should take account of the need to include tree planting, landscaping and improvements to the rights of way network. Planning conditions may be attached and legal agreements sought in relation to planning approvals.

Rur15 (Small Gateway Sites) - Identifies this location for a small gateway site where informal recreational and leisure facilities of a modest nature will be developed. The potential for further sites will be kept under review and new sites will be identified as appropriate.

Rur16 (Recreation in the Countryside) - States that proposals for outdoor recreational developments in rural areas will only be permitted if the open nature of the landscape is retained, the best agricultural land is protected from irreversible development, there are no new access points to the main roads, the local road network is adequate, the amount of new building is limited and appropriately designed, sited and landscaped, there is no disturbance to nearby occupiers, countryside users or nature conservation interest and adequate car parking can be provided. Within the Tees Forest area, planning conditions and obligations may be used to ensure planting of trees and hedgerows where appropriate.

Rur17 (Strategic Recreational Routes) - Safeguards this walkway from development not directly associated with its use as a major recreational route.

Rur18 (Rights of Way) - States that rights of way will be improved to form a network of leisure walkways linking the urban area to sites and areas of interest in the countryside.

Rur19 (Summerhill- Newton Bewley Greenway) - Reserves land on the western edge of the urban area for the creation of the Summerhill, Brierton to Cowpen Bewley greenway and requires that development in the vicinity takes account of the need to maintain an adequate through route for use by pedestrians, cyclists and horse riders.

Rur20 (Special Landscape Areas) - : States that development in this special landscape area will not be permitted unless it is sympathetic to the local rural character in terms of design, size and siting and building materials and it incorporates appropriate planting schemes

To1 (Tourism Development in the Marina) - States that this area will continue to be developed as a major tourist attraction and that the Borough Council will seek to protect the areas of water from development.

To2 (Tourism at the Headland) - Supports appropriate visitor-related developments which are sensitive to the setting, character and maritime and christian heritage of this area.

To3 (Core Area of Seaton Carew) - States that commercial and leisure developments within this area will be permitted where they are sympathetic to the character of the area and in keeping with its development as a seaside resort.

To4 (Commercial Development Sites at Seaton Carew) - Identifies this area for appropriate commercial and recreational facilities which will enhance the attraction of Seaton Carew for both residents and visitors.

To6 (Seaton Park) - States that this area will be developed with additional recreational facilities to increase its attractiveness to users.

To8 (Teesmouth National Nature Reserve) - Seeks to promote this area as a tourist attraction by encouraging its enhancement and sustainable green tourism.

To9 (Tourist Accommodation) - Identifies the town centre and Marina, Victoria Harbour, the Headland and Seaton Carew as areas for new accommodation and promotes the enhancement of existing facilities.

To10 (Touring Caravan Sites) - States that proposals for touring caravan sites will only be approved where they do not intrude into the landscape and subject to highway capacity considerations, the provision of substantial landscaping and availability of adequate sewage disposal facilities.

To11 (Business Tourism and Conferencing) - Encourages and promotes development relating to business conferencing and tourism.

Tra1 (Bus Priority Routes) - Sets out the measures that will be taken to improve the passage of buses and the comfort of passengers along the north-south bus priority route. Other bus priority routes will be identified.

Tra2 (Railway Line Extensions) - Identifies a safeguarded corridor for the Seaton Snook branch line to Seal Sands. Development proposals affecting this corridor will only be approved if a feasible alternative through route is retained.

Tra3 (Rail Halts) - Encourages the provision of new rail halts along the rail corridor. Initially, a rail halt will be developed at Hart Station.

Tra4 (Public Transport Interchange) - Provisionally identifies this site for a public transport interchange facility. Permanent development impeding this provision will not be permitted.

Tra5 (Cycle Networks) - States that provision will be made for a comprehensive network of cycle routes and that new housing and industrial development and highway and traffic management schemes should take account of the need to provide links to the network.

Tra7 (Pedestrian Linkages: Town Centre/ Headland/ Seaton Carew) - States that improvements will continue to be made to the pedestrian environment in the central area and improved links provided between the primary shopping area and other parts of the town centre. Pedestrian links will also be provided within and between the Marina, Seaton Carew and the Headland, including a proposed new pedestrian bridge at Victoria Harbour.

Tra8 (Pedestrian Routes- Residential Areas) - States that safe and convenient pedestrian routes linking new housing to local facilities and amenities should be provided.

Tra9 (Traffic Management in the Town Centre) - States that changes to the road system around York Road, Victoria Road, Clarence Road and Middleton Road will be implemented including one-way systems and bus priority routes. Traffic minimisation and environmental improvements will be implemented, where appropriate, to the west of York Road.

Tra10 (Road Junction Improvements) - Identifies road junctions where improvement schemes will be carried out.

Tra11 (Strategic Road Schemes) - Identifies this land as a safeguarded road improvement corridor where no permanent development will be permitted.

Tra12 (Road Scheme: North Graythorp) - Safeguards this land for the construction of a link road, but allows for some variation in the corridor so long as a through route is retained.

Tra13 (Road Schemes: Development Sites) - States that no permanent development will be permitted on this land which is safeguarded for the provision of a new road.

Tra14 (Access to Development Sites) - Identifies the primary access point to this development.

Tra15 (Restriction on Access to Major Roads) - States that new access points or intensification of existing accesses will not be approved along this road. The policy also states that the Borough Council will consult the Highways Agency on proposals likely to generate a material increase in traffic on the A19 Trunk Road.

Tra16 (Car Parking Standards) - The Council will encourage a level of parking with all new developments that supports sustainable transport choices. Parking provision should not exceed the maximum for developments set out in Supplementary Note 2. Travel plans will be needed for major developments.

Tra17 (Railway Sidings) - Seeks to preserve access from industrial land to the railway and supports the provision of new rail sidings.

Tra18 (Rail Freight Facilities) - Sets out the considerations for the development rail based freight handling facilities including impact on surrounding area and provision of adequate access.

Tra20 (Travel Plans) - Requires that travel plans are prepared for major developments. Developer contributions will be sought to secure the improvement of public transport, cycling and pedestrian accessibility within and to the development.

WL2 (Protection of Nationally Important Nature Conservation Sites) - States that developments likely to have a significant adverse effect on SSSIs will be subject to special scrutiny and may be refused unless the reasons for development clearly outweigh the harm to the special nature conservation interest of the site. Where development is approved, planning obligations or conditions will be considered to avoid and minimise harm to the site, to enhance its interest and to secure any necessary compensatory measures.

WL3 (Enhancement of Sites of Special Scientific Interest) - States that the Borough Council will enhance the quality of SSSIs in a sustainable manner and will seek management agreements with owners or occupiers to protect native species and habitats from damage or destruction.

WL5 (Protection of Local Nature Reserves) - States that development likely to have an adverse effect on a local nature reserve will not be permitted unless the reasons for development outweigh the harm to the substantive nature conservation value of the site.

WL7 (Protection of SNCIs, RIGSs and Ancient Semi-Natural Woodland) - States that development likely to have a significant adverse affect on locally declared nature conservation, geological sites or ancient semi-natural woodland (except those allocated for another use) will not be permitted unless the reasons for the development clearly outweigh the particular interest of the site. Where development is approved, planning conditions and obligations may be used to minimise harm to the site, enhance remaining nature conservation interest and secure ensure any compensatory measures and site management that may be required.

MINERALS & WASTE DPD 2011

Policy MWP1: Waste Audits : A waste audit will be required for all major development proposals. The audit should identify the amount and type of

waste which is expected to be produced by the development, both during the construction phase and once it is in use. The audit should set out how this waste will be minimised and where it will be managed, in order to meet the strategic objective of driving waste management up the waste hierarchy.

Policy MWC4: Safeguarding of Minerals Resources from Sterilisation

Within the minerals safeguarding areas, non-minerals development will only be permitted in the following circumstances:

- a) the development would not sterilise or prejudice the future extraction of the mineral resource because there is evidence that the resource occurs at depth and can be extracted in an alternative way or there is evidence that the resource has been sufficiently depleted by previous extraction; or
- b) the mineral will be extracted prior to development and this will not significantly adversely affect the timing and viability of the non-minerals development; or
- c) the need for the non-mineral development can be demonstrated to outweigh the need for the mineral resource.

Policy MWC6: Waste Strategy

The sustainable management of waste arisings in the Tees Valley will be delivered through:

- a) making provision for sufficient annual waste management capacity to allow:
 - i) 40% of household waste from the Tees Valley to be recycled or composted from 2010, rising to 46% from 2016;
 - ii) to recover value from 53% of municipal solid waste from the Tees Valley from 2010, rising to 72% from 2016; and
 - iii) to increase the recovery of value from commercial and industrial waste from the Tees Valley to 73% from 2016;
- b) promoting facilities and development that drives waste management up the waste hierarchy;
- c) the distribution of waste management sites across the Tees Valley
- d) safeguarding the necessary infrastructure to enable the sustainable transport of waste,
- e) developing the regional and national role of the Tees Valley for the management of specialist waste streams.

Proposals should have no adverse impact on the integrity of the SPA, Ramsar and other European sites, either alone or in combination with other plans or programmes. All waste developments must be compatible with their setting and not result in unacceptable impacts on public amenity, environmental, historic or cultural assets from their design, operations, management and, if relevant, restoration.

Policy MWC7: Waste Management Requirements

Land will be provided for the development of waste management facilities to meet the identified requirements of the Tees Valley, as follows:

- a) for the composting of at least 16,000 tonnes of municipal solid waste per year from 2010, rising to at least 24,000 tonnes per year in 2016 and 31,000 tonnes per year by 2021;
- b) for the recovery of value from at least 103,000 tonnes of municipal solid waste and commercial and industrial waste per year from 2010, falling to 83,000 tonnes per year by 2021;
- c) for the recycling of at least 700,000 tonnes of construction and demolition waste per year from 2016, rising to 791,000 tonnes per year by 2021; and
- d) to provide additional treatment and management facilities to reduce the amount of hazardous waste that is sent for landfill or disposal each year from the 2007 level of around 130,000 tonnes.

NATIONAL PLANNING POLICY FRAMEWORK (NPPF) 2012

1. The National Planning Policy Framework sets out the Government's planning policies for England and how these are expected to be applied. It sets out the Government's requirements for the planning system only to the extent that it is relevant, proportionate and necessary to do so. It provides a framework for producing distinctive local and neighbourhood plans.

2. Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework must be taken into account in the preparation of local and neighbourhood plans, and is a material consideration in planning decisions.

4. This Framework should be read in conjunction with the Government's planning policy for traveller sites. Local planning authorities preparing plans for and taking decisions on travellers sites should also have regard to the policies in this Framework so far as relevant.

6. The purpose of the planning system is to contribute to the achievement of sustainable development. The policies in paragraphs 18 to 219, taken as a whole, constitute the Government's view of what sustainable development in England means in practice for the planning system.

7. There are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

- an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;
- a social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and

●an environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.

8. To achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system. The planning system should play an active role in guiding development to sustainable solutions.

9. Pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people's quality of life.

10. Plans and decisions need to take local circumstances into account, so that they respond to the different opportunities for achieving sustainable development in different areas.

11. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

12. This National Planning Policy Framework does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise.

13. The National Planning Policy Framework is a material consideration in determining applications.

14: At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.

17: within the overarching roles that the planning system ought to play, a set of core land-use planning principles should underpin both plan-making and decision-taking. These 12 principles are that planning should:

- be genuinely plan-led, empowering local people to shape their surrounding, with succinct local and neighbourhood plans setting out a positive vision for the future of the area. Plans should be kept up-to-date, and be based on joint working and co-operation to address larger than local issues. They should provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency;
- not simply be about scrutiny, but instead be a creative exercise in finding ways to enhance and improve the places in which people live their lives;

- proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth. Plans should take account of market signals, such as land prices and housing affordability, and set out a clear strategy for allocating sufficient land which is suitable for development in their area, taking account of the needs of the residential and business communities;
- always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
- take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it;
- support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change, and encourage the reuse of existing resources, including conversion of existing buildings, and encourage the use of renewable resources (for example, by the development of renewable energy);
- contribute to conserving and enhancing the natural environment and reducing pollution. Allocations of land for development should prefer land of lesser environmental value, where consistent with other policies in the framework;
- encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value;
- promote mixed use developments, and encourage multiple benefits from the use of land in urban and rural areas, recognising that some open land can perform many functions (such as for wildlife, recreation, flood risk mitigation, carbon storage, or food production);
- conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations;
- actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable; and
- take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs.

18. The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future.

19. The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth.

Therefore significant weight should be placed on the need to support economic growth through the planning system.

22. Planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Land allocations should be regularly reviewed. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.

23. Planning policies should be positive, promote competitive town centre environments and set out policies for the management and growth of centres over the plan period. In drawing up Local Plans, local planning authorities should:

- recognise town centres as the heart of their communities and pursue policies to support their viability and vitality;
- define a network and hierarchy of centres that is resilient to anticipated future economic changes;
- define the extent of town centres and primary shopping areas, based on a clear definition of primary and secondary frontages in designated centres, and set policies that make clear which uses will be permitted in such locations;
- promote competitive town centres that provide customer choice and a diverse retail offer and which reflect the individuality of town centres;
- retain and enhance existing markets and, where appropriate, re- introduce or create new ones, ensuring that markets remain attractive and competitive;
- allocate a range of suitable sites to meet the scale and type of retail, leisure, commercial, office, tourism, cultural, community and residential development needed in town centres. It is important that needs for retail, leisure, office and other main town centre uses are met in full and are not compromised by limited site availability. Local planning authorities should therefore undertake an assessment of the need to expand town centres to ensure a sufficient supply of suitable sites;
- allocate appropriate edge of centre sites for main town centre uses that are well connected to the town centre where suitable and viable town centre sites are not available. If sufficient edge of centre sites cannot be identified, set policies for meeting the identified needs in other accessible locations that are well connected to the town centre;
- set policies for the consideration of proposals for main town centre uses which cannot be accommodated in or adjacent to town centres;
- recognise that residential development can play an important role in ensuring the vitality of centres and set out policies to encourage residential development on appropriate sites; and
- where town centres are in decline, local planning authorities should plan positively for their future to encourage economic activity.

24. Local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. They should require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale.

25. The sequential approach set out in paragraph 24 should not be applied to applications for small scale rural offices or other small scale rural development.

26. When assessing applications for retail, leisure and office development outside of town centres, which are not in accordance with an up-to-date Local Plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold (if there is no locally set threshold, the default threshold is 2,500 sq m). This should include assessment of:

- the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and
- the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area, up to five years from the time the application is made. For major schemes where the full impact will not be realised in five years, the impact should also be assessed up to ten years from the time the application is made.

28. Planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should:

- support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings;
- promote the development and diversification of agricultural and other land-based rural businesses;
- support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside. This should include supporting the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres; and
- promote the retention and development of local services and community facilities in villages, such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship.

30. Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. In preparing Local Plans,

local planning authorities should therefore support a pattern of development which, where reasonable to do so, facilitates the use of sustainable modes of transport.

32. All developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Decisions should take account of whether:

- the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;
- safe and suitable access to the site can be achieved for all people; and
- improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

33. When planning for ports plans should take account of their growth and role in serving business, leisure, training and emergency service needs.

34. Decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. However this needs to take account of policies set out elsewhere in this Framework, particularly in rural areas.

35. Developments should be located and designed where practical to:

- accommodate the efficient delivery of goods and supplies;
- give priority to pedestrian and cycle movements, and have access to high quality public transport facilities;
- create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians, avoiding street clutter and where appropriate establishing home zones;
- incorporate facilities for charging plug-in and other ultra-low emission vehicles; and
- consider the needs of people with disabilities by all modes of transport.

36. All developments which generate significant amounts of movement should be required to provide a Travel Plan.

37. Planning policies should aim for a balance of land uses within their area so that people can be encouraged to minimise journey lengths for employment, shopping, leisure, education and other activities.

39. If setting local parking standards for residential and non-residential development, local planning authorities should take into account:

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

43. Radio and telecommunications masts and sites for such installations should be kept to a minimum consistent with the efficient operation of the network. Existing masts, buildings and other structures should be used, unless the need for a new site has been justified. Where new sites are required, equipment should be sympathetically designed and camouflaged where appropriate.

44. Local planning authorities should not insist on minimum distances between new telecommunications development and existing development. They should ensure that:

- they have evidence to demonstrate that telecommunications infrastructure will not cause significant and irremediable interference with other electrical equipment, air traffic services or instrumentation operated in the national interest; and
- they have considered the possibility of the construction of new buildings or other structures interfering with broadcast and telecommunications services.

45. Applications for telecommunications development (including for prior approval under Part 24 of the General Permitted Development Order) should be supported by the necessary evidence to justify the proposed development.

47. To boost significantly the supply of housing, local planning authorities should:

- use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with the policies set out in this Framework, including identifying key sites which are critical to the delivery of the housing strategy over the plan period;
- identify and update annually a supply of specific deliverable¹¹ sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land;
- identify a supply of specific, developable¹² sites or broad locations for growth, for years 6-10 and, where possible, for years 11-15;
- for market and affordable housing, illustrate the expected rate of housing delivery through a housing trajectory for the plan period and set out a housing implementation strategy for the full range of housing describing how they will maintain delivery of a five-year supply of housing land to meet their housing target; and
- set out their own approach to housing density to reflect local circumstances.

48. Local planning authorities may make an allowance for windfall sites in the five-year supply if they have compelling evidence that such sites have consistently become available in the local area and will continue to provide a reliable source of supply. Any allowance should be realistic having regard to the Strategic Housing Land Availability Assessment, historic windfall delivery rates and expected future trends, and should not include residential gardens.

49: Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.

50: To deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, local planning authorities should:

- plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes);
- identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand; and
- where they have identified that affordable housing is needed, set policies for meeting this need on site, unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified (for example to improve or make more effective use of the existing housing stock) and the agreed approach contributes to the objective of creating mixed and balanced communities. Such policies should be sufficiently flexible to take account of changing market conditions over time.

51. Local planning authorities should normally approve planning applications for change to residential use and any associated development from commercial buildings (currently in the B use classes) where there is an identified need for additional housing in that area, provided that there are not strong economic reasons why such development would be inappropriate.

53. Local planning authorities should resist inappropriate development of residential gardens where development would cause harm to the local area.

54. In rural areas, local planning authorities should be responsive to local circumstances and plan housing development to reflect local needs, particularly for affordable housing, including through rural exception sites where appropriate. Local planning authorities should in particular consider whether allowing some market housing would facilitate the provision of significant additional affordable housing to meet local needs.

55 states that Local Planning Authorities should avoid new isolated homes in the countryside unless there are special circumstances such as:

- a) The essential need for a rural worker to live permanently at or near their place of work in the countryside; or
- b) Where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or
- c) Where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or
- d) The exceptional quality or innovative nature of the design of the dwelling.

56: The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

57: It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.

58. Local and neighbourhood plans should develop robust and comprehensive policies that set out the quality of development that will be expected for the area. Planning Policies and decisions should aim to ensure that developments...respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation.

60. Planning decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness.

61: Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.

63. In determining applications, great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area.

64: Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

66: Applicants will be expected to work closely with those directly affected by their proposals to evolve designs that take account of the views of the community. Proposals that can demonstrate this in developing the design of the new development should be looked on more favourably.

67: Poorly placed advertisements can have a negative impact on the appearance of the built and natural environment. Control over outdoor advertisements should be efficient, effective and simple in concept and operation. Only those advertisements which will clearly have an appreciable impact on a building or on their surroundings should be subject to the local planning authority's detailed assessment. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.

69. The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Local planning authorities should create a shared vision with communities of the residential environment and facilities they wish to see. To support this, local planning authorities should aim to involve all sections of the community in the development of Local Plans and in planning decisions, and should facilitate neighbourhood planning. Planning policies and decisions, in turn, should aim to achieve places which promote:

- opportunities for meetings between members of the community who might not otherwise come into contact with each other, including through mixed-use developments, strong neighbourhood centres and active street frontages which bring together those who work, live and play in the vicinity;
- safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and
- safe and accessible developments, containing clear and legible pedestrian routes, and high quality public space, which encourage the active and continual use of public areas.

70. To deliver the social, recreational and cultural facilities and services the community needs decisions should:

- plan positively for the provision and use of shared space, community facilities (such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;
- guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs;
- ensure that established shops, facilities and services are able to develop and modernise in a way that is sustainable, and retained for the benefit of the community; and
- ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.

72. The Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should give great weight to the need to create, expand or alter schools; and work with schools promoters to identify and resolve key planning issues before applications are submitted.

73. Access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities. Planning policies should be based on robust and up to date assessments of the needs for open space, sports and recreation facilities and opportunities for new provision. The assessments should identify specific needs and quantitative or qualitative deficits or surpluses of open space, sports and recreational facilities in the local area. Information gained from the assessments should be used to determine what open space, sports and recreational provision is required.

74. Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
- the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.

93. Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development.

94. Local planning authorities should adopt proactive strategies to mitigate and adapt to climate change,¹⁶ taking full account of flood risk, coastal change and water supply and demand considerations.

95. To support the move to a low carbon future, local planning authorities should:

- plan for new development in locations and ways which reduce greenhouse gas emissions;
- actively support energy efficiency improvements to existing buildings; and
- when setting any local requirement for a building's sustainability, do so in a way consistent with the Government's zero carbon buildings policy and adopt nationally described standards.

96: In determining planning applications, local planning authorities should expect new development to:

- comply with adopted Local Plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and
- take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.

97. To help increase the use and supply of renewable and low carbon energy, local planning authorities should recognise the responsibility on all communities to contribute to energy generation from renewable or low carbon sources. They should:

- have a positive strategy to promote energy from renewable and low carbon sources;
- design their policies to maximise renewable and low carbon energy development while ensuring that adverse impacts are addressed satisfactorily, including cumulative landscape and visual impacts;
- consider identifying suitable areas for renewable and low carbon energy sources, and supporting infrastructure, where this would help secure the development of such sources;
- support community-led initiatives for renewable and low carbon energy, including developments outside such areas being taken forward through neighbourhood planning; and
- identify opportunities where development can draw its energy supply from decentralised, renewable or low carbon energy supply systems and for co-locating potential heat customers and suppliers.

98. When determining planning applications, local planning authorities should:

- not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy and also recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and

- approve the application if its impacts are (or can be made) acceptable. Once suitable areas for renewable and low carbon energy have been identified in plans, local planning authorities should also expect subsequent applications for commercial scale projects outside these areas to demonstrate that the proposed location meets the criteria used in identifying suitable areas.

100. Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere.¹⁹ Local Plans should be supported by Strategic Flood Risk Assessment and develop policies to manage flood risk from all sources, taking account of advice from the Environment Agency and other relevant flood risk management bodies, such as lead local flood authorities and internal drainage boards. Local Plans should apply a sequential, risk-based approach to the location of development to avoid where possible flood risk to people and property and manage any residual risk, taking account of the impacts of climate change, by:

- applying the Sequential Test;
- if necessary, applying the Exception Test;
- safeguarding land from development that is required for current and future flood management;
- using opportunities offered by new development to reduce the causes and impacts of flooding; and
- where climate change is expected to increase flood risk so that some

existing development may not be sustainable in the long-term, seeking opportunities to facilitate the relocation of development, including housing, to more sustainable locations.

103. When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment following the Sequential Test, and if required the Exception Test, it can be demonstrated that:

- within the site, the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location; and
- development is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can be safely managed, including by emergency planning; and it gives priority to the use of sustainable drainage systems.

104. For individual developments on sites allocated in development plans through the Sequential Test, applicants need not apply the Sequential Test. Applications for minor development and changes of use should not be subject to the Sequential or Exception Tests but should still meet the requirements for site-specific flood risk assessments. In coastal areas, local planning authorities should take account of the UK Marine Policy Statement and marine plans and apply Integrated Coastal Zone Management across local authority and land/sea boundaries, ensuring integration of the terrestrial and marine planning regimes.

105. In coastal areas, local planning authorities should take account of the UK Marine Policy Statement and marine plans and apply Integrated Coastal Zone Management across local authority and land/sea boundaries, ensuring integration of the terrestrial and marine planning regimes.

106. Local planning authorities should reduce risk from coastal change by avoiding inappropriate development in vulnerable areas or adding to the impacts of physical changes to the coast. They should identify as a Coastal Change Management Area any area likely to be affected by physical changes to the coast, and:

- be clear as to what development will be appropriate in such areas and in what circumstances; and
- make provision for development and infrastructure that needs to be relocated away from Coastal Change Management Areas.

107. When assessing applications, authorities should consider development in a Coastal Change Management Area appropriate where it is demonstrated that:

- it will be safe over its planned lifetime and will not have an unacceptable impact on coastal change;
- the character of the coast including designations is not compromised;
- the development provides wider sustainability benefits; and

- the development does not hinder the creation and maintenance of a continuous signed and managed route around the coast.

108. Local planning authorities should also ensure appropriate development in a Coastal Change Management Area is not impacted by coastal change by limiting the planned life-time of the proposed development through temporary permission and restoration conditions where necessary to reduce the risk to people and the development.

109. The planning system should contribute to and enhance the natural and local environment by:

- protecting and enhancing valued landscapes, geological conservation interests and soils;
- recognising the wider benefits of ecosystem services;
- minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;
- preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability; and
- remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

110. In preparing plans to meet development needs, the aim should be to minimise pollution and other adverse effects on the local and natural environment. Plans should allocate land with the least environmental or amenity value, where consistent with other policies in this Framework.

111. Planning decisions should encourage the effective use of land by re-using land that has been previously developed (brownfield land), provided that it is not of high environmental value. Local planning authorities may continue to consider the case for setting a locally appropriate target for the use of brownfield land.

112. Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality.

Paragraph 114: Local planning authorities should:

- set out a strategic approach in their Local Plans, planning positively for the creation, protection, enhancement and management of networks of biodiversity and green infrastructure; and
- maintain the character of the undeveloped coast, protecting and enhancing its distinctive landscapes, particularly in areas defined as Heritage Coast, and improve public access to and enjoyment of the coast.

113. Local planning authorities should set criteria based policies against which proposals for any development on or affecting protected wildlife or geodiversity sites or landscape areas will be judged. Distinctions should be made between the hierarchy of international, national and locally designated sites,²⁴ so that protection is commensurate with their status and gives appropriate weight to their importance and the contribution that they make to wider ecological networks.

114. Local planning authorities should:

- set out a strategic approach in their Local Plans, planning positively for the creation, protection, enhancement and management of networks of biodiversity and green infrastructure; and
- maintain the character of the undeveloped coast, protecting and enhancing its distinctive landscapes, particularly in areas defined as Heritage Coast, and improve public access to and enjoyment of the coast.

115. Great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty. The conservation of wildlife and cultural heritage are important considerations in all these areas, and should be given great weight in National Parks and the Broads.

116. Planning permission should be refused for major developments in these designated areas except in exceptional circumstances and where it can be demonstrated they are in the public interest. Consideration of such applications should include an assessment of:

- the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;
- the cost of, and scope for, developing elsewhere outside the designated area, or meeting the need for it in some other way; and
- any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.

117. To minimise impacts on biodiversity and geodiversity, planning policies should:

- plan for biodiversity at a landscape-scale across local authority boundaries;
- identify and map components of the local ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity, wildlife corridors and stepping stones that connect them and areas identified by local partnerships for habitat restoration or creation;
- promote the preservation, restoration and re-creation of priority habitats, ecological networks and the protection and recovery of priority species populations, linked to national and local targets, and identify suitable indicators for monitoring biodiversity in the plan;
- aim to prevent harm to geological conservation interests; and

- where Nature Improvement Areas are identified in Local Plans, consider specifying the types of development that may be appropriate in these Areas.

118. When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:

- if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
- proposed development on land within or outside a Site of Special Scientific Interest likely to have an adverse effect on a Site of Special Scientific Interest (either individually or in combination with other developments) should not normally be permitted. Where an adverse effect on the site's notified special interest features is likely, an exception should only be made where the benefits of the development, at this site, clearly outweigh both the impacts that it is likely to have on the features of the site that make it of special scientific interest and any broader impacts on the national network of Sites of Special Scientific Interest;
- development proposals where the primary objective is to conserve or enhance biodiversity should be permitted;
- opportunities to incorporate biodiversity in and around developments should be encouraged;
- planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss; and
- the following wildlife sites should be given the same protection as European sites:
 - potential Special Protection Areas and possible Special Areas of Conservation;
 - listed or proposed Ramsar sites; and—sites identified, or required, as compensatory measures for adverse effects on European sites, potential Special Protection Areas, possible Special Areas of Conservation, and listed or proposed Ramsar sites.

119. The presumption in favour of sustainable development (paragraph 14) does not apply where development requiring appropriate assessment under the Birds or Habitats Directives is being considered, planned or determined.

120. To prevent unacceptable risks from pollution and land instability, planning decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account. Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

121. Planning decisions should also ensure that:

- the site is suitable for its new use taking account of ground conditions and land instability, including from natural hazards or former activities such as mining, pollution arising from previous uses and any proposals for mitigation including land remediation or impacts on the natural environment arising from that remediation;
- adequate site investigation information, prepared by a competent person, is presented.

123. Planning decisions should aim to:

- avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development;
- mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions;
- recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established; and
- identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.

124. Planning decisions should ensure that any new development in Air Quality Management Areas is consistent with the local air quality action plan.

125. By encouraging good design, planning decisions should limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

126. LPA's should set out in their local plan a positive strategy for the conservation and enjoyment of the historic environment.

128. In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

129. Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should

take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.

130. Where there is evidence of deliberate neglect of or damage to a heritage asset the deteriorated state of the heritage asset should not be taken into account in any decision.

131: In determining planning applications, local planning authorities should take account of:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness

132: When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.

133. Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- the nature of the heritage asset prevents all reasonable uses of the site; and
- no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and
- the harm or loss is outweighed by the benefit of bringing the site back into use.

134. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

135. The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In

weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

136. Local planning authorities should not permit loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred.

137. LPA's should look for opportunities for new development within Conservation Areas and within the setting of heritage assets to enhance or better reveal their significance. Proposals to preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably.

138. Not all elements of a World Heritage Site or Conservation Area will necessarily contribute to its significance. Loss of a building (or other element) which makes a positive contribution to the significance of the Conservation Area or World Heritage Site should be treated either as substantial harm under paragraph 133 or less than substantial harm under paragraph 134, as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area or World Heritage Site as a whole.

139. Non-designated heritage assets of archaeological interest that are demonstrably of equivalent significance to scheduled monuments, should be considered subject to the policies for designated heritage assets.

140. Local planning authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from those policies.

141. Local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible. However, the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted.

144. When determining planning applications, local planning authorities should:

- give great weight to the benefits of the mineral extraction, including to the economy;
- as far as is practical, provide for the maintenance of landbanks of non-energy minerals from outside National Parks, the Broads, Areas of Outstanding Natural Beauty and World Heritage sites, Scheduled Monuments and Conservation Areas;
- ensure, in granting planning permission for mineral development, that there are no unacceptable adverse impacts on the natural and historic environment, human health or aviation safety, and take into account the cumulative effect of

multiple impacts from individual sites and/or from a number of sites in a locality;

- ensure that any unavoidable noise, dust and particle emissions and any blasting vibrations are controlled, mitigated or removed at source, and establish appropriate noise limits for extraction in proximity to noise sensitive properties;
- not grant planning permission for peat extraction from new or extended sites;
- provide for restoration and aftercare at the earliest opportunity to be carried out to high environmental standards, through the application of appropriate conditions, where necessary. Bonds or other financial guarantees to underpin planning conditions should only be sought in exceptional circumstances;
- not normally permit other development proposals in mineral safeguarding areas where they might constrain potential future use for these purposes;
- consider how to meet any demand for small-scale extraction of building stone at, or close to, relic quarries needed for the repair of heritage assets, taking account of the need to protect designated sites; and
- recognise the small-scale nature and impact of building and roofing stone quarries, and the need for a flexible approach to the potentially long duration of planning permissions reflecting the intermittent or low rate of working at many sites.

148. When determining planning applications, minerals planning authorities should ensure that the integrity and safety of underground storage facilities are appropriate, taking into account the maintenance of gas pressure, prevention of leakage of gas and the avoidance of pollution.

149. Permission should not be given for the extraction of coal unless the proposal is environmentally acceptable, or can be made so by planning conditions or obligations; or if not, it provides national, local or community benefits which clearly outweigh the likely impacts to justify the grant of planning permission

150. Local Plans are the key to delivering sustainable development that reflects the vision and aspirations of local communities. Planning decisions must be taken in accordance with the development plan unless material considerations indicate otherwise.

152. Local planning authorities should seek opportunities to achieve each of the economic, social and environmental dimensions of sustainable development, and net gains across all three. Significant adverse impacts on any of these dimensions should be avoided and, wherever possible, alternative options which reduce or eliminate such impacts should be pursued. Where adverse impacts are unavoidable, measures to mitigate the impact should be considered. Where adequate mitigation measures are not possible, compensatory measures may be appropriate.

158. Each local planning authority should ensure that the Local Plan is based on adequate, up-to-date and relevant evidence about the economic, social and environmental characteristics and prospects of the area. Local planning authorities should ensure that their assessment of and strategies for housing,

employment and other uses are integrated, and that they take full account of relevant market and economic signals.

159. Local planning authorities should have a clear understanding of housing needs in their area. They should:

- prepare a Strategic Housing Market Assessment to assess their full housing needs, working with neighbouring authorities where housing market areas cross administrative boundaries. The Strategic Housing Market Assessment should identify the scale and mix of housing and the range of tenures that the local population is likely to need over the plan period which:
 - meets household and population projections, taking account of migration and demographic change;
 - addresses the need for all types of housing, including affordable housing and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes);³⁴ and
 - caters for housing demand and the scale of housing supply necessary to meet this demand;
- prepare a Strategic Housing Land Availability Assessment to establish realistic assumptions about the availability, suitability and the likely economic viability of land to meet the identified need for housing over the plan period.

173. Pursuing sustainable development requires careful attention to viability and costs in plan-making and decision-taking. Plans should be deliverable. Therefore, the sites and the scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened. To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable.

176. Where safeguards are necessary to make a particular development acceptable in planning terms (such as environmental mitigation or compensation), the development should not be approved if the measures required cannot be secured through appropriate conditions or agreements. The need for such safeguards should be clearly justified through discussions with the applicant, and the options for keeping such costs to a minimum fully explored, so that development is not inhibited unnecessarily.

186. Local planning authorities should approach decision-taking in a positive way to foster the delivery of sustainable development. The relationship between decision-taking and plan-making should be seamless, translating plans into high quality development on the ground.

187. Local planning authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for

sustainable development where possible. Local planning authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area.

Paragraph 131: In determining planning applications, local planning authorities should take account of:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness.

132: When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.

196: The planning system is plan-led. Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. This Framework is a material consideration in planning decisions.

197: In assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development.

203. 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.

204. 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
- fairly and reasonably related in scale and kind to the development.

205. Where obligations are being sought or revised, local planning authorities should take account of changes in market conditions over time and, wherever

appropriate, be sufficiently flexible to prevent planned development being stalled.

206. 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.

215. In other cases and following this 12-month period, due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

216. From the day of publication, decision-takers may also give weight⁴⁰ to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

Emerging Hartlepool Local Plan Policies

Policy SUS1: The Presumption in Favour of Sustainable Development

SUS1: Presumption in favour of Sustainable Development; When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.

Policy LS1: Locational Strategy

LS1: Sets the overarching strategic policy objectives for land use development in Hartlepool. It outlines key infrastructure requirements, housing developments to meet set requirement, focus for retail, commercial and employment land and protection and enhancement of the built and natural environment.

Policy CC1: Minimising and adapting to Climate Change

CC1: The Council will work with partner organisations, developers and the community to help minimise and adapt to Climate Change. A range of possible measures are set out in the policy; including development of brownfield sites, enhanced sustainable transport provision, large scale developments to incorporate charging points for electric / hybrid vehicles, reduction, reuse and recycling of waste and use of locally sourced materials, reuse of existing vacant buildings, encouraging a resilient and adaptive environment which are energy efficient, using relevant technology and requires a minimum of 10% of the energy supply from decentralised and renewable or low carbon sources.

Policy CC2: Reducing and Mitigating Flood Risk

CC2: All new development proposals will be required to demonstrate how they will minimise flood risk to people, property and infrastructure. This includes relevant evidence, sequential tests and flood risk assessments and appropriate mitigation.

Policy CC3: Renewable and Low Carbon Energy Generation

CC3: Proposals for the generation of energy from renewable and low carbon sources, including micro-renewable projects, will be supported to contribute toward the achievement of targets for renewable energy and reduction of CO₂ emissions. In determining applications for energy generation from renewable and low carbon sources, significant weight will be given to the achievement of wider environmental and economic benefits. The policy details specific criteria for proposals to satisfactorily address in order to be acceptable and mitigate any adverse effects on the amenities of occupiers of nearby properties during the construction, operational lifespan, and decommissioning of equipment and/or infrastructure. Where appropriate, developers will need to include a satisfactory scheme to restore the site to a quality of at least its original condition when the development has reached the end of its operational life, including addressing any resultant land contamination issues.

Policy CC4: Strategic Wind Turbine Developments

CC4: Proposals for strategic scale wind turbine developments (developments with 0.5 MW generating capacity and above), that can demonstrate that they have the backing of the local community following consultation, will be supported in the following locations:

- 1) High Volts – in association with the existing wind turbine development there is potential for up to 3 additional turbines;
- 2) Brenda Road area – a maximum of 4 turbines.

The policy details specific criteria for proposals to satisfactorily address in order to be acceptable and mitigate any adverse effects on the amenities of occupiers of nearby properties during the construction, operational lifespan and decommissioning of equipment/infrastructure. Developers will be required to undertake effective early pre-application consultation with the public and interested parties, and will be expected to work constructively with local communities and the local authority to secure appropriate community benefits from wind turbine proposals.

Policy CC5: Large Scale Solar Photovoltaic Developments

CC5: Proposals for large scale (over 0.5MW) ground based solar photovoltaic developments which contribute towards the achievement of national renewable energy targets and the reduction of CO₂ emissions will be supported subject to consideration of a number of specific criteria outlined in the policy. These include: suitability of land use, amenity of occupiers / neighbours, impact on landscape, built and historic environment, habitats, glint and glare, security and flooding and drainage. Proposals should detail how the site will be returned to at least its original condition post use of the site solar photovoltaic development.

Policy INF1: Sustainable Transport Network

INF1: The Borough Council will work with key partners, stakeholders and other local authorities to deliver an effective, efficient and sustainable transport network, within the overall context of aiming to reduce the need to travel. A range of measures are detailed in the policy.

Policy INF2: Improving Connectivity in Hartlepool

INF2: Delivering sustainable transport in Hartlepool will be achieved through a balanced package of measures that seek to maximise the level of sustainable access to areas of development, through good quality public transport services, pedestrian and cycle routes, and develop further opportunities for sustainable modes of transport to serve existing communities throughout the Borough. The Local Infrastructure Plan provides details of improvements needed to the bus network and rail services, as well as improvements to pedestrian and cycle routes to provide sustainable transport opportunities to new and existing developments. No permanent development will be permitted within land corridors shown on the Proposals Map that are reserved for the following road and rail schemes.

Policy INF3: University Hospital of Hartlepool

INF3: States that the University Hospital of Hartlepool site will be safeguarded for the provision of health and related facilities. Proposals for other uses on the site will only be permitted provided that they: do not compromise the ability to meet current and anticipated health and related uses on the site, and do not have a significant adverse effect on the amenity of occupiers of adjacent or nearby properties.

Policy INF4: Community Facilities

INF4: The policy sets out that to ensure that all sections of the local community have access to a range of community facilities that meet education, social, leisure/recreation, and health needs, the Borough Council will: protect, maintain and improve existing facilities where appropriate and practicable require and support the provision of new facilities to serve developments and to remedy any existing deficiencies. As part of the High Tunstall, South West Extension and Wynyard housing allocations the developers will be required to safeguard land for new primary schools.

Policy INF5: Telecommunications

INF5: The policy states that proposals for the improvement and expansion of telecommunications networks, including high speed broadband, will be supported and applications for infrastructure will be supported subject to the proposal addressing a set criteria.

Where broadband infrastructure is proposed within conservation areas, or where it may have an impact on listed buildings or other heritage assets, broadband providers are encouraged to liaise closely with the Borough Council to minimise any adverse impacts, including conservation areas, areas of Special Landscape Value, and nature conservation sites, particularly sites designated of international or national importance.

Policy QP1: Planning Obligations

QP1: States that the Borough Council will seek contributions from developers for the provision of additional works deemed to be required as a result of the development. The policy lists examples of works for which contributions will be sought.

The sub-division of sites to avoid planning obligations is not acceptable. Where it is considered sub-division has taken place to avoid reaching thresholds within the Planning Obligations SPD the development will be viewed as a whole.

Policy QP2: Compulsory Purchase Orders

QP2: The policy states that in order to facilitate the proper planning of the area, and address amenity issues arising from vacant and derelict land and buildings, where appropriate Hartlepool Borough Council will proactively work with landowners to facilitate the sale of land / buildings by agreement.

Where this has not been possible, and where appropriate, the Borough Council will use Compulsory Purchase Powers where the overall delivery of a specific aim is dependent on the acquisition of property or land in a specific location.

Policy QP3: Location, Accessibility, Highway Safety and Parking

QP3: The Borough Council will seek to ensure that development is safe and accessible along with being in a sustainable location or has the potential to be well connected with opportunities for sustainable travel.

When considering the design of development developers will be expected to have regard to the matters listed in the policy.

To maintain traffic flows and safety on the primary road network no additional access points or intensification of use of existing access points, other than new accesses associated with development allocated within this Local Plan will be permitted. Planning Obligations may be required to improve highways and green infrastructure.

Policy QP4: Layout and Design of Development

QP4: The policy states that the Borough Council will seek to ensure all developments are designed to a high quality and positively enhance their location and setting. The policy sets out how developments should achieve this.

Policy QP5: Safety and Security

QP5: The policy states that the Borough Council will seek to ensure that all developments are designed to be safe and secure. The policy sets out how developments should achieve this.

Policy QP6: Technical Matters

QP6: The policy sets out that the Borough Council expects development to be incorporated into the Borough with minimal impact. On site constraints and external influences can often halt development. The Borough Council will work with developers to overcome such issues. The policy outlines issues which proposals should investigate and satisfactorily address.

Policy QP7: Energy Efficiency

QP7: The policy sets out that the Borough Council will seek to ensure high levels of energy efficiency in all development. Notwithstanding the requirements of the Building Regulations all developments, where feasible and viable, will be required to:

- 1) Ensure that the layout, building orientation, scale and form minimises energy consumption and makes the best use of solar gain, passive heating and cooling, natural light and natural ventilation.
- 2) Ensure that green infrastructure is used appropriately to assist in ensuring energy efficiency.
- 3) Incorporate sustainable construction and drainage methods.

If by virtue of the nature of the development it is not possible to satisfy the above criteria then an attempt must be made to improve the fabric of the building 10% above what is required by the most up to date Building Regulations (Not the Building Regulations applicable at the time of submitting the initial building notice).

Policy QP8: Advertisements

QP8: Sets out that the Borough Council will seek to ensure that advertisements are appropriately located within the Borough and are of an appropriate scale and size. Clear criteria to guide the appropriateness of proposals for advertisements are set out in the policy. Advertisements which introduce visually obtrusive features will not be permitted.

Policy HSG1: New Housing Provision

HSG1: This policy sets out the new housing provision across the duration of the local plan. Detailing the provision of extant residential planning permissions and site allocations across the borough, all sites identified in the policy are suitable, available and deliverable.

Policy HSG2: Overall Housing Mix

HSG2: This policy states that all new housing, and/or the redevelopment of existing housing areas, must contribute to achieving an overall balanced housing stock that meets local needs and aspirations, both now and in the future. The Borough Council will give significant weight to housing need, as identified within the most up-to-date SHMA, when considering planning applications.

Policy HSG3: Urban Local Plan Sites

HSG3: This policy sets out the allocations of urban local plan residential sites.

Policy HSG4: The South West Extension Strategic Housing Site

HSG4: This policy sets out strategic master planning of the SWE site for the development of up to 1,260 dwellings. It includes the provision of community facilities and a local centre, safeguarded land for education purposes, access roads, pedestrian and cycle links and green infrastructure to facilitate the provision of a strategic green wedge.

Policy HSG5: High Tunstall Strategic Housing Site

HSG5: The policy sets out that The High Tunstall development is allocated for approximately 1200 dwellings. The site covers an area of approximately 83.50 hectares as illustrated on the proposals map. No development will be permitted prior to the implementation of the Grade Separated Junction and bypass to the north of Elwick Village unless otherwise agreed with Highways England and the Borough Council. The policy sets out development criteria for the site.

Policy HSG5a: Quarry Farm Housing Site

HSG5a: The policy sets out that the Quarry Farm housing development is allocated for approximately 220 dwellings. The site covers an area of approximately 11.30 hectares as illustrated on the proposals map. No development will be permitted prior to the implementation of the Grade Separated Junction and bypass to the north of Elwick Village unless otherwise agreed with Highways England and the Borough Council. The policy sets out development criteria for the site.

Policy HSG6: Wynyard Housing Developments

HSG6: The policy sets out that the the following sites at Wynyard are allocated for a total of approximately 732 dwellings as illustrated on the proposals map:

- a) North Pentagon – 8.82ha - approximately 100 dwellings.
- b) Wynyard Park North – 25.8ha - approximately 400 dwellings.
- c) Wynyard Park South – 11.1ha – approximately 232 dwellings.

Development will be phased over the plan period, with site A available prior to any of the off site road infrastructure improvements. Sites B and C are linked to the provision of off-site road infrastructure improvements, as identified in the Local Infrastructure Plan and as agreed with Highways England, and will not be permitted to commence prior to the installation of the highway improvements. The policy sets out development criteria for the sites.

Policy HSG7: Elwick Village Housing Development

HSG7: The policy sets out that the Potters Farm / North Farm development within Elwick Village is suitable for development of approximately 35 dwellings. Applications should be considered against the development criteria set out in this policy.

Policy HSG8: Hart Village Housing Developments

HSG8: The policy states that the following sites at Hart Village are allocated for a total of approximately 50 dwellings as illustrated on the proposals map:

- a) Nine Acres – 3.06ha - approximately 30 dwellings.
- b) Glebe Farm – 1.47ha - approximately 20 dwellings.

The two developments will be phased over the plan period, with applications being determined in strict accordance with the criteria set out in the policy.

Policy HSG9: Affordable Housing

HSG9: The policy sets an affordable housing target of 18% on all developments of 15 dwellings or more. The provision of tenure and mix will be negotiated on a site by site basis. The policy sets the requirements for the

provision of affordable housing within a site, this should be provided on site unless there is sound and robust justification that this cannot be achieved. Regard will be given to economic viability to ensure deliverability of the development.

Policy HSG10: Housing Market Renewal

HSG10: The policy states that the Borough Council will seek to tackle the problem of the imbalance of supply and demand in the existing housing stock through co-ordinated programmes including Housing Market Renewal. Priority will be given to the housing regeneration areas in central Hartlepool identified in the Hartlepool Housing Strategy.

Policy HSG11: Extensions to Existing Dwellings

Hsg11: Sets out the criteria for the approval of alterations and extensions to residential properties and states that proposals not in accordance with guidelines will not be approved. Proposals should also be in line with the Residential Design SPD.

Policy HSG12: Residential annexes

Hsg12: States that the Borough Council supports opportunities for homeowners to improve their homes. extensions to provide accommodation for relatives will be approved where they are designed to enable incorporation into the existing dwelling when no longer required. Where extensions are not appropriate and a separate dwelling is provided within the curtilage, planning conditions will bind its occupation to that of the main dwelling.

Policy HSG13: Gypsy and Traveller Provision

HSG13: States that proposals for the provision of Gypsy and Travellers and Travelling Showpeople sites will be approved where there is no significant detrimental effect on the amenity of the occupiers of adjoining or nearby land uses. The policy sets out criteria for development.

Policy EMP1: Prestige Employment Site Wynyard Business Park

EMP1: The policy sets out allocation of prestige employment use on this site, the policy sets criteria for proposals for B1 business development and well as B2 and B8 general industrial developments and warehousing.

Policy EMP2: Queen's Meadow Business Park

EMP2: The policy sets out allocation of high quality employment use at Queens Meadow Business Park, the policy sets criteria for proposals for B1 business development and well as B2 and B8 general industrial developments and warehousing.

Policy EMP3: General Employment Land

EMP3: The policy sets allocations for general employment used on industrial areas. The policy sets criteria for proposals for B1 and B8 business

development. In addition proposals for B2 general industrial development will only be approved where the Borough Council is satisfied that they will not have detrimental effect on the amenities of the occupiers of adjoining or nearby properties or prejudice the development of adjacent sites. High quality landscaping and design will be key for developments on main approaches and on key routes within estates. Proposals for B1a will be subject to a sequential test. Proposals for the development and extension of bad neighbour uses will only be approved where the development meets the criteria set out in the policy.

Policy EMP4: Specialist Industries

EMP4: The policy sets out the locations for specialist industrial uses; these being Hartlepool Port, West of Seaton Channel, Phillips Tank Farm, South Works, North Graythorp, Graythorp Waste Management and Able Seaton Port. The policy states specific criteria for development of these sites.

Where relevant proposals will need to demonstrate that there will be no adverse impact on the integrity of the Teesmouth and Cleveland Coast Special Protection Area and Ramsar site (including any proposed extension to the Special Protection Area), or other European designated nature conservation sites, either alone or in combination with other plans and programmes. Any necessary mitigation/compensation measures must be secured in advance of the development in order to meet the requirements of the Habitat Regulations.

Policy EMP5: Safeguarded land for new Nuclear Power Station

EMP5: The policy sets out Land is safeguarded in the Zinc Works Road/North Gare/Seaton Snook/Able Seaton Port areas for a new nuclear power station, as shown on the Proposals Map. The Appraisal of Sustainability, undertaken by Government in support of preparing the relevant national policy, has concluded that the potential for adverse impacts on sites (Teesmouth and Cleveland Coast Special Protection Area (SPA)/Ramsar site, Teesmouth National Nature Reserve, and a number of Sites of Special Scientific Interest) and species considered to be of European importance, cannot be ruled out. Studies will be required to identify ways to avoid, minimise, mitigate or, if necessary, compensate for any significant impacts.

Policy EMP6: Underground Storage

EMP6: Proposals for the use of former brine cavities in the south of the Borough for underground storage will only be considered for approval where:

- 1) there will be no significant increase in the potential risk to people in the area;
- 2) it can be demonstrated that there will be no resultant harm to the aquifer or to watercourses in the surrounding area, and in particular to sites important for nature conservation (see also policy NE1), and
- 3) any above surface structures are limited in scale and not visually prominent

In considering any proposals the Borough Council will have regard to advice from relevant agencies including the Health and Safety Executive, Environment Agency, Natural England, Northumbrian Water, and Hartlepool Water.

Policy RUR1: Development in the Rural Area

RUR1: Seeks to ensure the rural area is protected and that its natural habitat, cultural and built heritage and rural landscape character are not lost. The policy supports the rural economy, emphasising that proposals must be considered necessary for the efficient or continued viable operation of rural based businesses and appropriate for the rural area. The policy sets out a number of key considerations including compliance with the Rural Neighbourhood Plan, proximity to existing settlements, opportunities for re-use of existing buildings/materials, neighbour amenity, design, highway safety and connectivity, landscape and heritage impacts and the implications in terms of the supply of Grades 1, 2 and 3a agricultural land. Development may be required to provide infrastructure improvements in accordance with policy QP1, the Planning Obligations SPD and the Local Infrastructure Plan.

Policy RUR2: New Dwellings Outside of Development Limits

RUR2: Seeks to protect the countryside by restricting new dwellings outside of the development limits unless there is clear justification and it can be demonstrated that there is a functional need pertaining to the effective operation of a rural enterprise; the rural enterprise is established, profitable, financially sound and is to remain so; the need could not be met by an existing dwelling; the dwelling is appropriate in scale; the proposal is in accordance with other relevant policies and, where relevant, the development would safeguard the future a heritage asset. Notwithstanding the above, new dwellings outside of development limits may also be permitted in instances of exceptional design. Replacement dwellings will only be approved where the existing dwelling can no longer be used; the proposed development is similar in scale and where the design minimises visual intrusion but enhances the immediate setting. New housing development and re-use of existing buildings should not compromise the character and distinctiveness of the countryside. Occupancy conditions will be imposed where deemed necessary. Further guidance is provided in the New Dwellings Outside of Development Limits SPD.

Policy RUR3: Farm Diversification

RUR3: Seeks to support and diversify the rural economy through farm diversification. Proposals must benefit the economy of the rural area; reuse existing farm buildings where possible; ensure new buildings and signage is appropriate in scale, form, impact, character and siting; not have a detrimental impact on neighbour amenity, the historic and natural environments or highway safety; not generate undue levels or types of traffic and not involve a significant, irreversible loss of Grades 1, 2 or 3a agricultural land. Development must demonstrate the existing business and viability of the farm, contribute to the local economy and environmental management and benefit the rural community. Development should be in accordance with the Planning Obligations SPD.

Policy RUR4: Equestrian Development

RUR4: Seeks to support the rural economy through equestrian development. The policy sets out a number of considerations in determining such development including: the proximity to adjacent villages; the scale and

character of the proposals in relation to their setting and the Historic Environment; the impact on neighbour amenity; the amount of available grazing land in relation to number of stables and horses; the proximity to residential accommodation to allow suitable supervision in cases of new commercial establishments; the proximity to or provision of bridleways or safe equine routes where applicable and compliance with policy QP1. Commercial scale equestrian establishments must be supported by a business plan and must demonstrate how the development contributes positively to the rural economy.

Policy RUR5: Rural Tourism

RUR5: Seeks to enhance the rural tourism offer of the Borough. The policy sets out a list of criteria on which proposals for rural tourism, leisure attractions and visitor accommodation will be determined. Proposals which meet this criteria and form part of a comprehensive farm diversification scheme, or are directly linked to conservation or enjoyment of a heritage asset will be supported. Proposals for caravan, holiday lodges and camping development must also take into consideration policies LT4 and LT5.

Policy RUR6: Rural Services

RUR6: Seeks to support existing rural services by restricting changes of use or redevelopment of a shop, public house or other key facilities in rural villages. Any such development proposals will be required to submit supporting evidence that provides demonstrable justification for the loss of any such rural services.

Policy RC1: Retail and Commercial centre Hierarchy

RC1: Sets out the Council's identified and defined hierarchy of retail and commercial centres. The sequential preference of the centres for retail and commercial developments is as follows: The Town Centre then; Edge of Town Centre Areas and Retail and Leisure Park then; Local Centres. Proposals for main town centre uses not located within a designated centre; located within a local centre and with a floor area of 300m² or greater; or located within an edge of centre or Retail and Leisure park and with a floor area of 250m² or greater; will be required to provide a robust sequential test.

Policy RC2: The Town Centre

RC2: Sets out the Town Centre as the primary retail and commercial area. In accordance with Policy RC1 the Borough Council will seek to diversify, support and protect the Town Centre as the sequentially preferable location for main town centre uses, these uses are set out in the policy. The policy sets permitted operational times and refers to considerations in relation vacant units. The policy also sets out how development should improve the appearance of, connectivity and sustainability of the Town Centre.

Policy RC3: Innovation and Skills Quarter

RC3: The policy encourages and promotes the development of a distinct Innovation and Skills Quarter (ISQ). The policy sets out appropriate uses within the ISQ. The policy supports the positive development of shop fronts in accordance

with the Shop Fronts SPD, enhancement of public realm across the area and protection and enhancement of the quality of the Church Street Conservation area.

Policy RC4: Avenue Road / Raby Road Edge of Town Centre Area

RC4: The policy seeks to diversify, support and protect Avenue Road/Raby Road Edge of Town Centre. In accordance with policy RC1, after the Town Centre, the Edge of Town

Centre areas and Retail and Leisure Parks are the next sequentially preferable locations for main town centre uses. The policy sets out these appropriate uses, these uses will only be permitted providing that they do not adversely affect the character, appearance, function and amenity of the property and the surrounding area. The policy sets permitted operational times; refers to considerations in relation vacant units and sets out priorities for visual and environmental enhancement of the area.

Policy RC5: The Brewery and Stranton Edge of Town Centre Area

RC5: The policy seeks to diversify, support and protect Brewery and Stranton Edge of Town Centre. After the Town Centre, the Edge of Town Centre Areas and Retail and Leisure

Parks are the next sequentially preferable locations for main town centre uses. These appropriate uses for this area are listed within the policy, which will only be permitted providing that they do not adversely affect the character, appearance, function and amenity of the property and the surrounding area. The policy sets permitted operational times; refers to considerations in relation vacant units; and sets out priorities for visual, environmental and connectivity enhancement of the area.

Policy RC6: East of Stranton Edge of Town Centre Area

RC6: The policy seeks to diversify, support and protect East of Stranton Edge of Town Centre. After the Town Centre, the Edge of Town Centre Areas and Retail and Leisure Parks are the next sequentially preferable locations for main town centre uses. These appropriate uses for this area are listed within the policy, which will only be permitted providing that they do not adversely affect the character, appearance, function and amenity of the property and the surrounding area. The policy sets permitted operational times; refers to considerations in relation vacant units; and sets out priorities for visual, environmental and connectivity enhancement of the area to the town centre. The policy states that vehicular egress from the area will not be permitted onto the A689.

Policy RC7: Lynn Street Edge of Town Centre Area

RC7: The policy seeks to diversify, support and protect Lynn Street Edge of Town Centre. After the Town Centre, the Edge of Town Centre Areas and Retail and Leisure Parks are the next sequentially preferable locations for main town centre uses. These appropriate uses for this area are listed within the policy, which will only be permitted providing that they do not adversely affect the character, appearance, function and amenity of the property and the surrounding area. The policy sets permitted operational times; refers to

considerations in relation vacant units; and sets out priorities for visual, environmental and connectivity enhancement of the area to the town centre.

Policy RC8: Mill House Edge of Town Centre Area

RC8: The policy seeks to diversify, support and protect Mill House Edge of Town Centre. After the Town Centre, the Edge of Town Centre Areas and Retail and Leisure Parks are the next sequentially preferable locations for main town centre uses. These appropriate uses for this area are listed within the policy, which will only be permitted providing that they do not adversely affect the character, appearance, function and amenity of the property and the surrounding area. The policy sets permitted operational times; refers to considerations in relation vacant units; and sets out priorities for visual, environmental and connectivity enhancement of the area to the town centre.

Policy RC9: Park Road West Edge of Town Centre Area

RC9: The policy seeks to diversify, support and protect Park Road West Edge of Town Centre. After the Town Centre, the Edge of Town Centre Areas and Retail and Leisure Parks are the next sequentially preferable locations for main town centre uses. These appropriate uses for this area are listed within the policy, which will only be permitted providing that they do not adversely affect the character, appearance, function and amenity of the property and the surrounding area. The policy sets permitted operational times; refers to considerations in relation vacant units; and sets out priorities for visual, environmental and connectivity enhancement of the area to the town centre. The design of all units is key to improving the appearance and safety of the area. Proposals that involve alterations to commercial fronts should be designed in accordance with the Shop Fronts SPD.

Policy RC10: West Victoria Road Edge of Town Centre Area

RC10: The policy seeks to diversify, support and protect West Victoria Road Edge of Town Centre. After the Town Centre, the Edge of Town Centre Areas and Retail and Leisure Parks are the next sequentially preferable locations for main town centre uses. These appropriate uses for this area are listed within the policy, which will only be permitted providing that they do not adversely affect the character, appearance, function and amenity of the property and the surrounding area.

The policy sets permitted operational times; refers to considerations in relation vacant units; and sets out priorities for visual, environmental and connectivity enhancement of the area to the town centre. The design of all units is key to improving the appearance and safety of the area. Proposals that involve alterations to commercial fronts should be designed in accordance with the Shop Fronts SPD.

Policy RC11: York Road South Edge of Town Centre Area

RC11: The policy seeks to diversify, support and protect Park Road West Edge of Town Centre. After the Town Centre, the Edge of Town Centre Areas and Retail and Leisure Parks are the next sequentially preferable locations for main town centre uses. These appropriate uses for this area are listed within the policy, which will only be permitted providing that they do not

adversely affect the character, appearance, function and amenity of the property and the surrounding area.

The policy sets permitted operational times; refers to considerations in relation vacant units; and sets out priorities for visual, environmental and connectivity enhancement of the area to the town centre. The design of all units is key to improving the appearance and safety of the area. Proposals that involve alterations to commercial fronts should be designed in accordance with the Shop Fronts SPD.

Policy RC12: The Marina Retail and Leisure Park

RC12: The policy seeks to diversify, support and protect the Marina Retail and Leisure Park. After the Town Centre, the Edge of Town Centre Areas and Retail and Leisure Parks are the next sequentially preferable locations for main town centre uses. These appropriate uses for this area are listed within the policy, which will only be permitted providing that they do not adversely affect the character, appearance, function and amenity of the property and the surrounding area.

The use of the water will be safeguarded for water based activity including sporting activities and transport infrastructure linked to water taxi provision. Built development in and/or over the water will be strictly controlled. Any development along the waterfront must be of particularly high design and should actively open up the relationship between the water and the waters edge.

The policy sets out that the permitted operational times; consideration of advertising; and sets out priorities for visual, environmental and connectivity enhancement of the wider area. The design of all units is key to improving the appearance and safety of the area. Proposals that involve alterations to commercial fronts should be designed in accordance with the Shop Fronts SPD.

Policy RC13: West of Marina Way Retail and Leisure Park

RC13: The policy seeks to diversify, support and protect the West of Marina Way Retail and Leisure Park. After the Town Centre, the Edge of Town Centre Areas and Retail and Leisure Parks are the next sequentially preferable locations for main town centre uses. These appropriate uses for this area are listed within the policy, which will only be permitted providing that they do not adversely affect the character, appearance, function and amenity of the property and the surrounding area.

The policy sets permitted operational times; refers to considerations for car parking; and sets out priorities for visual, environmental and connectivity enhancement to the wider area. The design of all units is key to improving the appearance and safety of the area. Proposals that involve alterations to commercial fronts should be designed in accordance with the Shop Fronts SPD.

Policy RC14: Trincomalee Wharf Retail and Leisure Park

RC14: The policy seeks to diversify, support and protect the Trincomalee Wharf Retail and Leisure Park. After the Town Centre, the Edge of Town Centre Areas and Retail and Leisure Parks are the next sequentially preferable locations for main town centre uses. These appropriate uses for this area are listed within the policy, which will only be permitted providing that they do not adversely affect the character, appearance, function and amenity of the property and the surrounding area.

The policy sets permitted operational times; refers to considerations for car parking; and sets out priorities for visual, environmental and connectivity enhancement to the wider area. The design of all units is key to improving the appearance and safety of the area. Proposals that involve alterations to commercial fronts should be designed in accordance with the Shop Fronts SPD.

Policy RC15: Tees Bay Retail and Leisure Park

RC15: The policy seeks to diversify, support and protect the Tees Bay Retail and Leisure Park. After the Town Centre, the Edge of Town Centre Areas and Retail and Leisure Parks are the next sequentially preferable locations for main town centre uses. These appropriate uses for this area are listed within the policy, which will only be permitted providing that they do not adversely affect the character, appearance, function and amenity of the property and the surrounding area.

The policy sets permitted operational times; refers to considerations for car parking; and sets out priorities for visual, environmental and connectivity enhancement to the wider area. The design of all units is key to improving the appearance and safety of the area. Proposals that involve alterations to commercial fronts should be designed in accordance with the Shop Fronts SPD.

Policy RC16: The Local Centres

RC16: This policy seeks to diversify, support and protect local centres in recognition of the important service they provide to their local communities. In accordance with policy RC1 local centres as identified on the proposals map will be the sequentially preferable location for the following uses below 300m²:

- Shops (A1)
- Financial and Professional Services (A2)
- Food and Drink (A3)
- Drinking Establishments (A4)
- Hot Food Takeaways (A5)
- Non-residential institutions (D1)
- Residential (C3 and C4) only on upper floors

Such uses will only be permitted providing that they do not adversely affect the character, appearance, function and amenity of the property and the surrounding area.

In addition, the policy sets out that combining of units will not be supported where the newly combined unit would have a negative impact upon the character, vitality and viability of the Town Centre or the Local Centre. The policy sets permitted operational times; refers to considerations for car parking; and sets out priorities for visual, environmental and connectivity enhancement to the wider area. The design of all units is key to improving the appearance and safety of the area. Proposals that involve alterations to commercial fronts should be designed in accordance with the Shop Fronts SPD.

Policy RC17: Late Night Uses Area

RC17: the policy sets out the area which is deemed appropriate for the operation of businesses between 11:30 pm and 7 am, the policy also lists appropriate uses within the Late Night Uses area. Consideration of the must be given to the impact of such development on the character, appearance, function and amenity of the, property and the surrounding area, including the Church Street Conservation area. The policy to considerations of unit vacancy, impact on crime and fear of crime; public health and states that the design of all units is key to improving the appearance and safety of the area. Proposals that involve alterations to commercial fronts should be designed in accordance with the Shop Fronts SPD.

Policy RC18: Hot Food Takeaway Policy

RC118: The policy seeks to protect the vitality and viability of the network of retail and commercial centres within the Borough along with seeking to protect the residential amenity of nearby residents. Proposals relating to hot food takeaway uses will be strictly controlled in accordance with the criteria set out in the policy. The policy provides maximum floorspace for A5 uses.

Policy RC19: Main Town Centre Uses on Employment Land

RC19: To help protect the Town Centre, the policy seeks to ensure that main town centre uses are only permitted on industrial land where the criteria set out in the policy can be met.

Policy RC20: Business Uses in the Home

RC20: The policy seeks to ensure many flexible options for employment are delivered across the Borough. The policy sets out criteria for such development.

Proposals for A5 uses will not be permitted and the policy sets hours of business between 8am and 6pm.

Policy RC21: Commercial Uses in Residential Areas

RC21: The policy seeks to protect the vitality and viability of the designated retail and commercial centres within the Borough and the amenity of residents. Proposals for industrial, business, leisure, retail and other commercial development, or for their expansion, will not be permitted in predominantly residential areas outside the defined retail and commercial centres unless the criteria set out within the policy are satisfied.

Proposals for A5 uses will not be permitted and the policy sets hours of business between 8am and 6pm. Proposals that involve alterations to commercial fronts must be designed in accordance with the Shop Fronts SPD.

Policy LT1: Leisure and Tourism

LT1: The policy sets out the key areas for Leisure and Tourism development within the borough. Major leisure developments should be focused in the Town Centre or the Marina. The Headland, Seaton Carew and the rural area key areas for leisure and tourism development, further detail on scale and appropriateness of development within these areas is set out in the policy.

Policy LT2: Tourism Development in the Marina

LT2: The policy states that the Marina will continue to be developed as a major tourist and leisure attraction. Tourist related facilities will be encouraged to complement those attractions already in place to create a tourism hub. The policy sets out acceptable development proposals for the redevelopment of the former Jacksons Landing site and Trincomalee Wharf. The policy requires the provision of enhanced and new sustainable transport links, public realm and green infrastructure to improve connectivity to the marina and the wider town centre.

Policy LT3: Development of Seaton Carew

LT3: The policy states that proposals for tourism and leisure developments within Seaton Carew, as identified on the proposals map, will be permitted where they complement the character of the area and are in keeping with the development of Seaton Carew as a seaside resort and promote opportunities for nature tourism. The policy outlines acceptable development proposals for the Front and Former Fairground sites, Longscar Centre, Seaton Park and the Sports Domes. Development should be appropriate to the setting of a Conservation Area as applicable and consider impact upon the Teesmouth and Cleveland Coast SPA and Ramsar.

Policy LT4: Tourism Accommodation

LT4: The policy states that enhancement of existing tourist accommodation and also the development of further tourist accommodation within the key tourist areas of the Borough (the Town Centre and Marina, the Headland, Seaton Carew and across the rural area) will be supported. This is subject to proposals meeting the criteria outlined in the policy.

Policy LT5: Caravan Sites and Touring Caravan Sites

LT5: States that proposals for static, touring caravan and camping sites will only be approved where they are well screened so as not to intrude visually into the landscape and where they meet the criteria set in the policy.

Policy LT6: Business Tourism, Events and Conferencing

LT6: The policy states that improvements to existing facilities and developments which complement the needs of business in terms of conferencing facilities and tourism will be encouraged and promoted.

Policy HE1: Heritage Assets

HE1: The policy states that the Borough Council will seek to preserve, protect and positively enhance all heritage assets. Proposals which will achieve this or better reveal the significance of the asset will be supported. The policy sets criteria for proposals for any development (including change of use, extensions, additions, alterations, and demolition (partial or total)) which has an impact on a heritage asset (both designated and non-designated) and its setting. Proposals which lead to substantial harm to, or result in the total loss of significance of, a designated heritage asset unless it is evidenced that the harm or loss is necessary to achieve substantial public benefit will be refused. A Heritage Statement should be provided with all applications affecting a heritage asset.

Policy HE2: Archaeology

HE2: The policy seeks to protect, enhance and promote Hartlepool's archaeological heritage and, where appropriate, encourage improved interpretation and presentation to the public. Where development proposals may affect sites of known, or possible, archaeological interest, appropriate assessment will be required which must include consultation of the Historic Environment Record to determine if the development is appropriate and potential mitigation required.

Policy HE3: Conservation Areas

HE3: The policy states that the Borough Council will seek to ensure that the distinctive character of Conservation Areas within the Borough will be conserved or enhanced through a constructive conservation approach. Proposals for development within Conservation Areas will need to demonstrate that they will conserve or positively enhance the character of the Conservation Areas. The policy details crucial considerations for the assessment of development proposals in conservation areas. Demolition will only be permitted in exceptional circumstances. The policy also covers development in the vicinity of conservation areas, such developments will only be acceptable where they are in line with this policy.

Policy HE4: Listed Buildings and Structures

HE4: The policy states The Borough Council will seek to conserve or enhance the town's listed buildings by resisting unsympathetic alterations, encouraging appropriate physical improvement work, supporting appropriate and viable proposals to secure their re-use and restoration. The policy sets out consideration for the assessment of proposals for alteration and demolition to and within the setting of listed buildings.

Developments to, or within the setting of, a listed building or structure which will result in the substantial harm or total loss of significance of a listed building will be refused unless it can be demonstrated that this loss and/or harm is necessary to achieve substantial public benefit which outweighs this loss and/or harm. Where it is considered that a proposal will result in less than substantial harm to the significance of a listed building or structure this harm should be weighed against the public benefits of the proposals.

Policy HE5: Locally Listed Buildings and Structures

HE5: The policy states that the Borough Council will support the retention of heritage assets on the List of Locally Important Buildings particularly when viable appropriate uses are proposed. Considerations for the assessment of proposals are set out in the policy.

Where a proposal affects the significance of a non-designated heritage asset a balanced judgment should be weighed between the scale or the harm or loss against the public benefits of the proposal.

Policy HE6: Historic Shopping Parades

HE6: The policy supports the retention of historic shop fronts in the following shopping parades:

- 1) Stranton / Vicarage Gardens
- 2) The Front, Seaton
- 3) Church Street

Replacement shop fronts should be of high quality design responding to the local context. The preservation of traditional examples of shop frontages is important for maintaining our highly valued built heritage and links with the past however emphasis should also be placed on ensuring high standards of design for all shop fronts, be they traditional or contemporary in style.

Policy HE7: Heritage at Risk

HE7: The policy sets out that the retention, protection and enhancement of heritage assets classified as 'at risk' is a priority for the Borough Council. Development of heritage assets which will positively conserve and enhance these assets removing them from being classified as at risk and addressing issues of neglect, decay or other threat will be supported. In exceptional circumstances the redevelopment of the wider site may be considered where a heritage asset is at risk and requires significant repairs to maintain or enhance its heritage value and does not create substantial harm or total loss of significance of a heritage asset. In the case of less than significant harm to the heritage asset it must be demonstrated that any loss and/or harm is necessary and outweighed by the need to achieve substantial public benefit.

Policy NE1: Natural Environment

NE1: This policy states how the natural environment will be protected, managed and enhanced. The policy comprehensively considers all areas relating to the natural environment, including sites designated for nature conservation, designated nature reserves, woodland, habitats, ecosystems, green networks, stating that these should be protected and enhanced. Appropriate assessments and mitigation are also covered by the policy.

Policy NE2: Green Infrastructure

NE2: States that the green infrastructure within the Borough will be safeguarded from inappropriate development and will work actively with partners to improve the quantity, quality, management and accessibility of green infrastructure and recreation and leisure facilities, including sports pitches, cycle routes and greenways throughout the Borough based on evidence of local need. The policy identifies specific types of Green Infrastructure which are on the proposals map. Loss of green infrastructure will be resisted and in exceptional circumstances where permitted,

appropriate compensatory provision will be required.

Policy NE3: Green Wedges

NE3: Seeks to protect, maintain, enhance and, where appropriate, increase the number of green wedges to provide a wide range of benefits for the town. The green wedges are shown on the proposals map. The policy sets out the limited circumstances in which development would be acceptable within the green wedges.

Policy NE4: Ecological Networks

NE4: Seeks to maintain and enhance ecological networks throughout the Borough. Priority sections of the network are:

- 1) Coastal fringe
- 2) Tees Road/Brenda Road brownfield land
- 3) Dalton Beck/Greatham Beck riparian corridor
- 4) Rural west from Wynyard to Thorpe Bulmer and Crimdon Denes

There may be a requirement for developments within the vicinity of ecological networks to contribute to the maintenance and enhancement of networks where such a development will have an impact.

Policy NE5: Playing Fields, Tennis Courts and Bowling Greens

NE5: The policy seeks to protect existing playing fields, tennis courts and bowling greens. The policy details the exceptional circumstances in which development and loss of such facilities may be acceptable.

When additional facilities are required to serve new housing developments and/or to meet an increase in demand for an activity, they should be concentrated together as a hub to ensure effective use by clubs and organisations as well as the wider community.

Policy NE6: Protection of Incidental Open Space

NE6: States that the loss of incidental open space will be resisted except where:

- 1) it can be demonstrated that the area of open space is detrimental to the amenity of neighbours or is too small or difficult to maintain, or
- 2) it does not contribute significantly to visual or recreational amenity, and where the need and function of the open space is met elsewhere in the locality.

In exceptional circumstances where incidental open space is lost to development, compensatory provision of an alternative site or enhancement of nearby open space will be required.

Policy NE7: Landscaping along main transport corridors

NE7: The policy states that the main road and rail corridors are considered to be an integral part of the green infrastructure network, and a particularly high standard of landscaping, tree planting and design will be required from developments adjoining the main communication corridors. A list of these key routes is provided in the policy.

PLANNING COMMITTEE

4th April 2018



Report of: Assistant Director (Economic Growth and Regeneration)

Subject: APPEAL AT THE FORMER SAXON PH,
EASINGTON ROAD, HARTLEPOOL, TES24 9QU
APPEAL REF: APP/H0724/W/17/3190602
Change of Use from A1 to A5 Hot Food Takeaway.
(H/2017/0325).

1. PURPOSE OF REPORT

- 1.1 To advise members of a planning appeal that has been determined against the decision of the Council to refuse planning permission for the Change of Use from A1 to A5 Hot Food Takeaway.

The appeal decision was dismissed. A copy of the Inspector's decision letter is attached.

2. RECOMMENDATIONS

- 2.1 That Members note the outcome of this appeal

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Appeal Decision

Site visit made on 20 February 2018

by Caroline Jones BA (Hons) DipTP MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 March 2018

Appeal Ref: APP/H0724/W/17/3190602

The Saxon, Easington Road, Hartlepool TS24 9NT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Manjinder Jagpal against the decision of Hartlepool Borough Council.
- The application Ref H/2017/0325, dated 31 May 2017, was refused by notice dated 5 October 2017.
- The development proposed is change of use from A1 to A5 hot food takeaway.

This decision is issued in accordance with Section 56(2) of the Planning and Compulsory Purchase Act 2004 (as amended) and supersedes the decision issued on 6 March 2018.

Decision

1. The appeal is dismissed.

Procedural Matters

2. Following the determination of the application the Hartlepool Local Plan Publication Draft has been subject to Examination. The Inspectors Post Hearings Advice was issued on 15 November 2017 and the Council subsequently published the 'Hartlepool Local Planning Framework: Local Plan Submission Stage with Modifications following Hearings' (ELP). Both parties have had the opportunity to comment on the implications of the above to their case and I have taken their comments into account.
3. I have had regard to paragraph 216 of the National Planning Policy Framework (the Framework) with respect to the weight to be given to emerging plans. This says that the more advanced the preparation, the greater the weight that may be given. Whilst the plan is at a relatively advanced stage, I am not aware of the extent of unresolved objections following consultation on this latest document. Furthermore, the appellant has drawn my attention to concerns raised by the Examining Inspector in relation to Policy RC18 in particular, both during the Hearings and in his Post Hearings Advice. The Council has not disputed this. Given the above and in light of the fact that the Inspector's Final Report has not been issued, the weight that I can attach at this time is limited. I have considered the appeal accordingly.

Main Issues

4. The main issues are:

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- The effect of the proposal on the vitality and viability of the Local Centre
- The effect of the proposal on the health and well-being of local residents
- The effect of the proposal on the living conditions of neighbouring residents with particular regard to odour.

Reasons

Vitality and viability

5. The appeal site lies within the former Saxon Pub Local Centre, a former public house which has been converted and extended into three retail units plus one hot food takeaway (HFT). ~~The units are currently occupied by a fish and chip shop, a convenience store and a florist. The appeal unit is currently vacant.~~
6. Policy Com5 and Com12 of the Hartlepool Local Plan (2006) (HLP) seek to ensure that proposals for the development of food premises (including A5) maintain, amongst other things, the function and character of the area. ELP Policy RC16 similarly states that HFTs will only be permitted in Local Centres if they do not adversely affect, amongst other things, the character and function of the property and area. ELP Policy RC18 sets out the Council's proposed approach to HFTs. Amongst other things, its sets out to protect the vitality and viability of the network of retail and commercial centre by strictly controlling HFTs setting a maximum threshold of A5 floor space specific to the area.
7. The supporting text to both the policies of the adopted HLP and the ELP is similar in seeking to protect Local Centres. Both plans recognise that food and drink premises can be appropriately located in Local Centres and accept their role in providing jobs and assisting in boosting the local economy. However, it is also recognised that a concentration of such uses can impact on vitality and viability of retail and commercial centres and that such uses should not be allowed in Local Centres to the extent that the characteristics and function of the centre are prejudiced.
8. In terms of the appeal site, Policy RC18 states that the amount of Use Class A5 floor space within the centre should not exceed 15%. Both parties agree that the proposal would exceed the threshold set out in the policy. Although the policy cannot be afforded full weight at this time, it serves as a useful indication of the tipping point at which the extent of A5 could affect the retail function of the centre. As a consequence of the proposal, 50% of the units within the centre would be in A5 use. To my mind, given the small size of the centre, this would lead to an excessive number of non-retail units undermining the retail character and shopping function of the Local Centre and unacceptably harming its vitality.
9. I acknowledge that vacant units and closed shutters can also have an adverse impact on the vitality and viability of an area. In this respect, I have had regard to the fact that the premises have been advertised since January 2017 and the statement provided by the appellant's marketing agents asserting that there has been no interest in the use of the remaining two units for retail purposes. However, I saw at my site visit that, since the submission of the appeal, one of these units has now been occupied by a florist. Therefore, this does not demonstrate that there is no interest in retail uses at the Local Centre and there is not a particularly high vacancy rate. Furthermore, the occupation of the adjacent unit could contribute to the viability and vitality of the centre

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and may have a beneficial impact on attracting a tenant for the appeal unit, since as the appellant points out, 'custom attracts customers'. Given the above I am not persuaded that there is no prospect of a retail use being secured for the appeal unit.

10. I therefore conclude that the proposal would result in an unacceptable concentration of HFTs in a small centre which would be harmful to the vitality and viability of its retail character and function. Thus I find conflict with Policies Com5, Com12 and GEP1 of the HLP and ELP Policies RC16 and RC18 which seek, amongst other things, to protect the vitality and viability of retail centres by protecting their character and function and for proposals to take account of their relationship with surroundings.

Health and well-being

11. As well as the above, Policy RC18 also seeks to control the prevalence of HFTs in order to ensure that Hartlepool residents have the best possible opportunities to live a healthy lifestyle. The supporting text states that the thresholds have been set by looking at, amongst other things, ward level obesity data for adults and childhood obesity data for schools within the Borough and the proximity of each area to residential properties. The Council are concerned that the proposal would increase the availability and choice of unhealthy options with the consequential effect of impacting on the health and well-being of the population.
12. The Framework explains the need for the planning system to perform a number of roles including supporting strong, vibrant and healthy communities by, amongst other things, creating a high quality built environment that reflects the community's needs and supports its health, social and cultural well-being. Paragraph 69 reiterates that the planning system can play an important role in creating healthy inclusive communities. The Planning Practice Guidance (PPG) on health and well-being highlights that planning can help create a healthier food environment and supports evidence-based local policies which limit such uses in identified areas, including locations where children and young people congregate such as schools or specific locations where evidence indicates high levels of obesity. Emerging Policy RC18 is in general accordance with both the Framework and the PPG in this regard.
13. Nonetheless, whilst noting that Hartlepool has a significantly higher than average number of HFTs, there is no evidence before me specific to this locality or ward. The Planning Officer's Report (OR) refers to the Council's 'Healthy Weight Strategy for Hartlepool: Action Plan 2015-20' and its objectives to prevent an increase in the number of fast food outlets in the town. The OR goes on to say that the level of A5 use should be compared to the health statistics of the surrounding schools. However, no evidence in relation to overweight/obesity levels within the ward has been provided nor has the Council referred to the proximity of nearby schools.
14. Given the lack of compelling evidence, I cannot conclude that an additional HFT in this location could be attributed to any material decline in the health and well-being of local residents. Whilst accepting that the proposal would exceed the 15% threshold for A5 uses set out in Policy RC18, the absence of any clear cause or link to the proposal and a decline in health and well-being means I am unable to conclude that the proposal would prejudice the ability of the Borough's residents to live a healthy lifestyle. Taking the above into account,

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together with the weight that can be afforded to Policy RC18 at this time, there is insufficient justification to dismiss the appeal on these grounds.

Living conditions

15. As the fish and chip shop has an extraction unit on the northern side of the building, the Council is concerned that an additional A5 use at the site would result in a potential odour nuisance resulting from the combination of the kitchen extract systems from two HFTs in such close proximity.
16. The appeal unit is on the southern side of the two storey element of the centre. Therefore, it is likely that any extraction unit would be on the opposite side of the building to the existing system. ~~There did not appear to be residential accommodation in the upper floors of the building and therefore the closest properties would be those on the adjacent estate.~~ Given the intervening distance to the nearest properties, I am satisfied that this matter could be dealt with by the imposition of conditions relating to the siting and specifications of the extraction plant and equipment, should the appeal have succeeded. If properly installed and maintained, which can also be controlled by condition, cooking fumes and odours can be limited to an acceptable level. Furthermore, there is no evidence before me to suggest that the existing HFT has given rise to any complaints regarding odour nuisance.
17. I therefore conclude that the proposal would not have a detrimental impact on the living conditions of neighbouring residents with particular regard to odour. I find no conflict in this regard with Policies Com5, Com12 and GEP1 of the HLP and ELP Policy QP4 or paragraph 17 of the Framework. These seek, amongst other things, that proposals do not have an adverse impact on the amenities of neighbouring residents by reason of smell. I do not consider ELP Policy LP1 or paragraph 216 of the Framework directly relevant to the consideration of this matter.

Other Matters

18. The appellant has drawn my attention to a decision at 406 Catcote Road in 2017² in which an appeal for the change of use of a premises to a HFT within another Local Centre was allowed. However, in that case, the Council did not raise concerns over the proposal's impact on the vitality and viability of the centre or its impact on the living conditions of neighbouring residents and it is not therefore directly comparable to the appeal before me. In any case, whilst each application and appeal must be determined on its own merits, I have drawn the same conclusions as my colleague in relation to the impact on the health and well-being of local residents.
19. I note that the Council did not raise any concerns in relation to access, parking and servicing or highway safety. From all that I have seen, I have no reason to take a different view and acknowledge the proposal's accordance with the relevant paragraphs of the Framework both in this regard and in terms of its accessible location. I also note that the Council did not raise any objection to the impact on visual amenity and I have no reason to conclude otherwise. Nonetheless, these matters do not outweigh the harm that I have identified above. The lack of objection from neighbouring residents does not automatically make the proposal acceptable in planning terms.

¹

² APP/H0724/W/17/3170084

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20. The appellant asserts that the proposal represents sustainable development as set out in the Framework. I note that the Framework encourages and supports economic growth through the planning system and accept that the proposal would bring about some benefits. In this respect I have had regard to the core principles within paragraph 17 of the Framework in relation to driving and supporting sustainable economic development, seeking high quality design, protecting residential amenity and reusing previously developed land. In economic terms the proposal would generate jobs both directly and indirectly. An additional HFT would provide an accessible facility for the community and the proposal would bring into use a vacant unit with associated benefits to its appearance.
21. However, as the proposal would harm the vitality and viability of the Local Centre, the proposal conflicts with the Framework's core principles of taking account of the different roles and characters of areas and promoting the vitality of our main urban areas. The contribution to social interaction and opportunities for meetings of the community who might not otherwise come into contact with each other is somewhat limited by the transient nature of a HFT and there is no evidence that the HFT would meet a local need. I therefore consider that the limited benefits of the proposal do not outweigh by the adverse impacts to the vitality and viability of the Local Centre. As a result, the proposal fails to accord with the economic and social role within paragraph 7 of the Framework and does not therefore constitute sustainable development in the overall round. As I have found conflict with the development plan, the presumption in favour of sustainable development does not apply.

Conclusion

22. Whilst I have not found harm in relation to the health and well-being and living conditions of local residents, this does not outweigh the harm that I have found to the vitality and viability of the Local Centre.
23. For the reasons given above and taking all matters into account, I conclude that the appeal should be dismissed.

Caroline Jones

INSPECTOR

PLANNING COMMITTEE

4th April 2018



Report of: Assistant Director Economic Growth & Regeneration

Subject: CONSULTATION ON REVISIONS TO THE
NATIONAL PLANNING POLICY FRAMEWORK

1. PURPOSE OF REPORT

- 1.1 To advise members of an ongoing Government Consultation on revisions to the National Planning Policy Framework.

2. BACKGROUND

2.1 The Government has launched a consultation response on revisions to the National Planning Policy Framework (NPPF) originally issued in 2012. The NPPF represents the governments planning policy.

2.2 The draft revised NPPF incorporates policy proposals previously consulted on in the Housing White Paper and the Planning for the right homes in the right places consultation. The Budget 2017 included additional proposals to change planning policy and legislation to bring forward more land in the right places. The consultation seeks views on these additional policy proposals. The consultation closes on 10th May 2018. Subject to the consultation the Government intends to publish a revised NPPF in the summer.

2.3 Alongside the National Planning Policy Framework consultation documents, the Government have published for reference draft planning practice guidance and the housing delivery test measurement rulebook. The revised NPPF and these documents are included in the attached appendices 1, 2 and 3.

3. PROPOSALS

3.1 The Government's main focus for the changes is to address its concern that the country does not have enough homes and to facilitate the delivery of new homes to address rising demand.

3.2 The main proposed revisions are briefly set out below, the paragraph references refer to the paragraphs in the NPPF Draft text for consultation document which is attached as an appendix to this report.

Chapter 1 Introduction

3.3 Paragraph 6 clarifies that endorsed recommendations of the National Infrastructure Commission may be material when preparing plans or determining applications.

Chapter 2 Achieving sustainable development

3.4 The wording of the presumption in favour of sustainable development (paragraph 11) has been reordered to reflect the way that plan and decision-making are approached in practice. The draft text also sets out an expectation for objectively assessed needs to be accommodated unless there are strong reasons not to, including any unmet needs from neighbouring areas.

3.5 The current Framework includes examples of policies which provide a specific reason for restricting development. This is proposed to be changed to a defined list, which is set out at footnote 7 and includes Ancient Woodland and aged or veteran trees. This approach does not preclude other policies being used to limit development where the presumption applies, if the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits. Paragraphs 8-10 have been amended to clarify the role of the three high-level objectives for planning, and explain more clearly how these relate to the presumption in favour of sustainable development.

3.6 Additional changes to the presumption in favour of sustainable development clarify that the policies which provide a specific reason for refusing development (at footnote 7) relate to areas or assets of particular importance identified elsewhere in the Framework. The decision-making part of the presumption has also been changed to provide greater clarity, so that it refers to circumstances where “there are no relevant development plan policies, or the policies most important to determining the application are out of date”; and to “refusing” rather than “restricting” development. These changes are intended to improve the application of the presumption, by addressing aspects that have been subject to litigation about their scope or meaning.

3.7 Paragraph 14 is based on the Written Ministerial Statement of 12 December 2016, to provide additional certainty for neighbourhood plans in certain circumstances, including where there is substantial under-delivery of housing. It protects certain plans in circumstances where the adverse impacts of allowing development that conflicts with a neighbourhood plan are likely to significantly and demonstrably outweigh the benefits. This revised wording is considered to be more effective than setting out the ‘weight’ that should be given to plans in particular circumstances.

3.8 It is proposed that the ‘core planning principles’ section in the existing Framework is deleted, to remove duplication with other chapters, and ensure that

important policy messages are aligned with relevant topic chapters to maximise their effectiveness. The content of the core principles has been retained, and been moved to the most appropriate parts of the revised Framework.

Chapter 3 Plan-making

3.9 The housing White Paper proposed a number of changes to plan-making policy, which build on the changes in law introduced through the Neighbourhood Planning Act 2017. These are reflected in the plan making chapter as follows:

- a) a new plan-making framework which defines strategic priorities and allows authorities to plan for these in the most appropriate way;
- b) amendments to the tests for a 'sound' plan, to make clear that it should set out 'an' appropriate strategy rather than 'the most appropriate strategy' (to avoid the need for disproportionate work to demonstrate that a strategy is optimal);
- c) enabling spatial development strategies to allocate sites if there is unanimous agreement;
- d) the new requirement for authorities to review plan policies every five years following the date of adoption, with updates, if necessary, to reflect changing circumstances;
- e) tightening the evidence which is expected in respect of both local and strategic policies to support a 'sound' plan, to allow for a more proportionate approach; and
- f) introducing the expectation that plans should use digital tools to assist consultation and presentation of policies.

3.10 The *Planning for the right homes in the right places* consultation also proposed changes that are reflected in the chapter. These are:

- a) setting out that to meet the test of soundness authorities (including Mayors and combined authorities with plan-making powers), when preparing plans, will need to prepare and maintain a statement of common ground, as evidence (where appropriate) of the statutory duty to cooperate;
- b) changing the 'effective' and 'positively prepared' soundness test so that these more clearly encourage agreements and joint working; and
- c) a new approach to viability, through which plans are expected to be clear about the contributions expected in association with development. This will help ensure that requirements on developments set through plan policies are deliverable, more transparent and provide more certainty about what will be expected at the decision-making stage.

3.11 Paragraph 23 reflects changes to the Town and Country Planning (Local Planning) (England) Regulations 2012 which come into force on 6 April 2018, requiring local planning authorities to review their local plans every five years from adoption. Under the Neighbourhood Planning Act 2017, local planning authorities

must consider whether to revise the document following such a review, and publish their reasons if they decide not to do so.

3.12 Paragraph 21 expects strategic policies to be distinguished clearly in plans, to allow clear scope for local policies to be formulated.

3.13 Further changes are also proposed to the tests of 'soundness', to:

a) ensure a consistent approach to examination, by extending their application to all strategic and local plans, so that policies in a spatial development strategy are assessed against the same criteria as strategic policies in a local plan;

b) amend the 'positively prepared' soundness test to emphasise the role of plans in meeting objectively assessed needs for housing;

c) strengthen the 'effective' soundness test to emphasise effective joint working, as evidenced by the Statement of Common Ground which enables authorities to record where agreements have and have not been reached; and

d) make clear that the tests will be applied proportionately to local policies according to the extent to which they accord with strategic policies.

Chapter 4 Decision-making

3.14 Paragraph 58 takes forward the reforms to viability assessment proposed in the *Planning for the right homes in the right places* consultation. The policy makes clear that where a proposed development accords with all relevant policies in the plan there is no need for a viability assessment to accompany the planning application. This should speed up the decision making process by reducing scope for delay caused by negotiation of developer contributions. The policy also expects all viability assessments to reflect the Government's recommended approach which is set out in draft revised national planning guidance published alongside the Framework.

3.15 In support of the revised Framework, draft national planning guidance says that plans should define circumstances in which viability assessment is carried out at the decision making stage. The guidance gives some illustrative examples of circumstances which plan makers could identify as requiring viability assessment at the decision making stage.

3.16 The guidance says plans can set out when and how review mechanisms may be used to amend developer contributions to help account for significant changes in costs and values and provide certainty through economic cycles. Plans can set out how review mechanisms will be used to identify any significant increase in the overall value that occurs over the lifetime of a large or multi-phased development, and how that increase in value will be apportioned between the local authority and the developer to provide more certainty for delivering supporting infrastructure.

3.17 An additional reference to non-statutory and statutory consultees has been included in paragraph 41 to highlight their role and encourage local planning authorities to refer applicants to them for pre-application advice where appropriate. Similarly, text on the need for discussions about infrastructure and affordable

housing at the pre application stage has been added to paragraph 42 to encourage early engagement on these issues.

3.18 Changes at paragraph 45 reflect the fact that the local information requirements do not apply to applications for permission in principle, and that the local list of information requirements applicable to applications made on or after 31 July 2013 must have been published (or republished) during the two years before the application is made.

3.19 Changes at paragraph 46 have been made to more accurately reflect the requirements of the Seveso Directive.

3.20 New paragraphs 48 to 51 set out the weight that may be given to policies in emerging plans (previously in Annex 1), and puts into policy the approach to 'prematurity' previously contained in national planning guidance.

Chapter 5 Delivering a wide choice of high quality homes

3.21 This chapter implements a number of proposals from the previous housing White Paper and *Planning for the right homes in the right places* consultations.

3.22 Paragraph 61 introduces a new standard method for the calculation of local housing need. The details of the standard method are set out in draft revised national planning guidance published alongside the Framework.

3.23 Paragraph 62 makes clear that there should be clear policies for addressing the housing requirements of groups with particular needs. Students and travellers have been added to the list, as have people who rent their homes to reflect the outcomes of the *Planning and Affordable Housing for Build to Rent* consultation in February 2017.

3.24 Paragraphs 63-64 reflect the Written Ministerial Statement of 28 November 2014 on affordable housing contributions.

3.25 Paragraph 65 implements the housing White Paper proposal that at least 10% of homes on major sites should be available for affordable home ownership, with certain exemptions.

3.26 Paragraphs 66-67 introduce an expectation that local authorities should provide a housing requirement figure for designated neighbourhood areas.

3.27 Paragraphs 69-70 take forward the housing White Paper proposals to encourage greater use of small sites, to help diversify opportunities for builders and increase the number of schemes that can be built-out quickly. Following Budget 2017 the draft text proposes that local planning authorities should ensure that at least 20% of the sites allocated for housing in their plans are of half a hectare or less. The Government however remain open to views as to whether this is the most appropriate threshold for ensuring a good supply of small sites while not slowing plan production, or whether a broader approach should be taken (which could include

measures to promote more medium sized sites as well). The Government therefore are interested in whether:

- a) the proportion of allocations should relate to the number of sites allocated as currently proposed, the number of sites identified in these and other ways (such as through brownfield registers), or the overall number of homes to be provided for;
- b) the most appropriate size threshold to ensure that a suitable mix of small and medium sized sites comes forward; and
- c) the most appropriate percentages to apply.

3.28 Paragraphs 74(c), 75 and 77 set out the policy consequences of the new Housing Delivery Test. Footnote 29 proposes that from 2020, the presumption in favour of sustainable development will apply where delivery is below 75% of the authority's housing requirement. The proposed threshold of 75% was announced at Budget 2017. The local government finance settlement technical consultation in September 2017 on New Homes Bonus revision, set out that the Government intends to go further in 2019-20. This could include linking payment of the bonus to the housing delivery test or the standard approach to local housing need. The Government has indicated that it would consult on any further changes to the bonus before proposed implementation in 2019-20.

3.29 Paragraph 76 takes forward the housing White Paper proposal that the 5 year land supply position should be capable of being agreed for a one year period. The policy proposes that this should be demonstrated either through a recently adopted plan, or through a subsequent annual position statement. The minimum 10% buffer required in order for local authorities to take advantage of this policy is set out in paragraph 74(b).

3.30 Paragraph 78 provides that authorities should consider imposing a planning condition to bring forward development within two years, except where a shorter timescale could hinder the viability or deliverability of a scheme. It also encourages local planning authorities to consider why major sites have not been built out when considering subsequent planning applications.

3.31 Paragraph 72 reflects the announcement at Budget 2017 that the Government would consult on allowing the development of exception sites to provide entry-level homes suitable for first-time buyers, where a local need is identified.

Chapter 6 Building a strong, competitive economy

3.32 Paragraphs 82-83 make more explicit the importance of supporting business growth and improved productivity, in a way that links to key aspects of the Government's Industrial Strategy.

3.33 The rural economy section in the existing Framework has been brought within this chapter, with new policy at paragraph 85 on the potential need for planning policies and decisions to accommodate sites for local business and community needs outside existing settlements, in ways which minimise the impact of such sites and exploits opportunities to make such locations more sustainable. This approach

reflects the fact that the availability of sites to accommodate appropriate development in rural areas may be limited, particularly within existing settlements.

Chapter 7 Ensuring the vitality of town centres

3.34 Paragraph 86d clarifies that in allocating sites to meet the need for town centre uses, policies should look at least ten years ahead (though not necessarily over the full plan period, if longer, given uncertainty in forecasting long-term retail trends). It also provides that town centre boundaries should be kept under review so that identified needs for town centre uses can be accommodated, recognising that it is difficult for retail forecasts to look beyond ten years. Where town centres are in decline, the text (at paragraph 86g) has been expanded to provide a clearer policy approach.

3.35 Changes have also been made to policy on planning applications for town centre uses. Paragraph 87 amends the ‘sequential approach’ to planning applications, so that out of centre sites should be considered only if suitable town centre or edge of centre sites are unavailable or not expected to become available within a reasonable period. This addition makes clear that suitable town centre or edge of centre sites do not have to be available immediately, in order to avoid prejudicing town centre or edge of centre sites that are in the pipeline but not available straight away.

3.36 Paragraph 90 removes the expectation that office developments outside town centres are subject to an impact assessment, where the development is over a certain floorspace threshold. This change has been made as the Government considers that the approach to offices is covered sufficiently by the sequential approach, and is aware that there is no generally accepted or used method for assessing office impacts.

Chapter 8 Promoting healthy and safe communities

3.37 Paragraph 94 reflects the housing White Paper proposal that policies and decisions should consider the social and economic benefits of estate regeneration, and that authorities should use their planning powers to help deliver estate regeneration to a high standard.

3.38 Paragraph 92 gives additional recognition to the role that planning can play in promoting social interaction and healthy lifestyles. Paragraph 96 introduces new policy on the ways in which planning policies and decisions can help to counter malicious or natural threats, especially in crowded places and should take into account wider defence and security requirements.

Chapter 9 Promoting sustainable transport

3.39 Paragraph 103b reflects the housing White Paper proposal that authorities should be expected to identify additional development opportunities arising from strategic infrastructure investment.

3.40 Paragraph 107 incorporates the Written Ministerial Statement of 25 March 2015 on parking standards.

3.41 This chapter has been substantially revised to improve its structure. As part of this, a new introduction explains the variety of ways in which transport should be considered as part of the planning process, so that transport issues are recognised and addressed as fully as possible.

Paragraph 105f sets out new policy to recognise the importance of maintaining a national network of general aviation facilities.

3.42 Policy on assessing the transport impact of proposals (now at paragraphs 108-110) has been amended to refer to highway safety as well as capacity and congestion in order to make it clear that we expect that designs should prioritise pedestrian and cycle movements, followed by access to high quality public transport (so far as possible) as well as to reflect the importance of creating well-designed places.

Chapter 10 Supporting high quality communications

3.43 Paragraph 112 indicates that plan policies should set out expectations in relation to the delivery of high quality digital infrastructure, which provides access to services from a range of providers. This reflects Government's support for the further expansion of electronic communications networks, including next generation mobile technology and full fibre broadband connections, and the role that planning can play in this alongside other regulatory frameworks.

Chapter 11 Making effective use of land

3.44 This chapter combines existing policy with a number of proposals from the housing White Paper or and previous consultations. The housing White Paper proposals include:

- a) expecting plans to have a clear strategy for using land (paragraph 117);
- b) making more intensive use of existing land and buildings (paragraph 118d-e);
- c) avoiding building homes at low densities in areas of high demand, and pursuing higher-density housing in accessible locations, while reflecting the character and infrastructure capacity of each area (paragraph 123); and
- d) taking a flexible approach to policies or guidance that could inhibit making effective use of a site – although the proposed policy now refers specifically to daylight and sunlight issues, as these are considered to be the most relevant consideration in this context (paragraph 123c).

3.45 The text also reflects the White Paper proposal to give great weight to the value of using suitable brownfield land within settlements for homes (paragraph 118c) – although to give further emphasis this has been amended to substantial weight – and reflects the Written Ministerial Statement of 5 February 2018 on building upwards (paragraph 118e).

3.46 Budget 2017 set out a number of additional proposals to make more land available for housing, especially in areas of high demand, a number of which are reflected in this chapter. These changes include:

- a) making more effective use of empty space above shops – with the proposed policy widening this to refer to other situations where under-utilised land and buildings could be used more effectively (paragraph 118d);
- b) reallocating land where there is no reasonable prospect of an application coming forward for the allocated use – with the proposed policy also setting out how alternative uses should be considered ahead of a plan review taking place (paragraph 120);
- c) making it easier to convert retail and employment land to housing where this would be a more effective use (paragraph 121); and
- d) expecting minimum density standards to be used in town and city centres and around transport hubs – the proposed policy (paragraph 123a) applying this principle to areas where there is a shortage of land for meeting identified development needs, extending the principle to town centres, and indicating that standards should seek a significant uplift in prevailing densities, unless this would be inappropriate. Paragraph 123b also proposes that minimum densities should be considered in other parts of the plan area.

3.47 Building on these changes, paragraph 123c also proposes that local planning authorities should refuse applications which they consider fail to make effective use of land, in areas where there is an existing or anticipated shortage of land for meeting identified housing needs.

Chapter 12 Achieving well-designed places

3.48 Paragraphs 124-125 reflect the White Paper proposals that plans should, at the most appropriate level, set out a clear design vision and expectations, supported by visual tools such as design guides and codes. The revised text also reflects the White Paper proposal that widely accepted assessment frameworks such as Building for Life should form part of the ‘toolkit’ used by authorities in assessing design (paragraph 128).

3.49 Additional emphasis has been placed on the importance of pre-application discussions in securing good design (paragraph 127). The text also implements the White Paper proposal that design should not be used as a reason to object to development where the scheme complies with local policies (paragraph 129).

3.50 As a consequence of the above, the text at paragraph 130 has been revised to make clear that “outstanding or innovative designs” should not be given great weight where they are in conflict with local design policies, or would not be sensitive to their surroundings.

3.51 Policy on advertisements has been shortened; the text from the existing Framework which has been deleted will be moved to guidance.

Chapter 13 Protecting the Green Belt

3.52 The Framework maintains the strong protections of the Green Belt and retains a high bar before Green Belt land may be released. Paragraphs 136-137 implement the housing White Paper proposals that certain criteria should be satisfied before 'exceptional circumstances' are used to change Green Belt boundaries, and that where Green Belt is released first consideration should be given to land which has been previously-developed or which is well-served by public transport.

3.53 The housing White Paper also proposed a number of other changes to Green Belt policy that are reflected in the chapter – to:

- a) make clear that neighbourhood plans may amend detailed Green Belt boundaries, once the need for a Green Belt change has been demonstrated (paragraph 135);
- b) expect policies to set out how the impact of removing land from the Green Belt can be offset (paragraph 137); and
- c) provide that facilities for existing cemeteries, and development brought forward under a Neighbourhood Development Order, should not be regarded as 'inappropriate development' (paragraphs 144b and 145f).

3.54 Paragraph 144g reflects the proposal in the December 2015 consultation to allow brownfield land in the Green Belt to be used for affordable housing, where there is no substantial harm to openness. The proposal broadens the previous proposal to allow brownfield land in the Green Belt to be used for Starter Homes so that, subject to Green Belt protections, all residential developments that contribute to meeting an identified local affordable housing need can use brownfield land, allowing local planning authorities to use this land more flexibly in response to local circumstances.

3.55 Current policy allows buildings in the Green Belt in association with uses such as outdoor sport and cemeteries, but does not allow material changes in the use of land for such purposes, even if there would be no harm to openness. To allow a more consistent approach, paragraph 145e provides that material changes of use that preserve openness are not inappropriate development in the Green Belt. In addition, paragraphs 144b and 144f make clear that facilities for burial grounds and allotments, and rural exception sites, are not inappropriate development.

3.56 Members should note that there is no designated Green Belt in Hartlepool.

Chapter 14 Meeting the challenge of climate change, flooding and coastal change

3.57 This chapter carries forward a number of housing White Paper proposals – to:

- a) refer to the risk of overheating from rising temperatures and makes clear that planning policies should support measures to ensure the future resilience of communities and infrastructure to climate change (paragraph 148);
- b) incorporate the Written Ministerial Statement of 18 June 2015 on wind energy development (paragraph 153b and its accompanying footnote);

c) clarify that plans should have regard to the cumulative impacts of flood risk, rather than just to or from individual development sites (paragraph 155); and

d) clarify policy on the exception test that may need to be applied when considering development in locations at risk of flooding (paragraphs 158-162).

3.58 Paragraph 149b reflects that local planning authorities are tied to national technical standards, and there is limited scope to extend local ambition. The Clean Growth Strategy sets out the Government's plans for consulting on energy performance standards in Building Regulations later this year. Local authorities can play an important role in improving the energy performance of buildings, in line with the ambitions of the Clean Growth Strategy, and this will be considered further as the Government develops its consultation proposals.

3.59 A new paragraph (163) has been added to incorporate the Written Ministerial Statement of 18 December 2014 on sustainable drainage systems (SuDS) in major developments.

Chapter 15 Conserving and enhancing the natural environment

3.60 Paragraph 180 implements the housing White Paper proposal, and the announcement made on 18 January 2018, to clarify that the 'agent of change' (or applicant) should be responsible for mitigating the impact on their scheme of potential nuisance arising from existing development, such as live music venues and church bells.

3.61 This chapter has been updated to align with the 25 Year Environment Plan. It includes additional policy on strengthening existing networks of habitats (paragraph 169) and taking air quality fully into account (paragraph 180), clarifies that development within National Parks and Areas of Outstanding Natural Beauty should be limited (paragraph 170); and also clarifies the implications for policy on areas defined as Heritage Coast (paragraph 171).

3.62 Paragraph 173c of the revised Framework strengthens protection for ancient woodland and other irreplaceable habitats, by making clear that development resulting in their loss or deterioration should be wholly exceptional, and maintains a high level of protection for individual aged or veteran trees found outside these areas. This policy strikes a balance between protecting these important natural assets, while allowing development to proceed in the very limited circumstances where it would have significant public benefits, but the Government welcomes views on this during the consultation period. In particular, The Government is interested in views on how best to protect aged and veteran trees without preventing those important development schemes which are in the public interest.

Chapter 16 Conserving and enhancing the historic environment

3.63 Paragraph 182 has been revised to clarify that World Heritage Sites are recognised internationally for their Outstanding Universal Value and that this forms part of their significance and should be taken into account.

3.64 Paragraph 189 has been revised to clarify that when considering the impact of a proposed development on a designated heritage asset, decision-makers should give great weight to the asset's conservation irrespective of whether the potential harm to its significance amounts to 'less than substantial harm' or 'substantial harm or total loss' of significance .

Chapter 17 Facilitating the sustainable use of minerals

3.65 This chapter has been shortened slightly, the intention being to incorporate the deleted text in guidance. Additional text on on-shore oil and gas development is included at paragraph 204, which builds on the Written Ministerial Statement of 16 September 2015 to provide clear policy on the issues to be taken into account in planning for and making decisions on this form of development.

3.66 As planning for minerals is the responsibility of minerals planning authorities, the Government is interested in views on whether the revised planning policy for minerals that we are consulting on would sit better in a separate document, alongside the Government's planning policy for waste. In addition, they are seeking views on whether the use of national and sub-national guidelines on future aggregates provision remains a relevant approach in establishing the supply of aggregates to be planned for locally.

Transitional arrangements and consequential changes

3.67 From the date of publication of the current Framework, it provided that full weight should be given to plan policies adopted prior to the Framework being published and coming into effect, even when there was a limited degree of conflict with the Framework. In the case of the revised Framework the Government is not propose to repeat this particular transitional arrangement as it does not consider that the extent of the revisions to national policy justify it.

3.68 Transitional arrangements are proposed which will apply the previous Framework to the examining of plans which are submitted on or before the date which is six months after the date of the publication of the new Framework.

3.69 The Government do not propose to take forward transitional arrangements for the amended 'positively prepared' and 'effective' soundness tests, nor for the introduction of statements of common ground. Although transitional arrangements were consulted on in the *Planning for the right homes in the right places* consultation, the introduction of the statement of common ground as a way of evidencing joint working and the duty to cooperate is not a significant change in practice, and so we do not consider that it requires a transitional period.

3.70 The housing White Paper set out transitional arrangements for the application of the presumption in favour of sustainable development as applied through the consequences of the Housing Delivery Test. These step the application from delivery of less than 25% of the housing requirement in 2018 and 45% in 2019. From 2020 it will be introduced from 75%, as announced at Budget 2017.

3.71 To reflect the policy on neighbourhood plans set out in the Written Ministerial Statement of 12 December 2016, neighbourhood plans which are more than two years old will also be covered by the policy at paragraph 14 of the revised Framework until 12 December 2018.

3.72 The NPPF needs to be read in conjunction with the Planning Policy for Traveller Sites and the Planning Policy for Waste. The Government is considering whether any consequential changes should be made to these documents as a result of the proposed changes to the Framework.

Going further

3.73 The Government is considering what further planning reforms could support its ambition to deliver 3000,000 homes a year.

3.74 It considers that the use of permitted development rights to create new homes has played a vital part in increasing housing delivery in recent years. Since April 2015, permitted development rights have created over 30,000 new homes through changes of use from offices, agricultural, retail and other buildings. The Government is interested in finding more solutions to making the most of the spaces we have in delivering the homes we need in the right places.

3.75 The Written Ministerial Statement of 5 February 2018 made clear that planning policies and decisions should allow the use of airspace above existing residential and commercial premises to create new homes. The Government considers this approach makes sure that we are using the space we have available efficiently and reduces the need to build out. It is exploring what opportunities there are to further support this approach through a new permitted development right for upwards extensions for new homes where existing buildings are lower than the prevailing roofline. This would be subject to engagement with neighbours. A future consultation will seek views on where best this permitted development right should be applied.

3.77 The revised Framework recognises the importance of making the most of existing spaces, making clear that plans should seek more intensive use of existing land and buildings and include minimum density standards in town and city centres and around transport hubs. The Government does however recognise that there are locations where meeting needs through more effective use of urban land will not be possible, and in these instances there will be a need to find extra land to deliver the homes needed locally. Where this is the case the Government wants to ensure that these developments deliver the right homes and that the value generated by releasing land is supported by local infrastructure and communities. To this end, the Government is exploring wider measures to support farm diversification and housing in the rural economy.

3.78 The Government will continue to explore options for reforming developer contributions.

Conclusion

3.79 The main changes proposed to the NPPF are set out above. The driving force is to increase the number of homes

3.80 The consultation closes on 10th May 2018 and officers are currently preparing a response to meet this deadline.

3.81 Subject to the consultation the Government intends to publish a revised NPPF in the summer.

4. RISK IMPLICATIONS

4.1 The report relates to a consultation on proposed changes to the NPPF and risks are not fully known at this time. Depending on the final version of the NPPF policies and procedures would need to adapt to reflect changes.

5. FINANCIAL CONSIDERATIONS

5.1 The report relates to a consultation on proposed changes to the NPPF and financial considerations are not fully known at this time.

6. LEGAL CONSIDERATIONS

6.1 The report relates to a consultation on proposed changes to the NPPF. Depending on the final version of the NPPF policies and procedures would need to adapt to reflect changes.

7. EQUALITY AND DIVERSITY CONSIDERATIONS (IMPACT ASSESSMENT FORM TO BE COMPLETED AS APPROPRIATE.)

7.1 None.

8. STAFF CONSIDERATIONS

8.1 None.

9. ASSET MANAGEMENT CONSIDERATIONS

9.1 None

10. RECOMMENDATIONS

10.1 That members note the report.

11. REASONS FOR RECOMMENDATIONS

11.1 To inform members of the consultation on revisions to the NPPF.

12. BACKGROUND PAPERS

- 12.1 Relevant appendices are attached.

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Ministry of Housing,
Communities &
Local Government

National Planning Policy Framework

Draft text for consultation



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1. Introduction

1. The National Planning Policy Framework sets out the Government's planning policies for England and how these should be applied¹. It provides a framework within which locally-prepared plans for housing and other development can be produced.
2. Planning law requires that applications for planning permission be determined in accordance with the development plan², unless material considerations indicate otherwise³. The National Planning Policy Framework must be taken into account in preparing the development plan, and is a material consideration in planning decisions. Planning policies and decisions must also reflect relevant international obligations and statutory requirements.
3. General references to planning policies in this Framework should be applied in a way that is appropriate to the type of plan being produced, taking into account policy on plan-making in chapter 3.
4. The Framework does not contain specific policies for nationally significant infrastructure projects. These are determined in accordance with the decision-making framework in the Planning Act 2008 (as amended) and relevant national policy statements for major infrastructure, as well as any other matters that are relevant (which may include the National Planning Policy Framework). National policy statements form part of the overall framework of national planning policy, and may be a material consideration in preparing plans and making decisions on planning applications.
5. The Framework should be read in conjunction with the Government's planning policy for traveller sites, and its planning policy for waste. When preparing plans or making decisions on applications for these types of development, regard should also be had to the policies in this Framework, where relevant.
6. Other statements of government policy may be material when preparing plans or deciding applications, such as relevant Written Ministerial Statements and endorsed recommendations of the National Infrastructure Commission.

¹ This document replaces the first National Planning Policy Framework published in March 2012.

² This includes the local and neighbourhood plans that have been brought into force, and any spatial development strategies produced by combined authorities or elected Mayors (see glossary).

³ Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990.

2. Achieving sustainable development

7. The purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs⁴.
8. Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across the different objectives):
 - a) **an economic objective** – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
 - b) **a social objective** – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
 - c) **an environmental objective** – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change, including moving to a low carbon economy.
9. These objectives should be delivered through the preparation and implementation of plans and the policies in this Framework; they are not criteria against which every decision can or should be judged. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.
10. So that sustainable development is pursued in a positive way, at the heart of the Framework is a **presumption in favour of sustainable development** (paragraph 11).

⁴ Resolution 42/187 of the United Nations General Assembly.

The presumption in favour of sustainable development

11. Plans and decisions should apply a presumption in favour of sustainable development.

For **plan-making** this means that:

- a) plans should positively seek opportunities to meet the development needs of their area, and be sufficiently flexible to adapt to rapid change;
- b) strategic plans⁵ should, as a minimum, provide for objectively assessed needs for housing and other development, as well as any needs that cannot be met within neighbouring areas⁶, unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area⁷; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

For **decision-taking** this means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed⁷; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

12. The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making.

⁵ Local plans or spatial development strategies that contain policies to address the strategic priorities of an area (see chapter 3).

⁶ As established through statements of common ground.

⁷ The policies referred to are those in this Framework relating to sites protected under the Birds and Habitats Directives and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, within a National Park (or the Broads Authority) or defined as Heritage Coast; irreplaceable habitats including ancient woodland; aged or veteran trees; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 55); and areas at risk of flooding or coastal change. It does not refer to policies in development plans.

Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that have been brought into force⁸), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

13. The application of the presumption has implications for the way communities engage in neighbourhood planning. Neighbourhood plans should support the delivery of strategic policies contained in local plans or spatial development strategies; and should shape and direct development that is outside of these strategic policies.
14. Where a neighbourhood plan that has recently been brought into force⁹ contains policies and allocations to meet its identified housing requirement, the adverse impact of allowing development that conflicts with it is likely to significantly and demonstrably outweigh the benefits where:
 - a) paragraph 75 of this Framework applies; and
 - b) the local planning authority has at least a three year supply of deliverable housing sites (against its five year housing supply requirement), and its housing delivery was at least 45% of that required¹⁰ over the previous three years.

⁸ Brought into force refers to neighbourhood plans passed at referendum.

⁹ 'Recently been brought into force' means a neighbourhood plan which was passed at referendum two years or less before the date on which the decision is made.

¹⁰ Assessed against the Housing Delivery Test, from November 2018 onwards. Transitional arrangements are set out in Annex 1.

3. Plan-making

15. The planning system should be genuinely plan-led: succinct and up-to-date plans should provide a positive vision for the future of each area; a framework for addressing housing needs and other economic, social and environmental priorities; and a platform for local people to shape their surroundings.
16. Plans should:
 - a) be prepared with the objective of contributing to the achievement of sustainable development¹¹;
 - b) be prepared positively, in a way that is aspirational but deliverable;
 - c) be shaped by early, proportionate and meaningful engagement between plan-makers and communities, local organisations, businesses, infrastructure providers and statutory consultees;
 - d) contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals;
 - e) be accessible through the use of digital tools to assist public involvement and policy presentation; and
 - f) serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area (including policies in this Framework, where relevant).

The plan-making framework

17. As a minimum, authorities must ensure that there is a plan which addresses the strategic priorities for their area¹². This strategic plan can be produced by:
 - a) local planning authorities working together or independently, in the form of a joint or individual local plan; or
 - b) an elected Mayor or combined authority, in the form of a spatial development strategy (where plan-making powers have been conferred).
18. Where more detailed issues need addressing, local policies may be produced for inclusion in a local plan, or in a neighbourhood plan prepared by a neighbourhood planning group (a parish or town council, or a neighbourhood forum).
19. It is the combination of these statutory plans, produced at the strategic and local levels, that makes up the 'development plan' for a particular area.

¹¹ This is a legal obligation on local planning authorities exercising their plan-making functions.

¹² Section 19(1B-1E) of the Planning and Compulsory Purchase Act 2004.

Strategic policies

20. The strategic policies required for the area of each local planning authority should include those policies, and strategic site allocations, necessary to provide:
 - a) an overall strategy for the pattern and scale of development;
 - b) the homes and workplaces needed, including affordable housing;
 - c) appropriate retail, leisure and other commercial development;
 - d) infrastructure for transport, telecommunications, security, waste management, water supply, wastewater, flood risk and coastal change management, and the provision of minerals and energy (including heat);
 - e) community facilities (such as health, education and cultural infrastructure); and
 - f) climate change mitigation and adaptation, and conservation and enhancement of the natural, built and historic environment, including landscape and green infrastructure.
21. Plans should make explicit which policies are 'strategic policies'. These should be limited to those necessary to address the strategic priorities of the area (and any relevant cross-boundary issues), to provide a clear starting point for any local policies that may be needed. Those local policies may come forward either as part of a single local plan¹³ or as part of a subsequent local plan or neighbourhood plan. Strategic policies should not extend to detailed matters that are more appropriately dealt with through neighbourhood plans or other local policies.
22. Strategic policies should look ahead over a minimum 15 year period from adoption, to anticipate and respond to long-term requirements and opportunities, such as those arising from major improvements in infrastructure.
23. Policies should be reviewed to assess whether they need updating at least once every five years, and should then be updated as necessary¹⁴. Reviews should be completed no later than five years from the adoption date of the plan, and should take into account changing circumstances affecting the area, or any relevant changes in national policy. Relevant strategic policies will need updating at least once every five years if their applicable local housing need figure has increased; and they are likely to require earlier review if local housing need is expected to increase in the near future.
24. Strategic plans should indicate broad locations for development on a key diagram, and land-use designations and allocations on a policies map¹⁵. They should have a clear strategy for bringing sufficient land forward, and at a sufficient rate, to address objectively assessed needs over the plan period, in line with the presumption in favour of sustainable development. They should, as a minimum, plan for and

¹³ Where a single local plan is prepared the local policies should be clearly distinguished from the strategic policies.

¹⁴ Reviews at least every five years are a legal requirement for all local plans.

¹⁵ For spatial development strategies, this is only where the power to make allocations has been conferred.

allocate sufficient sites to deliver the strategic priorities of the area (except insofar as these needs can be met more appropriately through other mechanisms, such as brownfield registers or local policies).

25. The preparation and review of strategic policies should be underpinned by relevant and up-to-date evidence. This should be adequate but proportionate, focused tightly on supporting and justifying the policies concerned, and take into account relevant market signals.

Maintaining effective cooperation

26. Local planning authorities and county councils (in two-tier areas) have a duty to cooperate with each other, and with other prescribed bodies, on strategic matters that cross administrative boundaries.
27. Strategic plan-making authorities should collaborate to identify the relevant strategic matters which they need to address in their plans. They should also engage with their local communities and relevant bodies including Local Enterprise Partnerships, Local Nature Partnerships, the Marine Management Organisation, county councils, infrastructure providers, elected Mayors and combined authorities (in cases where Mayors or combined authorities do not have plan-making powers).
28. Effective and on-going joint working between strategic plan making authorities and relevant bodies is integral to the production of a positively prepared and justified strategy. In particular, joint working should help to determine where additional infrastructure is necessary, and whether development needs that cannot be met wholly within a particular plan area could be met elsewhere.
29. In order to demonstrate effective and on-going joint working, strategic plan-making authorities should prepare and maintain one or more statements of common ground, documenting the cross boundary matters being addressed and progress in cooperating to address these. These should be produced using the approach set out in national planning guidance, and be made publicly available throughout the plan-making process to provide transparency.

Local policies

30. Local policies can be used by authorities and communities to set out more detailed policies for specific areas, neighbourhoods or types of development. This can include allocating sites, the provision of infrastructure and community facilities at a local level, establishing design principles and setting out development management policies.
31. Neighbourhood planning gives communities the power to develop a shared vision for their area. Neighbourhood plans can shape, direct and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan. Neighbourhood plans should not promote less

development than set out in the strategic policies for the area, or undermine those strategic policies¹⁶.

32. Once a neighbourhood plan has been brought into force, the policies it contains take precedence over existing non-strategic policies in a local plan for that neighbourhood, where they are in conflict; unless they are superseded by strategic or local policies that are adopted subsequently.
33. The preparation and review of local policies should be underpinned by proportionate, relevant and up-to-date evidence, focused tightly on supporting and justifying the policies concerned.

Development contributions

34. Plans should set out the contributions expected in association with particular sites and types of development. This should include setting out the levels and types of affordable housing provision required, along with other infrastructure (such as that needed for education, health, transport, green and digital infrastructure). Such policies should not make development unviable, and should be supported by evidence to demonstrate this. Plans should also set out any circumstances in which further viability assessment may be required in determining individual applications.

Assessing and examining plans

35. Strategic and local plans should be informed throughout their preparation by a sustainability appraisal that meets the relevant legal requirements¹⁷. This should demonstrate how the plan has addressed relevant economic, social and environmental objectives (including opportunities for net gains). Significant adverse impacts on these objectives should be avoided and, wherever possible, alternative options which reduce or eliminate such impacts should be pursued. Where significant adverse impacts are unavoidable, suitable mitigation measures should be proposed (or, where this is not possible, compensatory measures should be considered).
36. Strategic and local plans are examined to assess whether they have been prepared in accordance with legal and procedural requirements, and whether they are sound. Plans are 'sound' if they are:
 - a) **Positively prepared** – provides a strategy which will, as a minimum, meet as much as possible of the area's objectively assessed needs (particularly for housing, using a clear and justified method to identify needs); and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;

¹⁶ Neighbourhood plans must be in general conformity with the strategic policies contained in any development plan that covers their area.

¹⁷ The reference to relevant legal requirements refers to Strategic Environmental Assessment. Neighbourhood plans may also require Strategic Environmental Assessment but only where there are potentially significant environmental impacts.

- b) **Justified** – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;
 - c) **Effective** – deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and
 - d) **Consistent with national policy** – enables the delivery of sustainable development in accordance with the policies in this Framework.
37. These tests of soundness will be applied to local policies¹⁸ in a proportionate way, taking into account the extent to which they are consistent with relevant strategic policies for the area.
38. Neighbourhood plans must meet certain ‘basic conditions’ and other legal requirements¹⁹ before they can come into force. These are tested through an independent examination before the neighbourhood plan may proceed to referendum.

¹⁸ Where these are contained in a local plan.

¹⁹ As set out in paragraph 8 of Schedule 4B to the Town and Country Planning Act 1990 (as amended).

4. Decision-making

39. Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

Pre-application engagement and front loading

40. 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.
41. 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 should encourage take-up of any pre-application services they do offer. They should 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 and, where relevant, with statutory and non-statutory consultees, before submitting their applications.
42. The more issues that can be resolved at pre-application stage, including the need to deliver improvements in infrastructure and affordable housing, the greater the benefits. For their role in the planning system to be effective and positive, statutory planning consultees will need to take the same early, pro-active approach, and provide advice in a timely manner throughout the development process. This assists local planning authorities in issuing timely decisions, helping to ensure that applicants do not experience unnecessary delays and costs.
43. 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, even where other consents relating to how a development is built or operated are needed at a later stage. Wherever possible, parallel processing of other consents should be encouraged to help speed up the process and resolve any issues as early as possible.
44. 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, applicants should discuss what information is needed with the local planning authority and expert bodies as early as possible.
45. Local planning authorities should publish a list of their information requirements for applications for planning permission. These requirements should be kept to the minimum needed to make decisions, and should be reviewed at least every two

years. Local planning authorities should only request supporting information that is relevant, necessary and material to the application in question.

46. Local planning authorities should consult the appropriate bodies when considering applications for the siting or changes to hazardous substances establishments, or for development around such establishments.
47. Applicants and local planning authorities should consider the potential for voluntary planning performance agreements, where this might achieve a faster and more effective application process.

Determining applications

48. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing.
49. Local planning authorities may give weight to relevant policies in emerging plans according to:
 - a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
 - b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
 - c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).
50. However in the context of the Framework – and in particular the presumption in favour of sustainable development – arguments that an application is premature are unlikely to justify a refusal of planning permission other than in the limited circumstances where both:
 - a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging plan; and
 - b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.
51. Refusal of planning permission on grounds of prematurity will seldom be justified where a draft plan has yet to be submitted for examination; or – in the case of a neighbourhood plan – before the end of the local planning authority publicity period on the draft plan. Where planning permission is refused on grounds of prematurity, the local planning authority will need to indicate clearly how the grant of permission

for the development concerned would prejudice the outcome of the plan-making process.

Tailoring planning controls to local circumstances

52. Local planning authorities are encouraged to use Local Development Orders to set the planning framework for particular areas or categories of development where the impacts would be acceptable, and in particular where this would promote economic, social or environmental gains for the area.
53. Communities can use Neighbourhood Development Orders and Community Right to Build Orders to grant planning permission. These require the support of the local community through a referendum. Local planning authorities should take a proactive and positive approach to such proposals, working collaboratively with community organisations to resolve any issues before draft orders are submitted for examination.
54. 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.

Planning conditions and obligations

55. 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.
56. Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Agreeing conditions early is beneficial to all parties involved in the process and can speed up decision making. Conditions that are required to be discharged before development commences should be avoided, unless there is a clear justification²⁰.
57. Planning obligations should only be sought where they meet all of the following tests:
 - a) necessary to make the development acceptable in planning terms;
 - b) directly related to the development; and
 - c) fairly and reasonably related in scale and kind to the development.

²⁰ When in force, sections 100ZA(4-6) of the Town and Country Planning Act 1990 will require the applicant's written agreement to the terms of a pre-commencement condition, unless prescribed circumstances apply.

58. Where proposals for development accord with all the relevant policies in an up-to-date development plan, no viability assessment should be required to accompany the application. Where a viability assessment is needed, it should reflect the recommended approach in national planning guidance, including standardised inputs, and should be made publicly available.

Enforcement

59. Effective enforcement is important to maintain public confidence in the planning system. Enforcement action is discretionary, and local planning authorities should act proportionately in responding to suspected breaches of planning control. They should consider publishing a local enforcement plan to manage enforcement proactively, in a way that is appropriate to their area. This should set out how they will monitor the implementation of planning permissions, investigate alleged cases of unauthorised development and take action where appropriate.

5. Delivering a sufficient supply of homes

60. To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.
61. In determining the minimum number of homes needed, strategic plans should be based upon a local housing need assessment, conducted using the standard method in national planning guidance – unless there are exceptional circumstances that justify an alternative approach which also reflects current and future demographic trends and market signals. In establishing this figure, any needs that cannot be met within neighbouring areas should also be taken into account.
62. Within this context, policies should identify the size, type and tenure of homes required for different groups in the community (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers²¹, people who rent their homes and people wishing to commission or build their own homes).
63. Where a need for affordable housing is identified, planning policies should specify the type of affordable housing required, and expect it to be met on-site unless:
 - a) off-site provision or an appropriate financial contribution in lieu can be robustly justified; and
 - b) the agreed approach contributes to the objective of creating mixed and balanced communities.
64. Provision of affordable housing should not be sought for developments that are not on major sites, other than in designated rural areas (where policies may set out a lower threshold of 5 units or fewer). To support the re-use of brownfield land, where vacant buildings are being reused or redeveloped, any affordable housing contribution due should be reduced by a proportionate amount²².
65. Where major housing development is proposed, planning policies and decisions should expect at least 10% of the homes to be available for affordable home ownership²³, unless this would exceed the level of affordable housing required in the area, or significantly prejudice the ability to meet the identified affordable housing needs of specific groups. Exemptions should also be made where the site or proposed development:
 - a) provides solely for Build to Rent homes;

²¹ Travellers who do not fall under the definition of 'traveller' in Annex 1 of the Planning Policy for Traveller Sites. The latter sets out how travellers' accommodation needs should be assessed for those covered by the definition in Annex 1 of that document.

²² Equivalent to the existing gross floorspace of the existing buildings. This does not apply to vacant buildings which have been abandoned.

²³ As part of the overall affordable housing contribution from the site.

- b) provides specialist accommodation for a group of people with specific needs (such as purpose-built accommodation for the elderly or students);
 - c) is proposed to be developed by people who wish to build or commission their own homes; or
 - d) is exclusively for affordable housing, an entry level exception site or a rural exception site.
66. Strategic plans should set out a housing requirement figure for designated neighbourhood areas²⁴. Once the strategic plan has been adopted, these figures should not need re-testing at the neighbourhood plan examination, unless there has been a significant change in circumstances that affects the requirement.
67. Where it is not possible to provide a requirement figure for a neighbourhood area²⁵, the local planning authority should provide an indicative figure, if requested to do so by the neighbourhood planning body. This figure should take into account factors such as the latest evidence of local housing need, the population of the neighbourhood area and the most recently available planning strategy of the local planning authority.

Identifying land for homes

68. Strategic planning authorities should have a clear understanding of the land available in their area through the preparation of a strategic housing land availability assessment. From this, planning policies should identify a sufficient supply and mix of sites, taking into account their availability, suitability and likely economic viability. Strategic plans should identify a supply of:
- a) specific, deliverable sites for years one to five of the plan²⁶; and
 - b) specific, developable sites or broad locations for growth, for years 6-10 and, where possible, for years 11-15 of the plan.
69. Small sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly. To promote the development of a good mix of sites local planning authorities should:
- a) ensure that at least 20% of the sites identified for housing in their plans are of half a hectare or less;
 - b) use tools such as area-wide design assessments and Local Development Orders to help bring small sites forward;

²⁴ Except where a Mayoral, combined authority or high-level joint plan is being prepared as a framework for strategic plans at the individual local authority level; in which case it may be most appropriate for the local authority plans to provide the requirement figure.

²⁵ Because a neighbourhood area is designated at a late stage in the strategic plan process, or after a strategic plan has been adopted; or in instances where strategic policies for housing are out of date.

²⁶ With an appropriate buffer, as set out in paragraph 74. See glossary for definitions of deliverable and developable.

- c) support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes; and
 - d) work with developers to encourage the sub-division of large sites where this could help to speed up the delivery of homes.
70. Neighbourhood Planning Groups should also consider the opportunities for allocating small sites suitable for housing in their area.
71. Where an allowance is to be made for windfall sites as part of anticipated supply, there should be compelling evidence that they will provide a reliable source of supply. Any allowance should be realistic having regard to the strategic housing land availability assessment, historic windfall delivery rates and expected future trends. Plans should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area.
72. Local planning authorities should support the development of entry level exception sites, suitable for first time buyers (or those looking to rent their first home), unless the need for such homes is already being met within the authority's area. These sites should be outside existing settlements, on land which is not already allocated for housing, and should:
- a) comprise a high proportion of entry-level homes that will be offered for discounted sale or for affordable rent; and
 - b) be adjacent to existing settlements, proportionate in size to them, not compromise the protection given to areas or assets of particular importance in this Framework²⁷, and comply with any local design policies and standards.
73. The supply of large numbers of new homes can often be best achieved through planning for larger scale development, such as new settlements or significant extensions to existing villages and towns. Working with the support of their communities, and other authorities if appropriate, strategic plan-making authorities should identify suitable opportunities for such development where this can help to meet identified needs in a sustainable way. In doing so, they should consider the opportunities presented by existing or planned investment in infrastructure, the area's economic potential and the scope for net environmental gains. They should also consider whether it is appropriate to establish Green Belt around or adjoining new developments of significant size.

Maintaining supply and delivery

74. Strategic plans should include a trajectory illustrating the expected rate of housing delivery over the plan period, and all plans should consider whether it is appropriate to set out the anticipated rate of development for specific sites. Local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing

²⁷ As set out in footnote 7.

requirement, or against their local housing need where the strategic plan is more than five years old. The supply of specific deliverable sites should in addition include a buffer (moved forward from later in the plan period) of:

- a) 5% to ensure choice and competition in the market for land; or
 - b) 10% where the local planning authority wishes to demonstrate a five year supply of deliverable sites through an annual position statement or recently adopted plan²⁸, to account for any fluctuations in the market during that year; or
 - c) 20% where there has been significant under delivery of housing over the previous three years, to improve the prospect of achieving the planned supply²⁹.
75. For applications which include housing, paragraph 11d of this Framework will apply if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites (with the appropriate buffer), or where the Housing Delivery Test indicates that delivery of housing has been substantially³⁰ below the housing requirement over the previous three years.
76. A five year supply of deliverable housing sites, with the appropriate buffer, can be demonstrated where it has been established in a recently adopted plan, or in a subsequent annual position statement which:
- a) has been produced through engagement with developers and others who have an impact on delivery, and been considered by the Secretary of State; and
 - b) incorporates all the recommendations of the Secretary of State, where the position on specific sites could not be agreed during the engagement process.
77. To maintain the supply of housing, local planning authorities should monitor progress in building out sites which have permission. Where the Housing Delivery Test indicates that delivery has fallen below 95% of the local planning authority's housing requirement over the previous three years, the authority should prepare an action plan in line with national planning guidance, to assess the causes of under-delivery and identify actions to increase delivery in future years.
78. To help ensure that proposals for housing development are implemented in a timely manner, local planning authorities should consider imposing a planning condition providing that development must begin within a timescale shorter than the relevant default period, where this would expedite the development without threatening its deliverability or viability. For major housing development, local planning authorities should also assess why any earlier grant of planning permission for a similar development on the same site did not start.

²⁸ For the purposes of paragraphs 74b and 76 a plan adopted between 1 May and 31 October will be considered 'recently adopted' until 31 October of the following year; and a plan adopted between 1 November and 30 April will be considered recently adopted until 31 October that year.

²⁹ From November 2018, this will be measured against the Housing Delivery Test, where this indicates that delivery was below 85% of the housing requirement.

³⁰ Where the Housing Delivery Test indicates that delivery was below 75% of the housing requirement.

Rural housing

79. In rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs. Local planning authorities should support opportunities to bring forward rural exception sites that will provide affordable housing to meet identified local needs, and consider whether allowing some market housing on these sites would help to facilitate this.
80. To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Plans should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby.
81. Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:
 - a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;
 - b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;
 - c) the development would re-use redundant or disused buildings and enhance its immediate setting;
 - d) the development would involve the subdivision of an existing residential property; or
 - e) the design is of exceptional quality, in that it:
 - is truly outstanding or innovative, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and
 - would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.

6. Building a strong, competitive economy

82. Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future. This is particularly important where Britain can be a global leader in driving innovation³¹, and in areas with high levels of productivity, which should be able to capitalise on their performance and potential.
83. Planning policies should:
- a) set out a clear economic vision and strategy which positively and proactively encourages sustainable economic growth, having regard to Local Industrial Strategies and other local policies for economic development and regeneration;
 - b) set criteria, or identify strategic sites, for local and inward investment to match the strategy and to meet anticipated needs over the plan period (including making provision for clusters or networks of knowledge driven, creative or high technology industries);
 - c) seek to address potential barriers to investment, such as inadequate infrastructure, services or housing, or a poor environment; and
 - d) be flexible enough to accommodate needs not anticipated in the plan, allow for new and flexible working practices (such as live-work accommodation), and to enable a rapid response to changes in economic circumstances.

Supporting a prosperous rural economy

84. Planning policies and decisions should enable:
- a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well designed new buildings;
 - b) the development and diversification of agricultural and other land-based rural businesses;
 - c) sustainable rural tourism and leisure developments which respect the character of the countryside; and
 - d) the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.

³¹ The Government's Industrial Strategy sets out a vision to drive productivity improvements across the UK, identifies a number of Grand Challenges facing all nations, and sets out a delivery programme to make the UK a leader in four of these: artificial intelligence and big data; clean growth; future mobility; and catering for an ageing society. HM Government (2017) *Industrial Strategy: Building a Britain fit for the future*

85. Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found outside existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land and sites that are well-related to existing settlements should be encouraged where suitable opportunities exist.

7. Ensuring the vitality of town centres

86. Planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation. Planning policies should:
- a) define a network and hierarchy of town centres and promote their long-term vitality and viability – by allowing them to grow and change in a way that supports a diverse retail offer, provides customer choice, allows a suitable mix of uses (including housing) and reflects their distinctive characters;
 - b) define the extent of town centres and primary shopping areas, identify primary and secondary frontages, and make clear which uses will be permitted in such locations;
 - c) retain and enhance existing markets and, where appropriate, re-introduce or create new ones;
 - d) allocate a range of suitable sites in town centres to meet the scale and type of development needed, looking at least ten years ahead. Meeting needs for retail, leisure, office and other main town centre uses over this period should not be compromised by limited site availability, so town centre boundaries should be kept under review;
 - e) allocate appropriate edge of centre sites for main town centre uses that are well connected to the town centre, where suitable and viable town centre sites are not available. If sufficient edge of centre sites cannot be identified, policies should explain how identified needs can be met in other accessible locations that are well connected to the town centre;
 - f) recognise that residential development often plays an important role in ensuring the vitality of centres and encourage residential development on appropriate sites; and
 - g) support diversification and changes of use where town centres are in decline, as part of a clear strategy for their future, while avoiding the unnecessary loss of facilities that are important for meeting the community's day-to-day needs.
87. Local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.
88. When considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale, so that opportunities to utilise suitable town centre or edge of centre sites are fully explored.

89. This sequential approach should not be applied to applications for small scale rural offices or other small scale rural development.
90. When assessing applications for retail and leisure development outside town centres, which are not in accordance with an up-to-date plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold (if there is no locally set threshold, the default threshold is 2,500 sq m). This should include assessment of:
- a) the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and
 - b) the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and the wider retail catchment (as applicable to the scale and nature of the scheme).
91. Where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the above considerations, it should be refused.

8. Promoting healthy and safe communities

92. Planning policies and decisions should aim to achieve healthy, inclusive and safe places which:
- a) promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other – for example through mixed-use developments, strong neighbourhood centres, street layouts that allow for multiple connections within and between neighbourhoods, and active street frontages;
 - b) are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion – for example through the use of clear and legible pedestrian routes, and high quality public space, which encourage the active and continual use of public areas; and
 - c) enable and support healthy lifestyles, especially where this would address identified local health and wellbeing needs – for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling.
93. To provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should
- a) plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;
 - b) take into account and support the delivery of local strategies to improve health, social and cultural wellbeing for all sections of the community;
 - c) guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs;
 - d) ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community; and
 - e) ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.
94. Planning policies and decisions should consider the social and economic benefits of estate regeneration. Local planning authorities should use their planning powers to help deliver estate regeneration to a high standard.
95. It is important that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:

- a) give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications; and
 - b) work with schools promoters, delivery partners and statutory bodies to identify and resolve key planning issues before applications are submitted.
96. Planning policies and decisions should promote public safety and take into account wider security and defence requirements by:
- a) anticipating and addressing all plausible malicious threats and natural hazards, especially in locations where large numbers of people are expected to congregate³². Local policies for relevant areas (such as town centre and regeneration frameworks), and the layout and design of developments, should be informed by the most up-to-date information available from the police and other agencies about the nature of potential threats and their implications. This includes appropriate and proportionate steps that can be taken to reduce vulnerability, increase resilience and ensure public safety and security; and
 - b) recognising and supporting development required for operational defence and security purposes, and ensuring that operational sites are not affected adversely by the impact of other development proposed in the area.

Open space and recreation

97. Access to a network of high quality open spaces and opportunities for sport and physical activity make an important contribution to the health and well-being of communities. Planning policies should be based on robust and up-to-date assessments of the need for open space, sport and recreation facilities (including quantitative or qualitative deficits or surpluses) and opportunities for new provision. Information gained from the assessments should be used to determine what open space, sport and recreational provision is required, and which plans should seek to accommodate.
98. Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:
- a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
 - b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
 - c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the former use.

³² This includes transport hubs, night-time economy venues, cinemas and theatres, sports stadia and arenas, shopping centres, health and education establishments, places of worship, hotels and restaurants, visitor attractions and commercial centres.

99. Planning policies and decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails.
100. The designation of land as Local Green Space through local and neighbourhood plans allows communities to identify and protect green areas of particular importance to them. Identifying land as Local Green Space should be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services. Local Green Spaces should only be designated when a plan is prepared or updated, and be capable of enduring beyond the end of the plan period.
101. The Local Green Space designation should only be used where the green space is:
 - a) in reasonably close proximity to the community it serves;
 - b) demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and
 - c) local in character and is not an extensive tract of land.
102. Policies for managing development within a Local Green Space should be consistent with those for Green Belts.

9. Promoting sustainable transport

103. Transport issues should be considered from the earliest stages of plan-making and development proposals, so that:
 - a) the potential impacts of development on transport networks can be addressed;
 - b) opportunities from existing or proposed transport infrastructure, and changing transport technology and usage, are realised – for example in relation to the scale, location or density of development that can be accommodated;
 - c) opportunities to promote walking, cycling and public transport use are identified and pursued;
 - d) the environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account – including appropriate opportunities for mitigation and for net gains in environmental quality; and
 - e) patterns of movement, streets, parking and other transport considerations are integral to the design of schemes, and contribute to making high quality places.
104. The planning system should actively manage patterns of growth in support of these objectives. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health. However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making.
105. Planning policies should:
 - a) support an appropriate mix of uses across an area, and within strategic sites, to minimise the number and length of journeys needed for employment, shopping, leisure, education and other activities;
 - b) be prepared with the active involvement of local highways authorities, other transport infrastructure providers and operators and neighbouring councils, so that strategies and investments for supporting sustainable transport and development patterns are aligned;
 - c) identify and protect, where there is robust evidence, sites and routes which could be critical in developing infrastructure to widen transport choice and realise opportunities for large scale development;
 - d) provide for high quality walking and cycling networks and supporting facilities such as cycle parking – drawing on Local Cycling and Walking Infrastructure Plans;
 - e) provide for any large scale facilities, and the infrastructure to support their operation and growth, taking into account any relevant national policy statements and whether such development is likely to be a nationally significant

infrastructure project. For example ports, airports, interchanges for rail freight, roadside services and public transport projects³³; and

- f) recognise the importance of maintaining a national network of general aviation facilities – taking into account their economic value in serving business, leisure, training and emergency service needs, and the Government's General Aviation Strategy³⁴.

106. If setting local parking standards for residential and non-residential development, policies 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) the need to ensure an adequate provision of spaces for charging plug-in and other ultra-low emission vehicles.

107. Maximum parking standards for residential and non-residential development should only be set where there is a clear and compelling justification that they are necessary for managing the local road network. In town centres, local authorities should seek to improve the quality of parking so that it is convenient, safe and secure, alongside measures to promote accessibility for pedestrians and cyclists.

Considering development proposals

108. In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:

- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
- b) safe and suitable access to the site can be achieved for all users; and
- c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

109. Development should only be prevented or refused on highways grounds if the residual cumulative impacts on the road network or road safety would be severe.

110. Within this context, applications for development should:

- a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating

³³ The primary function of roadside services should be to support the safety and welfare of the road user.

³⁴ Department for Transport (2015) *General Aviation Strategy*.

access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;

- b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;
- c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;
- d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and
- e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

111. All developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.

10. Supporting high quality communications

112. Advanced, high quality and reliable communications infrastructure is essential for economic growth and social wellbeing. Planning policies and decisions should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G) and full fibre broadband connections. Policies should set out how high quality digital infrastructure, providing access to services from a range of providers, is expected to be delivered and upgraded over time; and should prioritise full fibre connections to existing and new developments (as these connections will, in almost all cases, provide the optimum solution).
113. The number of radio and telecommunications masts, and the sites for such installations, should be kept to a minimum consistent with the needs of consumers and the efficient operation of the network. Use of existing masts, buildings and other structures for new telecommunications capability (including wireless) should be encouraged. Where new sites are required (such as for new 5G networks, or for connected transport and smart city applications), equipment should be sympathetically designed and camouflaged where appropriate.
114. Local planning authorities should not impose a ban on new telecommunications development in certain areas, impose blanket Article 4 directions over a wide area or a wide range of telecommunications development, or insist on minimum distances between new telecommunications development and existing development. They should ensure that:
 - a) they have evidence to demonstrate that telecommunications infrastructure is not expected to cause significant and irremediable interference with other electrical equipment, air traffic services or instrumentation operated in the national interest; and
 - b) they have considered the possibility of the construction of new buildings or other structures interfering with broadcast and telecommunications services.
115. Applications for telecommunications development (including applications for prior approval under the General Permitted Development Order) should be supported by the necessary evidence to justify the proposed development. This should include:
 - a) the outcome of consultations with organisations with an interest in the proposed development, in particular with the relevant body where a mast is to be installed near a school or college, or within a statutory safeguarding zone surrounding an aerodrome or technical site; and
 - b) for an addition to an existing mast or base station, a statement that self-certifies that the cumulative exposure, when operational, will not exceed International Commission guidelines on non-ionising radiation protection; or
 - c) for a new mast or base station, evidence that the applicant has explored the possibility of erecting antennas on an existing building, mast or other structure and a statement that self-certifies that, when operational, International Commission guidelines will be met.

116. Local planning authorities must determine applications on planning grounds. They should not seek to prevent competition between different operators, question the need for a telecommunications system, or set health safeguards different from the International Commission guidelines for public exposure.

11. Making effective use of land

117. Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic plans should contain a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land³⁵.
118. Planning policies and decisions should:
- a) encourage multiple benefits from both urban and rural land, including through mixed use schemes and taking opportunities to achieve net environmental gains – such as developments that would enable new habitat creation or improve public access;
 - b) recognise that some undeveloped land can perform many functions, such as for wildlife, recreation, flood risk mitigation, cooling/shading, carbon storage or food production;
 - c) give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated and unstable land;
 - d) promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively (for example converting space above shops, and building on or above service yards, car parks, lock-ups and railway infrastructure)³⁶; and
 - e) support opportunities to use the airspace above existing residential and commercial premises for new homes. In particular, they should allow upward extensions where the development would be consistent with the prevailing height and form of neighbouring properties and the overall street scene, is well-designed (including complying with any local design policies and standards), and can maintain safe access and egress for occupiers.
119. Local planning authorities, and other plan-making bodies, should take a proactive role in identifying and helping to bring forward land that may be suitable for meeting development needs, such as sites included on brownfield registers or held in public ownership, using the full range of powers available to them.
120. Planning policies and decisions need to reflect changes in the demand for land. They should be informed by regular reviews of both the land allocated for development in plans, and of land availability. Where the local planning authority

³⁵ Except where this would conflict with other policies in this Framework, including causing harm to habitats of high environmental value.

³⁶ As part of this approach, plans and decisions should support efforts to identify and bring back into residential use empty homes and other buildings, supported by the use of compulsory purchase powers where appropriate.

considers there to be no reasonable prospect of an application coming forward for the use allocated in a plan:

- a) they should, as part of plan reviews, reallocate the land for a more deliverable use that can help to address identified needs (or, if appropriate, deallocate a site which is undeveloped); and
 - b) in the interim, prior to reviewing the plan, applications for alternative uses on the land should be supported, where the proposed use would contribute to meeting an unmet need for development in the area.
121. Local planning authorities should also take a positive approach to applications for alternative uses of land which is currently developed but not allocated for a specific purpose in plans, where this would help to meet identified development needs. In particular, they should support proposals to:
- a) use retail and employment land for homes in areas of high housing demand, provided this would not undermine key economic sectors or sites or the vitality and viability of town centres, and would be compatible with other policies in this Framework; and
 - b) make more effective use of sites that provide community services such as schools and hospitals, provided this maintains or improves the quality of service provision and access to open space.

Achieving appropriate densities

122. Planning policies and decisions should support development that makes efficient use of land, taking into account:
- a) the identified need for housing and other forms of development, and the availability of land suitable for accommodating it;
 - b) local market conditions and viability;
 - c) the availability and capacity of infrastructure and services – both existing and proposed – as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use;
 - d) the desirability of maintaining an area's prevailing character (including residential gardens), or of promoting regeneration and change; and
 - e) the importance of securing well-designed, attractive places.
123. Where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site. In these circumstances:
- a) plans should contain policies to optimise the use of land in their area and meet as much of the identified need for housing as possible. This will be tested robustly at examination, and should include the use of minimum density

standards for city and town centres and other locations that are well served by public transport. These standards should seek a significant uplift in the average density of residential development within these areas, unless it can be shown that there are strong reasons why this would be inappropriate;

- b) the use of minimum density standards should also be considered for other parts of the plan area. It may be appropriate to set out a range of densities that reflect the accessibility and potential of different areas, rather than one broad density range; and
- c) local planning authorities should refuse applications which they consider fail to make efficient use of land, taking into account the policies in this Framework. In this context, when considering applications for housing, authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site³⁷.

³⁷ And so long as the resulting scheme would provide acceptable living standards.

12. Achieving well-designed places

124. Planning policies and decisions should support the creation of high quality buildings and places. Plans should, at the most appropriate level, set out a clear design vision and expectations, so that applicants have as much certainty as possible about what is likely to be acceptable. Design policies should be developed with local communities so they reflect local aspirations, and are grounded in an understanding and evaluation of each area's defining characteristics. Neighbourhood plans can play an important role in identifying the special qualities of each area and explaining how this should be reflected in development.
125. To provide maximum clarity about design expectations, plans or supplementary planning documents should use visual tools such as design guides and codes. These provide a framework for creating distinctive places with a consistent and high quality standard of design. However their level of detail and degree of prescription should be tailored to the circumstances in each place, and should not inhibit a suitable degree of variety where this would be unjustified (such as where the existing urban form is already diverse).
126. Planning policies and decisions should ensure that developments:
- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
 - b) are visually attractive as a result of good architecture, layout and effective landscaping;
 - c) respond to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
 - d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive and distinctive places to live, work and visit;
 - e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
 - f) create places that are safe, inclusive and accessible, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
127. Design quality should be considered throughout the evolution and assessment of individual proposals. Early discussion between applicants, the local planning authority and local community about the design of emerging schemes is important for clarifying expectations and reconciling local and commercial interests. Applicants should work closely with those affected by their proposals to evolve designs that take account of the views of the community. Applications that can

demonstrate early, proactive and effective engagement with the community should be looked on more favourably than those that cannot.

128. Local planning authorities should ensure that they have appropriate tools and processes for assessing and improving the design of development. These include design advice and review arrangements, which should be used as early as possible in the evolution of schemes. Other tools include assessment frameworks, such as Building for Life³⁸, and design workshops. In assessing applications, local planning authorities should have regard to the outcome from these processes, including any recommendations made by design review panels.
129. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in local policies, design should not be used by the decision-maker as a valid reason to object to development.
130. In determining applications, great weight should be given to outstanding or innovative designs which promote high levels of sustainability or help raise the standard of design more generally in an area, so long as they are sensitive to the overall form and layout of their surroundings.
131. The quality and character of places can suffer when advertisements are poorly sited and designed. A separate consent process within the planning system controls the display of advertisements, which should be operated in a way which is simple, efficient and effective. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.

³⁸ Birkbeck D and Kruczkowski S (2015) *Building for Life 12: The sign of a good place to live*

13. Protecting Green Belt land

132. The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
133. Green Belt serves five purposes:
- a) to check the unrestricted sprawl of large built-up areas;
 - b) to prevent neighbouring towns merging into one another;
 - c) to assist in safeguarding the countryside from encroachment;
 - d) to preserve the setting and special character of historic towns; and
 - e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
134. The general extent of Green Belts across the country is already established. New Green Belts should only be established in exceptional circumstances, for example when planning for larger scale development such as new settlements or major urban extensions. Any proposals for new Green Belts should be set out in strategic plans, which should:
- a) demonstrate why normal planning and development management policies would not be adequate;
 - b) set out whether any major changes in circumstances have made the adoption of this exceptional measure necessary;
 - c) show what the consequences of the proposal would be for sustainable development;
 - d) demonstrate the necessity for the Green Belt and its consistency with strategic plans for adjoining areas; and
 - e) show how the Green Belt would meet the other objectives of the Framework.
135. Once established, Green Belt boundaries should only be altered in exceptional circumstances, through the preparation or updating of plans. Strategic plans should establish the need for any changes to Green Belt boundaries, having regard to their intended permanence in the long term, so they can endure beyond the plan period. Where a need for changes to Green Belt boundaries has been demonstrated through a strategic plan, detailed amendments to those boundaries may be made through local policies, including neighbourhood plans.
136. Before concluding that exceptional circumstances exist to justify changes to Green Belt boundaries, the strategic plan-making authority should have examined fully all

other reasonable options for meeting its identified need for development. This will be assessed through the examination of the plan, which will take into account the preceding paragraph, and whether the strategy;

- a) makes as much use as possible of suitable brownfield sites and underutilised land;
- b) optimises the density of development, including whether policies promote a significant uplift in minimum density standards in town and city centres, and other locations well served by public transport; and
- c) has been informed by discussions with neighbouring authorities about whether they could accommodate some of the identified need for development, as demonstrated through the statement of common ground.

137. When drawing up or reviewing Green Belt boundaries, the need to promote sustainable patterns of development should be taken into account. Strategic plan-making authorities should consider the consequences for sustainable development of channelling development towards urban areas inside the Green Belt boundary, towards towns and villages inset within the Green Belt or towards locations beyond the outer Green Belt boundary. Where it has been concluded that it is necessary to release Green Belt land for development, plans should give first consideration to land which has been previously-developed and/or is well-served by public transport. They should also set out ways in which the impact of removing land from the Green Belt can be offset through compensatory improvements to the environmental quality and accessibility of remaining Green Belt land.

138. When defining Green Belt boundaries, plans should:

- a) ensure consistency with the development plan's strategy for meeting identified requirements for sustainable development;
- b) not include land which it is unnecessary to keep permanently open;
- c) where necessary, identify areas of safeguarded land between the urban area and the Green Belt, in order to meet longer-term development needs stretching well beyond the plan period;
- d) make clear that the safeguarded land is not allocated for development at the present time; planning permission for the permanent development of safeguarded land should only be granted following an update to a plan which proposes the development;
- e) be able to demonstrate that Green Belt boundaries will not need to be altered at the end of the plan period; and
- f) define boundaries clearly, using physical features that are readily recognisable and likely to be permanent.

139. If it is necessary to restrict development in a village primarily because of the important contribution which the open character of the village makes to the openness of the Green Belt, the village should be included in the Green Belt. If, however, the character of the village needs to be protected for other reasons, other

means should be used, such as conservation area or normal development management policies, and the village should be excluded from the Green Belt.

140. Once Green Belts have been defined, local planning authorities should plan positively to enhance their beneficial use, such as looking for opportunities to provide access; to provide opportunities for outdoor sport and recreation; to retain and enhance landscapes, visual amenity and biodiversity; or to improve damaged and derelict land.
141. The National Forest and Community Forests offer valuable opportunities for improving the environment around towns, by upgrading the landscape and providing for recreation and wildlife. The National Forest Strategy and an approved Community Forest Plan may be a material consideration in preparing development plans and in deciding planning applications. Any development proposals within the National Forest and Community Forests in the Green Belt should be subject to the normal policies controlling development in Green Belts.

Proposals affecting the Green Belt

142. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
143. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
144. A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:
 - a) buildings for agriculture and forestry;
 - b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
 - c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
 - d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
 - e) limited infilling in villages;
 - f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
 - g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:

- not have a greater impact on the openness of the Green Belt than the existing development; or
- where the development would re-use previously developed land and contribute to meeting an identified local affordable housing need, not cause substantial harm to the openness of the Green Belt.

145. Certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These are:

- a) mineral extraction;
- b) engineering operations;
- c) local transport infrastructure which can demonstrate a requirement for a Green Belt location;
- d) the re-use of buildings provided that the buildings are of permanent and substantial construction;
- e) material changes in the use of land that would preserve the openness of the Green Belt and not conflict with the purposes of including land within it (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds, so long as the development would preserve openness); and
- f) development brought forward under a Community Right to Build Order or Neighbourhood Development Order.

146. When located in the Green Belt, elements of many renewable energy projects will comprise inappropriate development. In such cases developers will need to demonstrate very special circumstances if projects are to proceed. Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources.

14. Meeting the challenge of climate change, flooding and coastal change

147. The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.

Planning for climate change

148. Plans should take a proactive approach to mitigating and adapting to climate change, taking into account the long-term implications for flood risk, coastal change, , water supply, biodiversity and landscapes, and the risk of overheating from rising temperatures³⁹. Policies should support appropriate measures to ensure the future resilience of communities and infrastructure to climate change impacts, such as providing space for physical protection measures, or making provision for the possible future relocation of vulnerable development and infrastructure.
149. New development should be planned for in ways that:
- a) avoid increased vulnerability to the range of impacts arising from climate change. When new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaptation measures, including through the planning of green infrastructure; and
 - b) can help to reduce greenhouse gas emissions through its location, orientation and design. Any local requirements for the sustainability of buildings should reflect the Government's policy for national technical standards.
150. To help increase the use and supply of renewable and low carbon energy and heat, plans should:
- a) provide a positive strategy for energy from these sources, that maximises the potential for suitable development, while ensuring that adverse impacts are addressed satisfactorily (including cumulative landscape and visual impacts);
 - b) consider identifying suitable areas for renewable and low carbon energy sources, and supporting infrastructure, where this would help secure their development; and

³⁹ And within the context provided by the Climate Change Act 2008.

- c) identify opportunities where development can draw its energy supply from decentralised, renewable or low carbon energy supply systems and for co-locating potential heat customers and suppliers.
151. Local planning authorities should support community-led initiatives for renewable and low carbon energy, including developments outside areas identified in local or strategic plans that are being taken forward through neighbourhood planning.
152. In determining planning applications, local planning authorities should expect new development to:
- a) comply with any development plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and
 - b) take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.
153. When determining planning applications for renewable and low carbon development, local planning authorities should:
- a) not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and
 - b) approve the application if its impacts are (or can be made) acceptable. For wind energy developments, this should include consideration of the local community's views⁴⁰. Once suitable areas for renewable and low carbon energy have been identified in plans, local planning authorities should expect subsequent applications for commercial scale projects outside these areas to demonstrate that the proposed location meets the criteria used in identifying suitable areas.

Planning and flood risk

154. Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.
155. Strategic plans should be informed by a strategic flood risk assessment, and set out policies to manage flood risk from all sources. They should consider cumulative impacts in, or affecting, local areas susceptible to flooding, and take account of advice from the Environment Agency and other relevant flood risk management authorities, such as lead local flood authorities and internal drainage boards.

⁴⁰ A proposed wind energy development involving one or more wind turbines should not be considered acceptable unless it is in an area identified as suitable for wind energy development in the development plan; and, following consultation, it can be demonstrated that the planning impacts identified by the affected local community have been fully addressed and the proposal has their backing.

156. All plans should apply a sequential, risk-based approach to the location of development – taking into account the current and future impacts of climate change – so as to avoid, where possible, flood risk to people and property. They should do this, and manage any residual risk, by:
- a) applying the sequential test and then, if necessary, the exception test set out below;
 - b) safeguarding land from development that is required for current and future flood management;
 - c) using opportunities offered by new development to reduce the causes and impacts of flooding; and
 - d) where climate change is expected to increase flood risk so that some existing development may not be sustainable in the long-term, seeking opportunities to relocate development, including housing, to more sustainable locations.
157. The aim of the sequential test is to steer new development to areas with the lowest risk of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. The strategic flood risk assessment will provide the basis for applying this test. A sequential approach should be used in areas known to be at risk now or in the future from any form of flooding.
158. If it is not possible for development to be located in zones with a lower risk of flooding (taking into account wider sustainable development objectives), the exception test can be applied. This should be informed by a strategic or site-specific flood risk assessment, as appropriate. For the exception test to be passed it must be demonstrated that:
- a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and
 - b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.
159. Both elements of the exception test should be satisfied for development to be allocated or permitted.
160. Where planning applications come forward on sites allocated in the development plan through the sequential test, applicants need not apply the test again. However, local planning authorities should consider whether aspects of the exception test need to be reapplied to specific applications, depending on the extent and nature of potential flood risk identified and assessed during plan production, and the age of that information⁴¹.

⁴¹ If the exception test is required at the application stage, it should be informed by a site-specific flood risk assessment.

161. When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment⁴². Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:
- a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;
 - b) the development is appropriately flood resilient and resistant;
 - c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
 - d) any residual risk can be safely managed; and
 - e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.
162. Applications for some minor development and changes of use⁴³ should not be subject to the sequential or exception tests but should still meet the requirements for site-specific flood risk assessments set out in footnote 42.
163. Major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should:
- a) take account of advice from the lead local flood authority;
 - b) have appropriate proposed minimum operational standards;
 - c) have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and
 - d) where possible, provide multifunctional benefits.

Coastal change

164. In coastal areas, planning policies and decisions should take account of the UK Marine Policy Statement and marine plans. Integrated Coastal Zone Management should be pursued across local authority and land/sea boundaries, to ensure effective alignment of the terrestrial and marine planning regimes.

⁴² A site-specific flood risk assessment should be provided for all development in Flood Zones 2 and 3. In Flood Zone 1, an assessment should accompany all proposals involving: sites of 1 hectare or more; land which has been identified by the Environment Agency as having critical drainage problems; land identified in a strategic flood risk assessment as being at increased flood risk in future; or land that may be subject to other sources of flooding, where its development would introduce a more vulnerable use.

⁴³ This includes householder development, small non-residential extensions (with a footprint of less than 250m²) and changes of use; except for changes of use to a caravan, camping or chalet site, or to a mobile home or park home site, where the sequential and exception tests should be applied as appropriate.

165. Plans should reduce risk from coastal change by avoiding inappropriate development in vulnerable areas or adding to the impacts of physical changes to the coast. They should identify as a Coastal Change Management Area any area likely to be affected by physical changes to the coast, and:
- a) be clear as to what development will be appropriate in such areas and in what circumstances; and
 - b) make provision for development and infrastructure that needs to be relocated away from Coastal Change Management Areas.
166. Development in a Coastal Change Management Area will be appropriate only where it is demonstrated that:
- a) it will be safe over its planned lifetime and not have an unacceptable impact on coastal change;
 - b) the character of the coast including designations is not compromised;
 - c) the development provides wider sustainability benefits; and
 - d) the development does not hinder the creation and maintenance of a continuous signed and managed route around the coast⁴⁴.
167. Local planning authorities should limit the planned life-time of development in a Coastal Change Management Area through temporary permission and restoration conditions, where this is necessary to reduce a potentially unacceptable level of future risk to people and the development.

⁴⁴ As required by the Marine and Coastal Access Act 2009.

15. Conserving and enhancing the natural environment

168. Planning policies and decisions should contribute to and enhance the natural and local environment by:
- a) protecting and enhancing valued landscapes, sites of geological value and soils (in a manner commensurate with their statutory status or identified quality);
 - b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;
 - c) maintaining the character of the undeveloped coast, while improving public access to it;
 - d) minimising impacts and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;
 - e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air quality; and
 - f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.
169. Plans should: allocate land with the least environmental or amenity value, where consistent with other policies in this Framework⁴⁵; take a strategic approach to maintaining and strengthening networks of habitats and green infrastructure; and plan for the enhancement of natural capital at a catchment or landscape scale across local authority boundaries.
170. Great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty. The conservation of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks and the Broads⁴⁶. The scale and extent of development within these designated areas should be limited. Planning permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of:

⁴⁵ Where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality.

⁴⁶ English National Parks and the Broads: UK Government Vision and Circular 2010 provides further guidance and information about their statutory purposes, management and other matters.

- a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;
 - b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and
 - c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.
171. Within areas defined as Heritage Coast (and that do not already fall within one of the designated areas mentioned in paragraph 170), planning policies and decisions should be consistent with the special character of the area and the importance of its conservation. Major development within a Heritage Coast is unlikely to be appropriate, unless it is compatible with its special character.

Habitats and biodiversity

172. To protect and enhance biodiversity and geodiversity, plans should:
- a) identify and map components of local wildlife-rich habitats, including the hierarchy of designated sites of importance for biodiversity⁴⁷; wildlife corridors and stepping stones that connect them; and areas identified by local partnerships for habitat restoration or creation⁴⁸; and
 - b) promote the conservation, restoration and re-creation of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity.
173. When determining planning applications, local planning authorities should apply the following principles:
- a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
 - b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;
 - c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland) should be refused, unless there are wholly exceptional

⁴⁷ Circular 06/2005 provides further guidance in respect of statutory obligations for biodiversity and geological conservation and their impact within the planning system.

⁴⁸ Where Nature Improvement Areas are identified in plans, it may be appropriate to specify the types of development that may be suitable within them.

reasons⁴⁹ and a suitable mitigation strategy exists. Where development would involve the loss of individual aged or veteran trees that lie outside ancient woodland, it should be refused unless the need for, and benefits of, development in that location would clearly outweigh the loss; and

- d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for the environment.

174. The following should be given the same protection as European sites:

- a) potential Special Protection Areas and possible Special Areas of Conservation;
- b) listed or proposed Ramsar sites⁵⁰; and
- c) sites identified, or required, as compensatory measures for adverse effects on European sites, potential Special Protection Areas, possible Special Areas of Conservation, and listed or proposed Ramsar sites.

175. The presumption in favour of sustainable development does not apply where development requiring appropriate assessment under the Birds or Habitats Directives is being considered, planned or determined.

Ground conditions and pollution

176. Planning policies and decisions should ensure that:

- a) a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation);
- b) after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and
- c) adequate site investigation information, prepared by a competent person, is available to inform these assessments.

177. Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

⁴⁹ For example, infrastructure projects (including nationally significant infrastructure projects, orders under the Transport and Works Act and hybrid bills), where the public benefit would clearly outweigh the loss or deterioration of habitat.

⁵⁰ Potential Special Protection Areas, possible Special Areas of Conservation and proposed Ramsar sites are sites on which Government has initiated public consultation on the scientific case for designation as a Special Protection Area, candidate Special Area of Conservation or Ramsar site.

178. Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health and living conditions, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:
- a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and quality of life⁵¹;
 - b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and
 - c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.
179. Planning policies and decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas. Opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management, and green infrastructure provision and enhancement. So far as possible these opportunities should be considered at the plan-making stage, to ensure a strategic approach and limit the need for issues to be reconsidered when determining individual applications. Planning decisions should ensure that any new development in Air Quality Management Areas and Clean Air Zones is consistent with the local air quality action plan.
180. Planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (including places of worship, pubs, music venues and sports clubs). Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established⁵². Where an existing business or community facility has effects that could be deemed a statutory nuisance in the light of new development (including changes of use) in its vicinity, the applicant (or ‘agent of change’) should be required to secure suitable mitigation before the development has been completed.
181. The focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively. Equally, where a planning decision has been made on a particular development, the planning issues should not be revisited through the permitting regimes operated by pollution control authorities.

⁵¹ See Explanatory Note to the Noise Policy Statement for England.

⁵² Subject to the provisions of the Environmental Protection Act 1990 and other relevant law.

16. Conserving and enhancing the historic environment

182. Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value⁵³. These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations⁵⁴.
183. Plans should set out a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. This strategy should take into account:
- a) the desirability of sustaining and enhancing the significance of heritage assets, and putting them to viable uses consistent with their conservation;
 - b) the wider social, cultural, economic and environmental benefits that conservation of the historic environment can bring;
 - c) the desirability of new development making a positive contribution to local character and distinctiveness; and
 - d) opportunities to draw on the contribution made by the historic environment to the character of a place.
184. When considering the designation of conservation areas, local planning authorities should ensure that an area justifies such status because of its special architectural or historic interest, and that the concept of conservation is not devalued through the designation of areas that lack special interest. They should also make Information about the historic environment, gathered as part of policy-making or development management, publicly accessible.

Proposals affecting heritage assets

185. In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is

⁵³ Some World Heritage Sites are inscribed by UNESCO to be of natural significance rather than cultural significance; and in some cases they are inscribed for both their natural and cultural significance.

⁵⁴ The policies set out in this chapter relate, as applicable, to the heritage-related consent regimes for which local planning authorities are responsible under the Planning (Listed Buildings and Conservation Areas) Act 1990, as well as to plan-making and decision-making.

proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

186. Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.
187. Where there is evidence of deliberate neglect of or damage to a heritage asset, the deteriorated state of the heritage asset should not be taken into account in any decision.
188. In determining applications, local planning authorities should take account of:
 - a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
 - c) the desirability of new development making a positive contribution to local character and distinctiveness.

Considering potential impacts

189. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation, irrespective of the degree of potential harm to its significance. The more important the asset, the greater the weight should be.
190. Any harm or loss to a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:
 - a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;
 - b) scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional⁵⁵.
191. Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should

⁵⁵ Non-designated heritage assets of archaeological interest, that are demonstrably of equivalent significance to scheduled monuments, should be considered subject to the policies for designated heritage assets.

refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- a) the nature of the heritage asset prevents all reasonable uses of the site; and
 - b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
 - c) conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and
 - d) the harm or loss is outweighed by the benefit of bringing the site back into use.
192. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
193. The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
194. Local planning authorities should not permit loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred.
195. Local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible⁵⁶. However, the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted.
196. Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.
197. Not all elements of a World Heritage Site or Conservation Area will necessarily contribute to its significance. Loss of a building (or other element) which makes a positive contribution to the significance of the Conservation Area or World Heritage Site should be treated either as substantial harm under paragraph 190 or less than substantial harm under paragraph 191, as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area or World Heritage Site as a whole.

⁵⁶ Copies of evidence should be deposited with the relevant Historic Environment Record, and any archives with a local museum or other public depository.

198. Local planning authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from those policies.

17. Facilitating the sustainable use of minerals

199. It is important that there is a sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs. Since minerals are a finite natural resource, and can only be worked where they are found, best use needs to be made of them to secure their long-term conservation.
200. Planning policies should:
- a) provide for the extraction of mineral resource of local and national importance, but not identify new sites or extensions to existing sites for peat extraction;
 - b) so far as practicable, take account of the contribution that substitute or secondary and recycled materials and minerals waste would make to the supply of materials, before considering extraction of primary materials, whilst aiming to source minerals supplies indigenously;
 - c) safeguard mineral resources by defining Minerals Safeguarding Areas; and adopt appropriate policies so that known locations of specific minerals resources of local and national importance are not sterilised by non-mineral development where this should be avoided (whilst not creating a presumption that the resources defined will be worked);
 - d) set out policies to encourage the prior extraction of minerals, where practical and environmentally feasible, if it is necessary for non-mineral development to take place;
 - e) safeguard existing, planned and potential sites for: the bulk transport, handling and processing of minerals; the manufacture of concrete and concrete products; and the handling, processing and distribution of substitute, recycled and secondary aggregate material;
 - f) set out criteria or requirements to ensure that permitted and proposed operations do not have unacceptable adverse impacts on the natural and historic environment or human health, taking into account the cumulative effects of multiple impacts from individual sites and/or a number of sites in a locality;
 - g) when developing noise limits, recognise that some noisy short-term activities, which may otherwise be regarded as unacceptable, are unavoidable to facilitate minerals extraction; and
 - h) ensure that worked land is reclaimed at the earliest opportunity, taking account of aviation safety, and that high quality restoration and aftercare of mineral sites takes place.
201. When determining planning applications, local planning authorities should give great weight to the benefits of mineral extraction, including to the economy. In considering proposals for mineral extraction, minerals planning authorities should:

- a) as far as is practical, provide for the maintenance of landbanks of non-energy minerals from outside National Parks, the Broads, Areas of Outstanding Natural Beauty and World Heritage sites, scheduled monuments and conservation areas;
- b) ensure that there are no unacceptable adverse impacts on the natural and historic environment, human health or aviation safety, and take into account the cumulative effect of multiple impacts from individual sites and/or from a number of sites in a locality;
- c) ensure that any unavoidable noise, dust and particle emissions and any blasting vibrations are controlled, mitigated or removed at source⁵⁷, and establish appropriate noise limits for extraction in proximity to noise sensitive properties;
- d) not grant planning permission for peat extraction from new or extended sites;
- e) provide for restoration and aftercare at the earliest opportunity, to be carried out to high environmental standards, through the application of appropriate conditions. Bonds or other financial guarantees to underpin planning conditions should only be sought in exceptional circumstances;
- f) not normally permit other development proposals in mineral safeguarding areas where they might constrain potential future use for these purposes;
- g) consider how to meet any demand for small-scale extraction of building stone at, or close to, relic quarries needed for the repair of heritage assets, taking account of the need to protect designated sites; and
- h) recognise the small-scale nature and impact of building and roofing stone quarries, and the need for a flexible approach to the duration of planning permissions reflecting the intermittent or low rate of working at many sites.

Maintaining supply

202. Minerals planning authorities should plan for a steady and adequate supply of aggregates by:

- a) preparing an annual Local Aggregate Assessment, either individually or jointly, based on a rolling average of 10 years sales data and other relevant local information, and an assessment of all supply options (including marine dredged, secondary and recycled sources);
- b) participating in the operation of an Aggregate Working Party and taking the advice of that Party into account when preparing their Local Aggregate Assessment;
- c) making provision for the land-won and other elements of their Local Aggregate Assessment in their mineral plans taking account of the advice of the Aggregate Working Parties and the National Aggregate Co-ordinating Group as

⁵⁷ National planning guidance on minerals sets out how these policies should be implemented.

appropriate. Such provision should take the form of specific sites, preferred areas and/or areas of search and locational criteria as appropriate;

- d) taking account of any published National and Sub National Guidelines on future provision which should be used as a guideline when planning for the future demand for and supply of aggregates;
- e) using landbanks of aggregate minerals reserves principally as an indicator of the security of aggregate minerals supply, and to indicate the additional provision that needs to be made for new aggregate extraction and alternative supplies in mineral plans;
- f) making provision for landbanks of at least 7 years for sand and gravel and at least 10 years for crushed rock, whilst ensuring that the capacity of operations to supply a wide range of materials is not compromised;
- g) ensuring that large landbanks bound up in very few sites do not stifle competition; and
- h) calculating and maintaining separate landbanks for any aggregate materials of a specific type or quality which have a distinct and separate market.

203. Minerals planning authorities should plan for a steady and adequate supply of industrial minerals by:

- a) co-operating with neighbouring and more distant authorities to ensure an adequate provision of industrial minerals to support their likely use in industrial and manufacturing processes;
- b) encouraging an appropriate level of safeguarding or stockpiling so that important minerals remain available for use;
- c) maintaining a stock of permitted reserves to support the level of actual and proposed investment required for new or existing plant, and the maintenance and improvement of existing plant and equipment; and
- d) taking account of the need for provision of brick clay from a number of different sources to enable appropriate blends to be made.

Oil, gas and coal exploration and extraction

204. Minerals planning authorities should:

- a) recognise the benefits of on-shore oil and gas development, including unconventional hydrocarbons, for the security of energy supplies and supporting the transition to a low-carbon economy; and put in place policies to facilitate their exploration and extraction;
- b) when planning for on-shore oil and gas development, clearly distinguish between, and plan positively for, the three phases of development (exploration, appraisal and production);

- c) encourage underground gas and carbon storage and associated infrastructure if local geological circumstances indicate its feasibility;
 - d) indicate any areas where coal extraction and the disposal of colliery spoil may be acceptable;
 - e) encourage the capture and use of methane from coal mines in active and abandoned coalfield areas; and
 - f) provide for coal producers to extract separately, and if necessary stockpile, fireclay so that it remains available for use.
205. When determining planning applications, minerals planning authorities should ensure that the integrity and safety of underground exploration, extraction and storage operations and facilities are appropriate, taking into account the maintenance of gas pressure, prevention of leakage of gas and the avoidance of pollution.
206. Permission should not be given for the extraction of coal unless the proposal is environmentally acceptable, or can be made so by planning conditions or obligations; or if not, it provides national, local or community benefits which clearly outweigh the likely impacts to justify the grant of planning permission.

Annex 1: Implementation

207. The policies in this Framework are material considerations which should be taken into account in dealing with applications from the day of its publication. Plans may also need to be revised to reflect policy changes which this replacement Framework has made. This should be progressed as quickly as possible, either through a partial revision or by preparing a new plan.
208. However, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).
209. The policies in the previous Framework will apply for the purpose of examining plans, where those plans are submitted⁵⁸ on or before [] [*this will be the date which is six months after the date of the final Framework's publication*]. In these cases the examination will take no account of the new Framework.
210. Where a plan is withdrawn or otherwise does not proceed to adoption⁵⁹ following publication of this Framework, the policies contained in this Framework will apply to any subsequent plan produced for the area concerned.
211. The Housing Delivery Test will apply from the day following the publication of the Housing Delivery Test results in November 2018. For the purpose of paragraph 75 in this Framework, substantial under-delivery means where the Housing Delivery Test results published in:
- a) November 2018 indicate that delivery was below 25% of housing required over the previous three years;
 - b) November 2019 indicate that delivery was below 45% of housing required over the previous three years;
 - c) November 2020 and in subsequent years indicate that delivery was below 75% of housing required over the previous three years.
212. For the purpose of paragraph 14:
- a) neighbourhood plans which have been approved at referendum on a date which is more than two years before the decision is taken, may also be considered to be 'recently brought into force', up to and including 11 December 2018; and

⁵⁸ For spatial development strategies, 'submission' in this context means the point at which a statement of intention to publish the strategy, and a copy of the strategy intended for publication, are sent to the Secretary of State in accordance with regulation 9(2) of the Town and Country Planning (London Spatial Development Strategy) Regulations 2000, or equivalent.

⁵⁹ Or publication, in the case of spatial development strategies, or referendum, in the case of neighbourhood plans.

b) from November 2018 to November 2019, housing delivery should be at least 25% of that required over the previous three years, as measured by the Housing Delivery Test.

213. The Government will continue to explore with individual areas the potential for planning freedoms and flexibilities, for example where this would facilitate an increase in the amount of housing that can be delivered.

Annex 2: Glossary

Affordable housing: housing for sale or rent, for those whose needs are not met by the market (including housing that provides a subsidised route to home ownership and/or is for essential local workers); and which complies with one or more of the following definitions:

- a) **Affordable housing for rent:** meets all of the following conditions: (a) the rent is set in accordance with the Government's rent policy, or is at least 20% below local market rents (including service charges where applicable); (b) the landlord is a registered provider, except where it is included as part of a Build to Rent scheme (in which case the landlord need not be a registered provider); and (c) it includes provisions to remain at an affordable price for future eligible households, or for the subsidy to be recycled for alternative affordable housing provision. For Build to Rent schemes affordable housing for rent is expected to be the normal form of affordable housing provision (and, in this context, is known as Affordable Private Rent).
- b) **Starter homes:** is as specified in Sections 2 and 3 of the Housing and Planning Act 2016 and any secondary legislation made under these sections. The definition of a starter home should reflect the meaning set out in statute at the time of plan-preparation or decision-making. Income restrictions should be used to limit a household's eligibility to purchase a starter home to those who have maximum household incomes of £80,000 a year or less (or £90,000 a year or less in Greater London)
- c) **Discounted market sales housing:** is that sold at a discount of at least 20% below local market value. Eligibility is determined with regard to local incomes and local house prices. Provisions should be in place to ensure housing remains at a discount for future eligible households.
- d) **Other affordable routes to home ownership:** is housing provided for sale that provides a route to ownership for those who could not achieve home ownership through the market. It includes shared ownership, relevant equity loans, other low cost homes for sale and rent to buy (which includes a period of intermediate rent). Where public grant funding is provided, there should be provisions for the homes to remain at an affordable price for future eligible households, or for any receipts to be recycled for alternative affordable housing provision, or refunded to Government or the relevant authority specified in the funding agreement.

Aged or veteran tree: A tree which, because of its great age, size or condition is of exceptional value for wildlife, in the landscape, or culturally.

Air quality management areas: Areas designated by local authorities because they are not likely to achieve national air quality objectives by the relevant deadlines.

Ancient woodland: An area that has been wooded continuously since at least 1600 AD. It includes ancient semi-natural woodland and plantations on ancient woodland sites (PAWS).

Annual position statement: A document setting out the 5 year housing land supply position on 1st April each year, prepared by the local planning authority in consultation with developers and others who have an impact on delivery.

Archaeological interest: There will be archaeological interest in a heritage asset if it holds, or potentially holds, evidence of past human activity worthy of expert investigation at some point.

Best and most versatile agricultural land: Land in grades 1, 2 and 3a of the Agricultural Land Classification.

Birds and Habitats Directives: European Directives to conserve natural habitats and wild fauna and flora.

Brownfield land: See previously developed land.

Brownfield land registers: Registers of previously developed land that local planning authorities consider to be appropriate for residential development, having regard to criteria in the Town and Country Planning (Brownfield Land Registers) Regulations 2017. Local planning authorities will be able to trigger a grant of permission in principle for residential development on suitable sites in their registers where they follow the required procedures.

Build to Rent: Purpose built housing that is typically 100% rented out. It can form part of a wider multi-tenure development scheme comprising either flats or houses, but should be on the same site and/or contiguous with the main development. Schemes will usually offer longer tenancy agreements of three years or more, and will typically be professionally managed stock in single ownership and management control.

Climate change adaptation: Adjustments made to natural or human systems in response to the actual or anticipated impacts of climate change, to mitigate harm or exploit beneficial opportunities.

Climate change mitigation: Action to reduce the impact of human activity on the climate system, primarily through reducing greenhouse gas emissions.

Coastal change management area: An area identified in plans as likely to be affected by physical change to the shoreline through erosion, coastal landslip, permanent inundation or coastal accretion.

Conservation (for heritage policy): The process of maintaining and managing change to a heritage asset in a way that sustains and, where appropriate, enhances its significance.

Community forest: An area identified through the England Community Forest Programme to revitalise countryside and green space in and around major conurbations.

Community Right to Build Order: An Order made by the local planning authority (under the Town and Country Planning Act 1990) that grants planning permission for a site-specific development proposal or classes of development.

Competent person (to prepare site investigation information): A person with a recognised relevant qualification, sufficient experience in dealing with the type(s) of pollution or land instability, and membership of a relevant professional organisation.

Decentralised energy: Local renewable and local low-carbon energy sources.

Deliverable: To be considered deliverable, sites for housing should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years. Small sites, and sites with detailed planning permission, should be considered deliverable until permission expires, unless there is clear evidence that homes will not be delivered within five years (e.g. they are no longer viable, there is no longer a demand for the type of units or sites have long term phasing plans). Sites with outline planning permission, permission in principle, allocated in the development plan or identified on a brownfield register should only be considered deliverable where there is clear evidence that housing completions will begin on site within five years.

Design code: A set of illustrated design requirements that provide specific, detailed parameters for the physical development of a site or area. The graphic and written components of the code should build upon a design vision, such as a masterplan or other design and development framework for a site or area.

Designated heritage asset: A World Heritage Site, Scheduled Monument, Listed Building, Protected Wreck Site, Registered Park and Garden, Registered Battlefield or Conservation Area designated under the relevant legislation.

Developable: To be considered developable, sites should be in a suitable location for housing development with a reasonable prospect that they will be available and could be viably developed at the point envisaged.

Development plan: Is defined in section 38 of the Planning and Compulsory Purchase Act 2004, and includes adopted local plans, neighbourhood plans that have been made and published spatial development strategies, together with any regional strategy policies that remain in force.

Edge of centre: For retail purposes, a location that is well connected to, and up to 300 metres from, the primary shopping area. For all other main town centre uses, a location within 300 metres of a town centre boundary. For office development, this includes locations outside the town centre but within 500 metres of a public transport interchange. In determining whether a site falls within the definition of edge of centre, account should be taken of local circumstances.

Entry level exception site: A site that provides entry level homes suitable for first time buyers (or equivalent, for those looking to rent), in line with paragraph 72 of this Framework.

Environmental impact assessment: A procedure to be followed for certain types of project to ensure that decisions are made in full knowledge of any likely significant effects on the environment.

Essential local workers: Public sector employees who provide frontline services in areas including health, education and community safety and can include NHS staff, teachers, police, firefighters and military personnel, social care and childcare workers.

European site: This includes candidate Special Areas of Conservation, Sites of Community Importance, Special Areas of Conservation and Special Protection Areas, and is defined in regulation 8 of the Conservation of Habitats and Species Regulations 2010.

Geodiversity: The range of rocks, minerals, fossils, soils and landforms.

Green infrastructure: A network of multi-functional green space, urban and rural, which is capable of delivering a wide range of environmental and quality of life benefits for local communities.

Heritage asset: A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. It includes designated heritage assets and assets identified by the local planning authority (including local listing).

Heritage coast: Areas of undeveloped coastline which are managed to conserve their natural beauty and, where appropriate, to improve accessibility for visitors.

Historic environment record: Comprehensive, publicly accessible and dynamic resources that provide information about the local historic environment. Every local planning authority should maintain a Historic Environment Record or have access to one.

Housing Delivery Test: Measures net additional dwellings provided in a local authority area against the homes required, using national statistics and local authority data. The Secretary of State will publish the Housing Delivery Test results for each local authority in England every November.

Irreplaceable habitat: those which could be described as irreplaceable due to the technical difficulty or significant timescale required for replacement. It includes ancient woodland, blanket bog, limestone pavement and some types of sand dune, saltmarsh, reedbed and heathland. For the specific purpose of paragraph 173c of this Framework it does not include individual aged or veteran trees found outside ancient woodland.

Local Development Order: An Order made by a local planning authority (under the Town and Country Planning Act 1990) that grants planning permission for a specific development proposal or classes of development.

Local enterprise partnership: A body, designated by the Secretary of State for Housing, Communities and Local Government, established for the purpose of creating or improving the conditions for economic growth in an area.

Local housing need: the number of homes identified as being needed through the application of the standard method set out in national planning guidance, or a justified alternative approach.

Local nature partnership: A body, designated by the Secretary of State for Environment, Food and Rural Affairs, established for the purpose of protecting and improving the natural environment in an area and the benefits derived from it.

Local planning authority: The public authority whose duty it is to carry out specific planning functions for a particular area. All references to local planning authority apply to the district council, London borough council, county council, Broads Authority, National Park Authority and the Greater London Authority, to the extent appropriate to their responsibilities.

Local plan: A plan for the future development of a local area, drawn up by the local planning authority in consultation with the community. In law this is described as the development plan documents adopted under the Planning and Compulsory Purchase Act 2004. The local plan can consist of both strategic and local policies.

Local policies: policies contained in a neighbourhood plan, or those policies in a local plan that are not strategic policies.

Main town centre uses: Retail development (including warehouse clubs and factory outlet centres); leisure, entertainment and more intensive sport and recreation uses (including cinemas, restaurants, drive-through restaurants, bars and pubs, nightclubs, casinos, health and fitness centres, indoor bowling centres and bingo halls); offices; and arts, culture and tourism development (including theatres, museums, galleries and concert halls, hotels and conference facilities).

Major development: For housing, development where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more. For non-residential development it means additional floorspace of 1,000m² or more, or a site of 1 hectare or more, or as otherwise provided in the Town and Country Planning (Development Management Procedure) (England) Order 2015.

Mineral safeguarding area: An area designated by minerals planning authorities which covers known deposits of minerals which are desired to be kept safeguarded from unnecessary sterilisation by non-mineral development.

National trails: Long distance routes for walking, cycling and horse riding.

Nature improvement areas: Inter-connected networks of wildlife habitats intended to re-establish thriving wildlife populations and help species respond to the challenges of climate change.

Neighbourhood Development Order: An Order made by a local planning authority (under the Town and Country Planning Act 1990) through which parish councils and neighbourhood forums can grant planning permission for a specific development proposal or classes of development.

Neighbourhood plans: A plan prepared by a parish council or neighbourhood forum for a designated neighbourhood area.

Older people: People over or approaching retirement age, including the active, newly-retired through to the very frail elderly; and whose housing needs can encompass

accessible, adaptable general needs housing through to the full range of retirement and specialised housing for those with support or care needs.

Open space: All open space of public value, including not just land, but also areas of water (such as rivers, canals, lakes and reservoirs) which offer important opportunities for sport and recreation and can act as a visual amenity.

Original building: A building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was built originally.

Out of centre: A location which is not in or on the edge of a centre but not necessarily outside the urban area.

Out of town: A location out of centre that is outside the existing urban area.

Outstanding universal value: Cultural and/or natural significance which is so exceptional as to transcend national boundaries and to be of common importance for present and future generations. An individual Statement of Outstanding Universal Value is agreed and adopted by the World Heritage Committee for each World Heritage Site.

People with disabilities: People have a disability if they have a physical or mental impairment, and that impairment has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities. These persons include, but are not limited to, people with ambulatory difficulties, blindness, learning difficulties, autism and mental health needs.

Permission in principle: A form of planning consent granted by a local planning authority which establishes that a site is suitable for a specified amount of housing-led development in principle. Following a grant of permission in principle, the site must receive a grant of technical details consent before development can proceed.

Planning condition: A condition imposed on a grant of planning permission (in accordance with the Town and Country Planning Act 1990) or a condition included in a Local Development Order or Neighbourhood Development Order.

Planning obligation: A legal agreement entered into under section 106 of the Town and Country Planning Act 1990 to mitigate the impacts of a development proposal.

Playing field: The whole of a site which encompasses at least one playing pitch as defined in the Town and Country Planning (Development Management Procedure) (England) Order 2015.

Previously developed land: Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or has been occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development control procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously-developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.

Primary shopping area: Defined area where retail development is concentrated (generally comprising the primary and those secondary frontages which are adjoining and closely related to the primary shopping frontage).

Primary and secondary frontages: Primary frontages are likely to include a high proportion of retail uses which may include food, drinks, clothing and household goods. Secondary frontages provide greater opportunities for a diversity of uses such as restaurants, cinemas and businesses.

Priority habitats and species: Species and Habitats of Principal Importance included in the England Biodiversity List published by the Secretary of State under section 41 of the Natural Environment and Rural Communities Act 2006.

Ramsar sites: Wetlands of international importance, designated under the 1971 Ramsar Convention.

Renewable and low carbon energy: Includes energy for heating and cooling as well as generating electricity. Renewable energy covers those energy flows that occur naturally and repeatedly in the environment – from the wind, the fall of water, the movement of the oceans, from the sun and also from biomass and deep geothermal heat. Low carbon technologies are those that can help reduce emissions (compared to conventional use of fossil fuels).

Rural exception sites: Small sites used for affordable housing in perpetuity where sites would not normally be used for housing. Rural exception sites seek to address the needs of the local community by accommodating households who are either current residents or have an existing family or employment connection. A proportion of market homes may be allowed on the site at the local planning authority's discretion, for example where essential to enable the delivery of affordable units without grant funding.

Safeguarding zone: An area defined in Circular 01/03: Safeguarding aerodromes, technical sites and military explosives storage areas, to safeguard such sites.

Setting of a heritage asset: The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.

Significance (for heritage policy): The value of a heritage asset to this and future generations because of its heritage interest. The interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting. For World Heritage Sites, the cultural value described within each site's Statement of Outstanding Universal Value forms part of its significance.

Special Areas of Conservation: Areas given special protection under the European Union's Habitats Directive, which is transposed into UK law by the Habitats and Conservation of Species Regulations 2010.

Special Protection Areas: Areas which have been identified as being of international importance for the breeding, feeding, wintering or the migration of rare and vulnerable species of birds found within European Union countries. They are European designated sites, classified under the Birds Directive.

Site investigation information: Includes a risk assessment of land potentially affected by contamination, or ground stability and slope stability reports, as appropriate. All investigations of land potentially affected by contamination should be carried out in accordance with established procedures (such as BS10175:2011 Investigation of Potentially Contaminated Sites – Code of Practice). The minimum information that should be provided by an applicant is the report of a desk study and site reconnaissance.

Site of Special Scientific Interest: Sites designated by Natural England under the Wildlife and Countryside Act 1981.

Stepping stones: Pockets of habitat that, while not necessarily connected, facilitate the movement of species across otherwise inhospitable landscapes.

Strategic environmental assessment: A procedure (set out in the Environmental Assessment of Plans and Programmes Regulations 2004) which requires the formal environmental assessment of certain plans and programmes which are likely to have significant effects on the environment.

Strategic plan: A plan which sets out the strategic policies for an area in the form of an individual or joint local plan (which may also include local policies); or a spatial development strategy prepared by an elected Mayor or combined authority (where this power has been conferred).

Strategic plan-making authority: Those authorities responsible for producing strategic plans (local planning authorities, and elected Mayors or combined authorities, where this power has been conferred). This definition applies whether the authority is in the process of producing a strategic plan or not.

Strategic policies: Policies and strategic site allocations which address strategic priorities in line with the requirements of Section 19 (1B-E) of the Planning and Compulsory Purchase Act 2004.

Supplementary planning documents: Documents which add further detail to the policies in the development plan. They can be used to provide further guidance for development on specific sites, or on particular issues, such as design. Supplementary planning documents are capable of being a material consideration in planning decisions but are not part of the development plan.

Sustainable transport modes: Any efficient, safe and accessible means of transport with overall low impact on the environment, including walking and cycling, low and ultra low emission vehicles, car sharing and public transport.

Town centre: Area defined on the local authority's policies map, including the primary shopping area and areas predominantly occupied by main town centre uses within or adjacent to the primary shopping area. References to town centres or centres apply to city centres, town centres, district centres and local centres but exclude small parades of

shops of purely neighbourhood significance. Unless they are identified as centres in the development plan, existing out-of-centre developments, comprising or including main town centre uses, do not constitute town centres.

Transport assessment: A comprehensive and systematic process that sets out transport issues relating to a proposed development. It identifies measures required to improve accessibility and safety for all modes of travel, particularly for alternatives to the car such as walking, cycling and public transport, and measures that will be needed deal with the anticipated transport impacts of the development.

Transport statement: A simplified version of a transport assessment where it is agreed the transport issues arising from development proposals are limited and a full transport assessment is not required.

Travel plan: A long-term management strategy for an organisation or site that seeks to deliver sustainable transport objectives and is regularly reviewed.

Wildlife corridor: Areas of habitat connecting wildlife populations.

Windfall sites: Sites not specifically identified in the development plan.



Ministry of Housing,
Communities &
Local Government

Draft Planning Practice Guidance

Draft updates to planning guidance which will form part of the Government's online Planning Practice Guidance



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Viability

Viability - An overview

Viability assessment is a process of assessing whether a site is financially viable, by looking at whether the value generated by a development is more than the cost of developing it.

This National Planning Guidance sets out the Government's recommended approach to viability assessment for planning. The approach supports transparency in the viability assessment process so that it is clear what policy requirements will inform planning decisions including the contributions that will be expected from developers. It will support accountability for communities by enabling them to understand the outcomes of viability assessment and see what infrastructure and affordable housing has been delivered through developer contributions.

Plans should set out policy requirements for the contributions expected from different types of development and, where necessary, from different sites. In particular this should set out policy requirements for the level and types of affordable housing, and for supporting infrastructure including (but not limited to) education, transport, health, green infrastructure, and digital infrastructure.

The National Planning Policy Framework says that plans should be prepared positively in a way that is aspirational but deliverable. This means that policies should be realistic and the total cumulative cost of all relevant policies should not be of a scale that will make development unviable.

Policy requirements, particularly for affordable housing, should be set at a level that allows for sites allocated in the plan to be delivered without the use of further viability assessment at the decision making stage. The use of viability assessment at the decision making stage should not be necessary. Where proposals for development accord with all the relevant policies in an up-to-date development plan no viability assessment should be required to accompany the application. Plans should however set out circumstances in which viability assessment at the decision making stage may be required.

Any viability assessment should be supported by evidence informed by engagement with developers, landowners, infrastructure and affordable housing providers. Any viability assessment should follow the Government's recommended approach to assessing key factors as set out in National Planning Guidance and be proportionate, simple, transparent and publicly available.

How does this National Planning Guidance relate to sector-led guidance on viability assessment?

A range of other sector led guidance on viability is widely available which practitioners may wish to refer to. The National Planning Policy Framework, supported by this National Planning Guidance, sets out the Government's recommended approach to viability assessment for planning.

Does this National Planning Guidance apply to viability assessment for the purposes of setting a Community Infrastructure Levy (CIL) charge?

[Community Infrastructure Levy \(CIL\)](#) came into force in April 2010 and allows local authorities in England and Wales, and the Mayor of London, to raise funds from new development to help fund infrastructure. [Section 106 of the Town and Country Planning Act 1990](#) enables a local planning authority to seek agreement from developers to enter into [planning obligations](#) to provide affordable housing and infrastructure to mitigate the impact of development. The principles for assessing viability apply to both Community Infrastructure Levy and section 106 planning obligations. The Community Infrastructure Levy has separate guidance on viability and charge setting and this should also be referred to. Above all, consistency between the approach to viability assessment for plan making, decision making, section 106 planning obligations and CIL is required.

Viability and plan making

How should viability be assessed in plan making?

The role for viability assessment is primarily at the plan making stage. Drafting of plan policies should be iterative and informed by engagement with landowners, developers, infrastructure and affordable housing providers. Plans should be informed by evidence of infrastructure and affordable housing need and an assessment of viability that takes into account all relevant policies, local, and national standards including for developer contributions. Viability assessment should not compromise the quality of development but should ensure that policies are realistic and the total cumulative cost of all relevant policies is not of a scale that that will make development unviable.

Should every site be assessed for viability in plan making?

To assess the viability of proposed site allocations site typologies may be used to assess viability in plan making. A typology approach is where sites are grouped by shared characteristics such as the location, current and proposed use (including whether brownfield or greenfield), or size of site. The characteristics used to group sites should reflect the nature of sites proposed for allocation in the plan.

Average costs and values can be used to make assumptions about how the viability of each type of site would be affected by all relevant policies. Comparing data from comparable case study sites will help ensure that the assumptions of costs and values are realistic and broadly accurate. In using comparable data having regard to outliers (very high or very low values that skew the average) is important to provide an accurate base from which to apply typologies.

A masterplan approach can be helpful in creating sustainable locations, identifying cumulative infrastructure requirements of development across the area and assessing the impact on scheme viability.

How should strategic sites be assessed for viability in plan making?

It is important to consider the specific circumstances of strategic sites. Plan makers can undertake individual site specific viability assessment for sites that are critical to delivering

the strategic priorities of the plan, which could include, for example, large sites, sites that provide a significant proportion of planned supply, sites that enable or unlock other development sites or sites within priority regeneration areas.

How should site promoters engage in viability assessment in plan making?

Plan makers should engage with landowners, developers, infrastructure and affordable housing providers to secure evidence on costs and values to inform viability assessment at the plan making stage. In the absence of this evidence the site should not be allocated. Plan makers should indicate in plans where further evidence and viability assessment may be required.

It is important for developers and other parties buying (or interested in buying) land to have regard to the total cumulative cost of all relevant policies when agreeing a price for the land. The price paid for land is not a relevant justification for failing to accord with relevant policies in the plan.

Viability and decision making

What should plans say about viability assessment at the decision making stage?

Plans should set out defined circumstances in which viability assessment at the decision making stage and when the use of review mechanisms may be required. This could include, for example, where development is proposed on unallocated sites; where further information on infrastructure costs is required; where particular types of development are proposed which may significantly vary from standard models of development for sale (for example build to rent); or where a significant change in economic conditions since plan adoption results in a significant difference in costs and values.

Should viability be assessed in decision making?

As set out in the [draft revised] National Planning Policy Framework the use of viability assessment at the decision making stage should not be necessary. Proposals for development should accord with the relevant policies in an up-to-date development plan and where they do no viability assessment should be required to accompany the application.

Plans should identify circumstances where further viability assessment may be required at the decision making stage. Where viability assessment is submitted to accompany a planning application this should be based upon and refer back to the viability assessment that informed the plan; and the applicant should provide evidence of what has changed since then. Any viability assessment should reflect the Government's recommended approach to defining key inputs as set out in National Planning Guidance.

How can review mechanisms be used to amend developer contributions during the lifetime of a project?

It is important that local authorities are sufficiently flexible to prevent planned development being stalled in the context of significant changes in costs and values that occur after a plan is adopted. Including policies in plans that set out when and how review mechanisms

may be included in section 106 agreements will help to provide more certainty through economic cycles.

For all development where review mechanisms are appropriate they can be used to amend developer contributions to help to account for significant changes in costs and values over the lifetime of a development. Review mechanisms can be used to re-apportion or change the timing of contributions towards different items of infrastructure and affordable housing. This can help to deliver sites that would otherwise stall as a result of significant changes in costs and values of the lifetime of a development.

As the potential risk to developers is already accounted for in the assumptions for developer return in viability, realisation of risk does not necessitate further viability assessment or trigger a review mechanism.

How can review mechanisms be used to apportion any significant increase in the gross development value of a development?

For large or multi-phased development review mechanisms can be used to capture increases in scheme value that occur over the lifetime of a development.

Plans which set out how any significant increase in the overall value of a large or multi-phased development identified through review mechanisms will be apportioned between the local authority (for example for infrastructure and affordable housing) and the developer will provide more certainty for delivering supporting infrastructure.

Standardised inputs to viability assessment

How should gross development value be defined for the purpose of viability assessment?

Gross development value is an assessment of the value of development. For residential development, this may be total sales and/or capitalised net rental income from developments. Grant and other external sources of funding should be considered. For commercial development broad assessment of value in line with industry practice may be necessary.

For broad area-wide or site typology assessment at the plan making stage, average figures can be used, with adjustment to take into account land use, form, scale, location, rents and yields, having regard to outliers in the data. For housing, historic information about delivery rates can be informative.

For viability assessment of a specific site or development, market evidence (rather than average figures) from the actual site or from comparable existing developments can be used and adjusted to take into account variations in use, form, scale, location, rents and yields, having regard to outliers.

How should costs be defined for the purpose of viability assessment?

Assessment of costs should be based on evidence which is reflective of local market conditions. As far as possible, costs should be identified at the plan making stage. Local authorities should identify where costs are unknown and identify where further viability

assessment will be required to accompany a planning application at the decision making stage as a result.

Costs include:

- build costs based on appropriate data, for example that of the Building Cost Information Service;
- abnormal costs, including those associated with treatment for contaminated sites or listed buildings, or costs associated with brownfield, phased or complex sites. These costs should be taken into account when defining benchmark land value;
- site-specific infrastructure costs, which might include access roads, sustainable drainage systems, green infrastructure, connection to utilities and decentralised energy. These costs should be taken into account when defining benchmark land value;
- the total cost of all relevant policy requirements including contributions towards affordable housing and infrastructure, Community Infrastructure Levy charges, and any other relevant policies or standards. These costs should be taken into account when defining benchmark land value;
- general finance costs including those incurred through loans;
- professional, project management, sales, marketing and legal costs incorporating organisational overheads. Any professional site fees should also be taken into account when defining benchmark land value; and
- explicit reference to project contingency costs should be included in circumstances where scheme specific assessment is deemed necessary, with a justification for contingency relative to project risk and developers return.

How should land value be defined for the purpose of viability assessment?

To define land value for any viability assessment, a benchmark land value should be calculated on the basis of the [existing use value \(EUV\)](#) of the land, plus a premium for the landowner. The premium for the landowner should reflect the minimum price at which it is considered a rational landowner would be willing to sell their land. This approach is often called 'Existing Use Value Plus' (EUV+).

In order to establish benchmark land value, plan makers, landowners, developers, infrastructure and affordable housing providers should engage with and provide robust and open evidence to inform this process.

In all cases, benchmark land value should:

- fully reflect the total cost of all relevant policy requirements including planning obligations and, where applicable, any Community Infrastructure Levy charge;
- fully reflect the total cost of abnormal costs; site-specific infrastructure costs; and professional site fees;
- allow for a premium to landowners (including equity resulting from those building their own homes); and
- be informed by comparable market evidence of current uses, costs and values wherever possible. Where recent market transactions are used to inform assessment of benchmark land value there should be evidence that these transactions were based on policy compliant development. This is so that previous prices based on non-policy compliant developments are not used to inflate values over time.

What is meant by existing use value in viability assessment?

Existing use value (EUV) is the first component of calculating a benchmark land value. EUV is the value of the land in its existing use together with the right to implement any development for which there are extant planning consents, including realistic deemed consents, but without regard to other possible uses that require planning consent, technical consent or unrealistic permitted development. Existing use value is not the price paid and should disregard hope value. Existing use values will vary depending on the type of site and development types.

How should Existing Use Value be established for viability assessment?

[Existing use value \(EUV\)](#) for the purpose of assessing the viability of plans should be determined by plan makers in consultation with developers and landowners. When undertaking any viability assessment EUV can be established by assessing the value of the specific site or type of site using published sources of information such as agricultural or industrial land values, or if appropriate capitalised rental levels at an appropriate yield. Sources of data can include (but are not limited to): land registry records of transactions; real estate licensed software packages; real estate market reports; real estate research; estate agent websites; property auction results; valuation office agency; public sector estate/property teams' locally held evidence.

Determining the existing use value of the land should be based on the assumption that no future planning consents will be obtained, but including the value of any consented use.

How should the premium to the landowner be defined for viability assessment?

An appropriate premium to the landowner above [existing use value \(EUV\)](#) should be determined by plan makers in consultation with developers and landowners for the purpose of assessing the viability of plans.

When undertaking any viability assessment, an appropriate minimum premium to the landowner can be established by looking at data from comparable sites of the same site type that have recently been granted planning consent in accordance with relevant policies. The EUV of those comparable sites should then be established.

The price paid for those comparable sites should then be established, having regard to outliers in market transactions, the quality of land, expectations of local landowners and different site scales. This evidence of the price paid on top of existing use value should then be used to inform a judgement on an appropriate minimum premium to the landowner.

Proposed development that accords with all the relevant policies in an up-to-date plan should be assumed to be viable, without need for adjustment to benchmark land values established in the plan making viability assessment. Where a viability assessment does accompany a planning application the price paid for land is not relevant justification for failing to accord with relevant policies in the plan.

How should a return to developers be defined for the purpose of viability assessment?

For the purpose of plan making an assumption of 20% of Gross Development Value (GDV) may be considered a suitable return to developers in order to establish viability of the plan policies. A lower figure of 6% of GDV may be more appropriate in consideration of delivery of affordable housing in circumstances where this guarantees an end sale at a known value and reduces the risk. Alternative figures may be appropriate for different development types e.g. build to rent. Plan makers may choose to apply alternative figures where there is evidence to support this according to the type, scale and risk profile of planned development.

Where proposals for development accord with all the relevant policies in an up-to-date development plan no viability assessment should be required to accompany the application. Where a viability assessment is submitted to accompany a planning application this should be based upon and refer back to the viability assessment that informed the plan; and the applicant should provide evidence of what has changed since then. Potential risk is accounted for in the assumed return for developers at the plan making stage. It is the role of developers, not plan makers or decision makers, to mitigate these risks. The cost of complying with policy requirements should be accounted for in benchmark land value.

How does viability assessment apply to the build to rent sector?

The economics of build to rent schemes differ from build for sale as they depend on a long term income stream. For build to rent it is expected that the normal form of affordable housing provision will be affordable private rent. Where plan makers wish to set affordable private rent proportions or discount levels at a level differing from national planning policy and guidance, this can be justified through a viability assessment at the plan making stage. Developers will be expected to comply with build to rent policy requirements.

However, for individual schemes, developers may propose alternatives to the policy, such as variations to the discount and proportions of affordable private rent units across a development, and the ability to review the value of a scheme (rent levels) over the duration of its life. Plan makers can set out in plans where review mechanisms will be used for build to rent schemes.

Scheme level viability assessment may be improved through the inclusion of two sets of figures, one based on a build to rent scheme and another for an alternative build for sale scheme. This would enable authorities to compare and understand the differences, and agree any necessary adjustments to the affordable private rent contribution.

Accountability

How should a viability assessment be presented and published to ensure accountability?

Complexity and variance is inherent in viability assessment. In order to improve clarity and accountability it is an expectation that any viability assessment is prepared with professional integrity by a suitably qualified practitioner and presented in accordance with this National Planning Guidance.

The inputs and findings of any viability assessment should be set out in a way that aids clear interpretation and interrogation by decision makers. Reports and findings should clearly state what assumptions about costs and values (including gross development value, benchmark land value, developer's return and costs) have been made. At the decision making stage, any deviation from the figures used in the viability assessment of the plan should be explained and supported by evidence.

Should a viability assessment be publicly available?

Any viability assessment should be prepared on the basis that it will be made publicly available other than in exceptional circumstances. Circumstances where it is deemed that specific details of an assessment should be redacted or withheld should be clearly set out to the satisfaction of the decision maker. Information used in viability assessment is not usually specific to that developer and thereby need not contain commercially sensitive data.

An executive summary prepared using the template [template under development] will present the data and findings of a viability assessment more clearly so that the process is accountable. The executive summary template sets out key data and findings which can be published on the planning register alongside other documentation accompanying the application. As a minimum, the Government recommends that the executive summary sets out the gross development value, benchmark land value, costs and return to developer. Where a viability assessment is submitted to accompany a planning application, the executive summary should refer back to the viability assessment that informed the plan and summarise what has changed since then. It should also set out the proposed developer contributions and how this compares with policy requirements.

Why should local authorities monitor and report on developer contributions?

It is important that developers are accountable to communities and that communities are able to easily see where contributions towards infrastructure and affordable housing have been secured and spent.

How should section 106 agreements be published?

Local authorities are required to keep a copy of any planning obligation together with details of any modification or discharge of the planning obligation and make these publicly available on their planning register.

Government recommends that each section 106 agreement includes an executive summary prepared using the standard template [template under development]. The Government recommends that the executive summary sets out details of the development and site, and what is to be provided by each planning obligation, including any trigger points or deadlines for contributions.

Local authorities are expected to use all of the funding they receive through planning obligations in accordance with the terms of the individual planning obligation agreement. This will ensure that new developments are acceptable in planning terms; benefit local communities and support the provision of local infrastructure.

How should developer contributions be monitored?

Using the executive summary of each section 106 agreement, Government recommends that local authorities record the details of each planning obligation using the standard open data monitoring tool [tool under development].

How should developer contributions be reported?

Local authorities charging CIL must report on the levy as prescribed under [regulation 62 of the Community Infrastructure Regulations 2010](#) (as amended). Parish and town councils must also report on CIL receipts passed to them from the charging authority through the neighbourhood portion of the levy, as prescribed in regulation 62A.

Using data on CIL and planning obligations, the Government recommends that local authorities prepare an infrastructure funding statement using the standard template in an open data format [template under development] that sets out infrastructure requirements, and for both CIL and section 106 planning obligations, anticipated funding from developer contributions, and the choices local authorities have made about how these contributions will be used.

The infrastructure funding statement should be reviewed annually to report on the amount of funding received via developer contributions and how this funding has been used. The infrastructure funding statement should include information on, but is not limited to, affordable housing, education, health, transport, green infrastructure and digital infrastructure. The infrastructure funding statement should be published annually online and submitted to MHCLG. Local authorities can also report this data in annual monitoring reports, using an open data format where possible.

How can local authorities fund monitoring of developer contributions?

Local authorities can use their existing administrative systems to monitor developer contributions. Government recommends that local authorities use the open data monitoring and reporting templates [templates under development]. This monitoring will complement and enhance the existing CIL monitoring regimes of authorities in order that local communities are better informed of the infrastructure and affordable housing that is being delivered alongside a new development and the timescales for delivery.

How should monitoring and reporting inform plan reviews?

The information in the infrastructure funding statement should feed back into reviews of plans to ensure that policy requirements for developer contributions remain realistic.

How should local authorities and applicants promote the benefits of development to communities?

Local authorities and applicants are encouraged to work together with applicants to better promote and publicise the infrastructure that has been delivered through developer contributions. This could be through the use of on-site signage, local authority websites, or development-specific websites, for example.

Housing Delivery

Five year land supply

What is a five year land supply?

The National Planning Policy Framework sets out that plan makers should maintain a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirements. Therefore local planning authorities should have an identified five year housing land supply at all points during the plan period. This can include a five year land supply identified through an annual position statement.

Why do authorities need to demonstrate a five year land supply?

The five year land supply indicates there are sufficient sites to meet the plan requirements for the next five years and that these sites are deliverable now. If an area cannot demonstrate a five year land supply the presumption in favour of sustainable development will apply to enable the development of additional sites to meet the plan requirement. An authority will need to be able to demonstrate a five year land supply at any point to deal with applications and appeals. A five year supply of deliverable housing sites, with the appropriate buffer, can be demonstrated where it has been established in a recently adopted plan, or in a subsequent annual position statement

What is the starting point for the five year land supply?

Housing requirement figures in local and strategic plans should be used as the starting point for calculating the five year land supply. Where the plan is more than five years old and the housing figure needs revising, the starting point will be local housing need using the standard method.

How can shortfalls in housing completions against planned requirements be addressed?

A shortfall will occur when completions fall below the housing requirement in the plan over a relevant time period. The level of deficit or shortfall should be calculated from the base date of the adopted plan and should be added to the plan requirements for the next five year period.

Shortfalls may be calculated:

- from the base date of the plan, where less than five years have elapsed since adoption;
- from the base date of the plan if a published review of a plan has established the requirement figure is still appropriate; or
- using the Local Housing Need figure from the introduction of the standard methodology where more than five years have elapsed since adoption and a revised plan has not been adopted.

What counts as a completion?

For the purposes of calculating five year land supply, housing completions include conversions, changes of use and demolitions and redevelopments. Completions should be net figures, so should offset any demolitions.

How should authorities count bringing empty homes back into use?

To be included as a contribution to completions it would be for the authority to ensure that empty homes had not already been counted as part of the existing stock of dwellings to avoid double counting.

How should authorities count student housing completions?

All student accommodation, whether it consists of communal halls of residence or self-contained dwellings, and whether or not it is on campus, can be included towards the housing requirement, based on the amount of accommodation it releases in the housing market. Local authorities should take steps to avoid double-counting. Authorities should use the published ratios based on census data and apply this both to communal establishments and to multi bedroom self-contained student flats. Studio flats in mixed developments designed for students, graduates or young professionals should be counted as individual completions. A studio flat is defined as a one-room apartment with kitchen facilities and a separate bathroom that fully functions as an independent dwelling.

How should authorities count older people's housing completions?

Local planning authorities will need to count housing provided for older people, including residential institutions in Use Class C2, against their housing requirement. The published ratios based on census data should be applied to residential institutions to derive an appropriate number of completions.

Can previous over-supply of housing be considered when determining the objectively assessed need for housing?

Where areas deliver more completions than the plan requirement or local housing need, the additional supply can be used to reduce or address shortfalls against requirements from previous years.

How quickly should past shortfalls be addressed?

Local planning authorities should deal with deficits or shortfalls against planned requirements within the first five years of the plan period. If an area wishes to deal with past under delivery over a longer period, then this should be established as part of the plan making and examination process rather than on a case by case basis on appeal.

Where local planning authorities are unable to address past shortfalls over a five year period due to the scale of shortfalls they may need to reconsider their approach.

Where should buffers be added?

To ensure that there is a realistic prospect of achieving the planned level of housing supply, plan makers should bring forward additional sites from later in the plan period, over and above the level indicated by the plan requirement, and any shortfall or where

applicable the local housing need figure. These additional sites will provide additional flexibility and more certainty that authorities will be able to deliver the plan requirement.

Paragraph 74 of the National Planning Policy Framework sets out the buffers, which should be added at the end of the five year land supply calculations. The buffers are not cumulative, meaning that an authority should add either a 5%, 10% or 20% buffer, as appropriate. Authorities seeking to demonstrate [a confirmed five year supply of specific deliverable housing sites](#) will need to apply either a 10% or 20% buffer, as appropriate.

What is the starting point for five year housing land supply calculations in National Parks and Development Corporations?

For annual assessments, housing requirements in local and strategic plans that are less than five years old will be the starting point in all areas.

Where plans are more than five years old in National Parks and the Broads Authority, the most appropriate locally derived housing requirement figure from an existing or emerging local plan may be used. To ensure sufficient weight can be attached to requirements in emerging plans, these will need to have reached submission stage.

Where Mayoral Development Corporations (MDCs) have plan making powers and there is no plan that is less than five years old, emerging plan requirements may be used in the same way. For Development Corporations which do not have, or do not exercise, plan making powers the requirement will be set in the relevant strategic plans and monitored by the local authority.

How should all local planning authorities review their five year land supply annually?

All local authorities should ensure that they carry out their annual assessment of their five year land supply in a robust and timely fashion, based on up-to-date and sound evidence, taking into account the anticipated trajectory of housing delivery, consideration of associated risks and an assessment of the local delivery record. Where they are seeking to confirm their land supply once in a given year their assessment will need to be in the form of an [annual position statement](#).

The examination of development plan documents which allocate housing sites will include the consideration of the deliverability of sites to meet a five year supply, in a way that cannot be replicated in the course of determining individual applications and appeals where only the applicant's/appellant's evidence is likely to be presented to contest an authority's position.

Local authorities may need to develop a range of assumptions and benchmarks to help to inform and test assessments. Assumptions can include lapse/non implementation rates in permissions, lead in times and build rates and these assumptions and yardsticks can be used to test delivery information or can be used where there is no information available from site owners/developers to inform the assessment. Assumptions should be based on clear evidence, consulted upon with developer groups and regularly reviewed and tested against actual performance on comparable sites. Tables of assumptions should be clear and transparent and available as part of assessments.

Local planning authorities may also need to use past evidence of delivery in their local markets, by types and sizes of developers and types of sites, to test and inform assessments. This approach will ensure the assessment of delivery of sites will be as robust as possible.

What information will annual reviews of five year land supply, including annual position statements, need to include?

Assessments need to be realistic and made publicly available in an accessible format as soon as they have been completed. Assessments will be expected to include information on:

- sites with detailed planning permission- details of numbers of homes under construction and completed each year; and where delivery has not progressed as expected, a commentary indicating the reasons for delays to commencement on site or slow build out rates;
- small sites- details of current planning status and record of completions and homes under construction by site;
- sites with outline consent or allocated in adopted plans or with permission in principle identified on Part 2 of brownfield registers – information about current planning status, timescales and progress towards detailed permission;
- permissions granted for windfall development by year and how this compares with the windfall allowance;
- details of demolitions and planned demolitions which will have an impact on net completions;
- total net completions from plan base date by year (broken down into types of development e.g. affordable housing); and
- the five year land supply calculation clearly indicating buffers and shortfalls and number of years of supply.

What constitutes a ‘deliverable site’ in the context of housing policy?

As set out in the glossary to the National Planning Policy Framework, to be considered deliverable, sites for housing should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years. Small sites, and sites with detailed planning permission, should be considered deliverable until permission expires, unless there is clear evidence that homes will not be delivered within five years (e.g. they are no longer viable, there is no longer a demand for the type of units or sites have long term phasing plans). Sites with outline planning permission, permission in principle, allocated in the development plan or identified on a brownfield register should only be considered deliverable where there is clear evidence that housing completions will begin on site within five years.

How can authorities demonstrate deliverability as part of plan preparation?

In order to demonstrate five years’ worth of deliverable housing sites, plan makers will need to provide robust, up to date evidence to support plan preparation. Their judgements on deliverability will need to be clearly and transparently set out. Plan makers may also consider how they can involve people with an interest in delivery in assessing the deliverability of sites. They may develop benchmarks and assumptions based on

evidence of past trends for development lead in times and build out rates. Testing these assumptions with developers and using them to inform assessments of deliverability can also make deliverability assessments more robust.

Where relevant, plan makers will need to consider the recommendations from any action plans prepared as a result of past under delivery (as measured by the [Housing Delivery Test](#)), and build in relevant measures to improve the assessment of deliverability.

For areas opting to confirm their five year land supply as part of their plan process guidance is [provided in the 'Demonstrating a confirmed five year land supply' section](#).

What happens in areas with stepped rather than annual average requirements?

As an alternative to using an annual average requirement, plan makers are able, where justified, to reflect their plan trajectory more closely by using a series of stepped requirements.

A stepped requirement may be necessary where there is to be a significant change in the level of housing requirements between the emerging and previous adopted plan and/or where strategic sites are likely to be delivered later in the plan period. Plan makers will need to set out evidence to support using stepped requirement figures at the plan making and examination stage, and not seek to unnecessarily delay meeting identified development needs.

Stepped trajectories will need to ensure that plan requirements are met fully within the plan period.

Where plan makers have reflected the plan trajectory with stepped rather than average annual requirements, the five year land supply will be measured against the specific stepped requirements for the particular five year period.

What happens in areas with requirements set out as a range?

Where plan makers have successfully argued through plan making and examination for a requirement set out as a range, the five year land supply will be measured against the lower end of the range; but only where this reflects local housing need plus – where relevant – any need they have agreed to take from other areas as evidence by a statement of common ground.

How will areas with joint plans be monitored for the purposes of a five year land supply and the Housing Delivery Test?

Areas which have or are involved in the production of joint plans will have the option to monitor their five year land supply and Housing Delivery Test over the whole of the joint planning area or on a single authority basis. This will be established through the plan making process and the approach to be taken will need to be set out in the plan. For joint plans less than five years old in November 2018 this will be made clear in the Authority Monitoring Report.

Where the five year land supply and Housing Delivery Test is to be measured on a single authority basis, annual housing requirement figures for the joint planning area will need to be apportioned to each area in the plan. If the area is monitored jointly, any consequences will also apply jointly.

When and for how long does the Housing Delivery Test indicate the 20% land supply buffer should apply?

For local planning authorities where delivery is under 85% of their identified housing requirement, the buffer will be increased to 20%, with immediate effect from the publication of Housing Delivery Test results, to ensure a realistic prospect of achieving the planned housing requirement.

The 20% buffer will continue to apply until the Housing Delivery Test shows that delivery exceeds 85% of the local planning authority's identified housing requirement.
Demonstrating a confirmed five year land supply

How can local authorities demonstrate a confirmed five year land supply in a given year?

All local authorities should be able to demonstrate a five year land supply. The National Planning Policy Framework gives local planning authorities the opportunity to demonstrate a confirmed five year supply of specific deliverable housing sites, as part of the plan examination and then annually following adoption (if the plan is up to date), through the preparation of an annual land supply position statement.

In order to ensure that the five year land supply is sufficiently flexible and robust to be demonstrated once in a given year, a minimum 10% buffer should be added to the housing requirement to account for fluctuations in the market over the year. Where the Housing Delivery Test indicates that delivery has fallen below 85% of the requirement, a 20% buffer should be added instead.

If plan makers choose to confirm their five year supply as part the preparation of development plan document they will need to ensure they have carried out a sufficiently robust assessment of the deliverability of sites as this will be considered in detail as part of the examination of the plan. The Inspector's Report will provide recommendations in relation to the land supply and will enable the authority, where the authority accept the recommendations, to confirm that they have demonstrated a five year land supply in a recently adopted plan. This will enable areas to prepare an annual position statement at the next possible opportunity and continue to demonstrate a five year supply once in a given year.

How is five year land supply confirmed through an annual position statement?

Where a local planning authority subsequently chooses to confirm their five year land supply position in a given year through an annual position statement, they will need to advise the Planning Inspectorate of their intention by 1 April each year. To ensure the robustness of the assessment of the deliverability of sites, the local planning authority is advised to carry out an engagement process to inform the preparation of the annual position statement.

What engagement should the authority undertake?

All local planning authorities should engage with stakeholders who have an impact on delivery of sites. The aim of the engagement is to provide challenge and ultimately seek as much agreement as possible on the potential level of delivery on sites which contribute to the five year land supply. Those authorities who are seeking to demonstrate a confirmed five year land supply will need to produce an engagement statement and submit this to the Planning Inspectorate, including:

- an overview of the process of engagement with site owners/applicants, developers and other stakeholders and a schedule of site based data resulting from this;
- the conclusions which have been reached about the overall five year land supply position; and
- the conclusions which have been reached on each site by the stakeholder group, identifying specifically any disputed sites where consensus on likely delivery has not been reached, as well as an indication of the impact of any disputed sites on the number of years of supply.

Who should the authority engage with?

It is for the local planning authority to decide which stakeholders to involve, however representatives should include, but not be limited to:

- small and large developers;
- land promoters;
- private and public land owners;
- infrastructure providers (such as utility providers, highways, etc);
- upper tier authorities (County Councils) in non-unitary areas;
- neighbouring authorities with adjoining or cross-boundary sites.

How should sites without planning permission be included?

Where there are sites without the benefit of planning permission more detailed commentary and evidence should be provided, in line with the definition of deliverable, to include:

- any progress being made towards the submission of an application;
- any progress with site assessment work; and
- any relevant information about site viability, ownership constraints or infrastructure provision which has informed the conclusions about likely deliverability.

What happens where there is disagreement about sites?

All local planning authorities should seek as much agreement as possible on the potential level of delivery on sites which contribute to the five year land supply. For those seeking to demonstrate a confirmed five year land supply, where agreement on delivery of a particular site has not been reached through the engagement process, the Planning Inspectorate will consider the evidence provided by both the local authority and stakeholders in the engagement statement and annual position statement and make recommendations about likely site delivery in relation to those sites in dispute. The authority should identify this in their submission to the Planning Inspectorate, providing evidence of their position and the position of other stakeholders.

What can an authority do once the Planning Inspectorate has provided recommendations?

For those seeking to demonstrate a confirmed five year land supply, if they can still demonstrate a five year land supply with a minimum 10% buffer once they have considered and accepted the recommendations of the Planning Inspectorate they will benefit from being able to demonstrate a five year land supply until the preparation of their next annual assessment. The local authority will need to publish their draft annual position statement, the recommendations of the Planning Inspectorate and their decision on the recommendations indicating whether they are in a position to confirm their five year land supply position for a one year period.

How can those with an interest in delivery such as land owners and developers be involved in five year housing land annual assessments?

To ensure that annual assessments of five year land supply are realistic and robust, authorities will need to maintain regular contact with site owners, applicants and developers (representing both small and large companies) to ascertain their intentions for delivery of sites. Local planning authorities may also need to involve those with an impact on site delivery to test delivery assessments and to help identify where delivery constraints or market conditions may lead to delays. Local planning authorities may wish to set up an assessment and delivery group which could contribute towards Housing and Economic Land Availability Assessments, annual five year land supply assessments and [Housing Delivery Test action plans](#) for delivery of housing. Delivery groups can assist authorities to not only identify any delivery issues but also help to find solutions to address them.

Housing Delivery Test

How is the Housing Delivery Test calculated?

The methodology for calculating the Housing Delivery Test measurement is set out in the [Housing Delivery Test Measurement Rule Book](#).

When will the Housing Delivery Test results be published?

The Secretary of State will publish annually the Housing Delivery Test result for each local planning authority in England in November.

What happens if delivery of the entire identified housing requirement in a local planning authority is not met?

If delivery of housing falls below the housing requirement, then certain consequences will apply, with immediate effect from the publication of Housing Delivery Test results, depending on the level of delivery:

- The publication of an action plan if housing delivery falls below 95%;
- A 20% buffer on a local planning authority's five-year land supply if housing delivery falls below 85%; and
- The presumption in favour of sustainable development if housing delivery falls below 75%, once transitional arrangements have ended.

The consequences will apply until subsequent Housing Delivery Test results demonstrate that delivery exceeds the required rate of delivery in the following year.

How will Housing Delivery Test consequences apply to areas with a joint plan?

Housing Delivery Test consequences will apply to all local planning authorities with a joint plan collectively if the housing figure used to measure against the delivery test is the joint housing requirement, and will apply individually if the housing figure used is the apportioned one.

How will Housing Delivery Test consequences apply to areas covered by a spatial development strategy?

Housing Delivery Test consequences will apply to local planning authorities covered by a spatial development strategy individually, as triggered by the level of under-delivery of each.

At what rate of delivery does the presumption in favour of sustainable development apply?

If a plan-making authority's delivery rate falls below the number of homes required then the presumption in favour of sustainable development will apply in the following circumstances:

- From the day following the publication of the 2018 Housing Delivery Test result, the presumption will apply if housing delivery falls below 25%;
- From the day following the publication of the 2019 Housing Delivery Test result, the presumption will apply if housing delivery falls below 45%;
- From the day following the publication of the 2020 Housing Delivery Test result, the presumption will apply if housing delivery falls below 75%.

The presumption in favour of sustainable development will remain in place until subsequent Housing Delivery Test results demonstrate that delivery exceeds the required rate of delivery in the following year.

What is an action plan?

The action plan is a document produced by the local planning authority to reflect challenges and identify actions to address under-delivery against the housing requirement in the area. The document's purpose is to detail the reasons for under-delivery and the steps the authority intends to take in mitigation and drive up delivery in the area. A good action plan will identify ways to reduce the risk of further under-delivery and set out the case for measures to maintain or improve levels of delivery.

Who can produce an action plan?

Local planning authorities, in collaboration with key stakeholders, where delivery is below 95% of their housing requirement, as set out in an up to date plan, are expected to produce an action plan. This will apply for each year of under-delivery.

Local planning authorities where delivery meets, or exceeds, 95% of their housing requirement may wish to produce an action plan as a matter of good practice or to identify processes to exceed housing targets in order to demonstrate best practice.

Although the Housing Delivery Test does not apply to National Park Authorities and development corporations without all plan making and decision taking functions, if the identified housing need is not met for these areas we would encourage the use of an action plan to help identify causes of under-delivery and actions to address these.

Who can be involved in the creation of the action plan?

The action plan needs to be produced by the local planning authority, involving relevant stakeholders in the process. It is for the local planning authority to decide which stakeholders to involve in the formation of the document, however representatives of those with an impact on the rate of delivery in the area should be included, such as, but not limited to:

- Small and large developers;
- Land promoters;
- Private and public land owners;
- Infrastructure providers (such as utility providers, highways, etc);
- Upper tier authorities (County Councils) in non-unitary areas;
- Neighbouring authorities with adjoining or cross-boundary sites.

What aspects could local planning authorities review as part of the action plan?

In drafting the Action Plan, the local planning authority may wish to include an analysis of under-delivery considering:

- The information and issues identified in the Authority Monitoring Report;
- How the five year land supply, including brownfield, public sector land and small sites, is currently meeting housing needs;
- Barriers to delivery on sites that are part of the five year land supply (such as pre-commencement conditions, lengthy S106 negotiations, land banking, statutory consultees, affordable housing, scheme viability, provision of infrastructure and utilities etc.);
- The local planning authority's level of engagement with key stakeholders (for example, landowners, developers, utility providers and statutory consultees), to identify more land and encourage the increase of pace of delivery;
- Issues that could be addressed at a strategic level, both within the authority, with neighbouring authorities and upper tier authority where applicable (for example infrastructure, transport, etc.);
- Whether proactive pre-planning application discussions are taking place to speed up determination periods;
- Whether enough planning permissions are being granted to meet the required levels of housing and whether they are being determined within the statutory time limits;
- Barriers to earlier building commencement after planning permission is granted and assess whether sites with planning permission are delivered within the allotted time;

- Whether the mix of sites identified for development is proving effective in delivering the anticipated rate of delivery.

What actions could local planning authorities consider as part of the action plan?

Local planning authorities will need to identify actions to boost delivery, this could include:

- Revisiting the Strategic Housing Land Availability Assessment (SHLAA)/ Housing and Economic Land Availability Assessment (HELAA) to identify sites or broad areas which may be suitable for housing development, available and achievable, including public sector land and brownfield land;
- Working with developers to see whether more outlets can be provided on site, or whether sites can be subdivided;
- Offering more pre-application discussions to ensure issues are identified early;
- Consider the use of Planning Performance Agreements;
- Carrying out a new Call for Sites, as part of plan revision;
- Utilising public land for development (for example, selling off Council assets);
- Revising policies in their development plan in order to allocate sites for housing, revise existing policies which are acting as a barrier to delivery, or set out policies which could pro-actively address under-delivery, or accelerating production of an emerging plan which may include such policies;
- Reviewing the impact of any existing Article 4 directions for the change of use from non-residential uses to residential use;
- Engaging regularly with key stakeholders to obtain up-to-date information on the build out of current sites, identify any barriers, and discuss how these can be addressed;
- Determining the possibility of prioritising certain applications, simplifying conditions, phasing condition discharge on approved sites, and reviewing standardised conditions;
- Ensuring that evidence on a particular site is informed by an understanding of viability;
- Considering using compulsory purchase powers to unlock suitable housing sites;
- Using Brownfield Registers to grant permission in principle to previously developed land;
- Encourage the development of small sites and higher densities on all sites

What is the time-frame for an action plan?

To ensure the document is of optimal impact, local planning authorities should publish an action plan within six months of the publication of the Housing Delivery Test result.

Will an action plan require formal public consultation?

The action plan needs to be a publicly accessible document. The decision to consult on an action plan is at the discretion of the local planning authority. Local planning authorities should be mindful of the need to both produce and implement the document's proposals in a timely fashion.

Local Housing Need Assessment

The approach to assessing need

What is the purpose of the guidance?

This guidance supports plan-making authorities in assessing and evidencing development needs for housing (both market and affordable) including the local housing need assessment as set out in the National Planning Policy Framework. [Neighbourhood planning guidance](#) sets out how this can be considered when preparing neighbourhood plans.

What approach should be used?

The National Planning Policy Framework expects strategic plan-making authorities to follow the standard approach for assessing local housing need set out below, unless there are exceptional circumstances that justify an alternative. The standard approach relies on publicly available and robust data.

STEP 1 - SETTING THE BASELINE

National [Household projections](#), for the area of the local authority, provide the starting point.

The household projections are produced by applying projected household representative rates to the population projections published by the Office for National Statistics. Projected household representative rates are based on trends observed in Census and Labour Force Survey data.

The household projections are trend based, meaning that they provide the household levels and structures that would result if the assumptions based on previous demographic trends in the population and rates of household formation were to be realised in practice. They do not attempt to predict the impact that future government policies, changing economic circumstances or other factors might have on demographic behaviour.

The most recent official projections need to be used to calculate the average annual household growth over a 10 year period.

STEP 2 - AN ADJUSTMENT TO TAKE ACCOUNT OF MARKET SIGNALS

An important consideration in assessing an appropriate level of housing is the affordability of homes, which means that projected household growth needs to be adjusted to take account of market signals.

Median affordability ratios, published by the Office for National Statistics at a local authority level, should be used for adjusting household projections. The affordability ratios compare the median house prices to median workplace earnings. Plan-making authorities should use the most recent year for which data is available.

Each 1% increase in the ratio of house prices to earnings above 4 results in a quarter of a per cent increase in need above projected household growth. The precise formula is as follows:

$$\text{Adjustment factor} = \left(\frac{\text{Local affordability ratio} - 4}{4} \right) \times 0.25$$

The local housing need figure is therefore as follows:

Local housing need = (1+adjustment factor) x projected household growth

So, for example, an area with a projected household growth of 132 a year would have an annual need of:

- 132 if average house prices were 4 times local average earnings
- 165 if average houses prices were 8 times local average earnings
- 198 if average house prices were 12 times local average earnings

STEP 3 - CAPPING THE LEVEL OF ANY INCREASE

The market adjustment could lead to a significant increase in the local housing need in some parts of the country. To help ensure the method is deliverable, a cap on the local housing need may be applied. The appropriate cap will depend on the current status of the plan in each authority as follows:

- a. for those authorities that have reviewed their plan (including a review of local housing need) or adopted their plan in the last five years, a cap may be applied to their new annual local housing need figure at 40% above the average annual requirement figure currently set out in their plan; or
- b. for those authorities that have not reviewed their plan (including a review of local housing need) or adopted their plan in the last five years, a cap may be applied to their new annual local housing need figure at 40% above whichever is higher of the projected household growth for their area over the 10 years (using Office for National Statistics' household projections), or the annual housing requirement figure set out in their most recent plan if one exists.

Can plan-making authorities apply constraints to the assessment of development needs?

Plan-making authorities should not apply constraints to the overall assessment of need. Limitations including supply of land, capacity of housing markets, viability, infrastructure, Green Belt or environmental designations, are considerations when assessing how to meet need. These types of considerations are not relevant to assessing the scale of that need.

How can plan-making authorities apply the method to the plan period?

The method can be applied to the whole plan period. However, local planning authorities are required to review their plans every five years. This will ensure that plans are based on the most up-to-date and accurate available projections.

Deviation from the standard method

Can identified need be higher than the number identified by the standard method?

There may be circumstances where it is justifiable to identify need above the need figure identified by the standard method. The need figure generated by the standard method should be considered as the minimum starting point in establishing a need figure for the purposes of plan production. The method relies on past growth trends and therefore does not include specific uplift to account for factors that could affect those trends in the future. Where it is likely that additional growth (above historic trends identified by household projections) will occur over the plan period, an appropriate uplift may be applied to produce a higher need figure that reflects that anticipated growth. Circumstances where an uplift will be appropriate include, but are not limited to; where growth strategies are in place, strategic level infrastructure improvements are planned, funding is in place to promote and facilitate growth (i.e. Housing Deals, Housing Infrastructure Fund). In these circumstances, the local housing need figure can be reflected as a range, with the lower end of the range being as a minimum the figure calculated using the standard method. Where an alternative approach identifies a need above the local housing need assessment method, the approach will be considered sound, unless there are compelling reasons to indicate otherwise.

Can identified need be lower than the number identified by the standard method?

Plan-making authorities should use the standard method for assessing local housing need unless there are exceptional circumstances to justify an alternative approach. Any deviation which results in a lower housing need figure than the standard approach will be subject to the tests of soundness and will be tested thoroughly by the Planning Inspectorate at examination. The plan-making authority will need to make sure that the evidence base is robust and based on realistic assumptions, and that they have clearly set out how they have demonstrated joint working with other plan-making authorities. In such circumstances, the Planning Inspector will take the number from the standard method as a reference point in considering the alternative method.

Can plan-making authorities use a different method?

Plan-making authorities who wish to depart from the standard approach should have compelling circumstances, which are properly justified and will be subject to examination.

However, where plan-making authorities do not align with local authority boundaries, such as National Parks and the Broads Authority, available data does not allow local housing needs to be calculated using the standard method set out above. Such authorities may continue to identify a housing need figure locally, but in doing so have regard to the best available information on anticipated changes in households as well as local affordability levels.

Implementation of the approach

When should plan-making authorities draw down their number?

Plan-making authorities will need to draw down their local housing need figure at the start of the process for preparing their plans. This number should be kept under review and needs to reflect their current local housing need figure when the plan is submitted for examination.

How often are the projections and affordability ratios updated?

The Government's official population and household projections are generally updated every two years to take account of the latest demographic trends.

Affordability ratios are published every year (usually in March)

For how long can an estimate of local housing need be relied upon?

Local housing need established through the standard method may be relied upon for a period of two years from the time that a plan is submitted to the Planning Inspectorate for examination.

Can plan-making authorities take account of past under delivery of new homes in preparing plans?

When using the standard method it is not necessary to factor in previous levels of under supply into the calculation of local housing need, since any such under delivery will be reflected in the affordability adjustment.

Where an alternative approach is taken, past under delivery should be taken into account.

How should local housing need be calculated where plans cover more than one area?

Local housing need assessments may cover more than one area, in particular where plans are being produced jointly, or where Spatial Development Strategies are prepared by elected Mayors with statutory plan making functions.

In such cases the housing need for the defined area should be at least the sum of the local housing need for each local planning authority within the area. It will be for the relevant planning authorities or elected Mayor to distribute this total housing need figure across the plan area.

Where a Spatial development strategy has been published, local planning authorities should use the local housing need figure in the Spatial development strategy and should not seek to re-visit their local housing need figure when preparing new local plans.

In what circumstances should strategic policies relevant to housing be reviewed earlier than every five years?

If the local housing need figure for an area is higher than that identified in the relevant plan, for example if the previous need figure was subject to a cap or the plan was adopted or submitted prior to the implementation of the standard method, a review of the strategic policies relevant to local housing may be needed earlier than every five years in order to ensure all identified need is planned for as early as possible. Where neighbouring

authorities have adopted plans that do not meet all of their local housing need, an earlier review may also be necessary to assess whether that unmet need can be planned for.

Identifying the need for different types of housing

How can the needs for all types of housing be identified?

Once an overall housing figure has been identified, plan-making authorities will need to break this down by tenure, household type (singles, couples and families) and household size.

Identifying the need for certain types of housing and the needs of different groups such as older people and students is discussed below in more detail.

THE PRIVATE RENTED SECTOR

Tenure data from the Office for National Statistics can be used to understand the future need for private rented sector housing. However, this will be based on past trends. Market signals reflecting the demand for private rented sector housing could be indicated from the level of changes in rents. Evidence can also be sourced from the English Housing Survey, Office for National Statistics Private Rental Index, the Valuation Office Agency, HomeLet Rental Index and other commercial sources.

SELF-BUILD AND CUSTOM HOUSEBUILDING

Most local planning authorities (including all district councils and National Park Authorities) are now required to keep a register of individuals and associations of individuals who are seeking to acquire serviced plots of land in their area in order to build homes for those individuals to occupy. [The Self-build and Custom Housebuilding \(Register\) Regulations 2016](#) set out the requirements. For further details, see [guidance on self-build and custom housebuilding registers](#). In order to obtain a robust assessment of demand for this type of housing in their area, local planning authorities should supplement the data from the registers with secondary data sources such as: building plot search websites, 'Need-a-Plot' information available from the Self Build Portal, and enquiries for building plots from local estate agents.

FAMILY HOUSING

Plan-making authorities can identify current numbers of families, including those with children, by using the local household projections.

HOUSING FOR OLDER PEOPLE

The age profile of the population can be drawn from Census data. Projection of population and households by age group can also be used. Plan-making authorities will need to consider the size, location and quality of dwellings needed in the future for older people in order to allow them to live independently and safely in their own home for as long as possible, or to move to more suitable accommodation if they so wish. Supporting independent living can help to reduce the costs to health and social services, and providing more options for older people to move could also free up houses that are under occupied.

The future need for specialist accommodation for older people broken down by tenure and type (e.g. sheltered, enhanced sheltered, extra care, registered care) may need to be assessed and can be obtained from a number of online tool kits provided by the sector. Evidence from Joint Strategic Needs Assessments prepared by Health and Wellbeing Boards also provide useful evidence for plan-making authorities. The assessment can also set out the level of need for residential institutions (Use Class C2). Many older people may not want or need specialist accommodation or care and may wish to stay or move to general housing that is already suitable, such as bungalows, or homes which can be adapted to meet a change in their needs. Local authorities will therefore need to identify the role that general housing may play as part of their assessment.

HOUSING FOR PEOPLE WITH DISABILITIES

There is no one source of information about disabled people who require adaptations in the home, either now or in the future. The Census provides information on the number of people with long-term limiting illness and plan-making authorities can access information from the Department of Work and Pensions on the numbers of Disability Living Allowance / Attendance Allowance benefit claimants. Whilst these data can provide a good indication of the number of disabled people, not all of the people included within these counts will require adaptations in the home. Applications for Disabled Facilities Grant will provide an indication of levels of expressed need, although this could underestimate total need. If necessary, plan-making authorities can engage with partners to better understand their housing requirements. People with disabilities are defined in the [National Planning Policy Framework glossary](#). However, authorities may wish to consider groups outside of the scope of this definition in order to meet the specific needs of their community.

STUDENT HOUSING

Plan-making authorities need to plan for sufficient student accommodation whether it consists of communal halls of residence or self-contained dwellings, and whether or not it is on campus. Encouraging more dedicated student accommodation may provide low cost housing that takes pressure off the private rented sector and increases the overall housing stock. Plan-making authorities are encouraged to consider options which would support both the needs of the student population as well as local residents before imposing caps or restrictions on students living outside of university-provided accommodation. Plan-making authorities will need to engage with universities and other higher educational establishments to ensure they understand their student accommodation requirements.

How can the housing requirements of particular groups of people be addressed in plans?

Plan-making authorities should set clear policies to address the housing needs of groups with particular needs such as older and disabled people. These policies can set out how the plan-making authority will consider proposals for the different types of housing for older people. They could also provide indicative figures or a range for the number of units of specialist housing for older people needed across the plan area. To bring forward an adequate supply of accessible housing to meet local need, policies for older and disabled people's housing could be developed using the [optional technical housing standards](#).

How can affordable housing need be calculated?

Plan-making authorities will need to estimate the number of households and projected households who lack their own housing or who cannot afford to meet their housing needs in the market. This should involve working with colleagues in their relevant authority (e.g. housing, health and social care departments).

What types of households are considered to be in affordable housing need?

All households whose needs are not met by the market can be considered in affordable housing need. Overall affordable housing need should be separated into two categories to recognise the distinct characteristics of the differing need:

- households that do not have their basic housing needs met and which cannot afford to meet these needs in the market; and
- households which can afford to rent in the private rental market, but cannot afford to buy despite a preference for owning their own home.

How can the current unmet gross need for affordable housing be calculated?

Plan-making authorities can establish unmet (gross) need for affordable housing by assessing past trends and recording current estimates of:

- the number of homeless households;
- the number of those in priority need who are currently housed in temporary accommodation;
- the number of households in over-crowded housing;
- the number of concealed households;
- the number of existing affordable housing tenants in need (i.e. householders currently housed in unsuitable dwellings);
- the number of households from other tenures in need and those that cannot afford their own homes, either to rent, or to own, where that is their aspiration.

Care should be taken to avoid double-counting, which may be brought about with the same households being identified on more than one transfer list, and to include only those households who cannot afford to access suitable housing in the market.

Suggested data sources: Local authorities will hold data on the number of homeless households, those in temporary accommodation and extent of overcrowding. The Census also provides data on concealed households and overcrowding which can be compared with trends contained in the English Housing Survey. Housing registers and local authority and registered social landlord transfer lists will also provide relevant information.

How can the number of newly arising households likely to be in affordable housing need be calculated (gross annual estimate)?

Projections of affordable housing need will have to reflect new household formation, the proportion of newly forming households unable to buy or rent in the market area, and an estimation of the number of existing households falling into need. This process will need to identify the minimum household income required to access lower quartile (entry level) market housing (plan-making authorities can use current cost in this process, but may wish to factor in anticipated changes in house prices and wages). It can then assess what proportion of newly-forming households will be unable to access market housing.

Suggested data sources: Ministry of Housing, Communities and Local Government household projections, English Housing Survey, local authority and registered social landlords databases, and mortgage lenders.

Total newly arising affordable housing need (gross per year) =

(the number of newly forming households x the proportion unable to afford market housing) + existing households falling into need

How can the current total affordable housing supply available be calculated?

There will be a current supply of housing stock that can be used to accommodate households in affordable housing need as well as future supply. Assessing the total affordable housing supply requires identifying:

- the number of affordable dwellings that are going to be vacated by current occupiers that are fit for use by other households in need;
- suitable surplus stock (vacant properties);
- the committed supply of new net affordable homes at the point of the assessment (number and size).

Sources of data: Ministry of Housing, Communities and Local Government affordable housing supply statistics to show recent trends, and local authority and Registered Social Landlord records including housing register, transfer lists, demolition and conversion programmes, development programme of affordable housing providers.

Total affordable housing stock available =

Dwellings currently occupied by households in need + surplus stock + committed additional housing stock – units to be taken out of management

What is the relationship between the current housing stock and current and future needs?

Plan-making authorities will need to look at the current stock of houses of different sizes and assess whether these match current and future needs.

What is the total annual need for affordable housing?

The total need for affordable housing will need to be converted into annual flows by calculating the total net need (subtract total available stock from total gross need) and converting total net need into an annual flow.

The total affordable housing need can then be considered in the context of its likely delivery as a proportion of mixed market and affordable housing developments, given the probable percentage of affordable housing to be delivered by market housing led developments. An increase in the total housing figures included in the strategic plan may need to be considered where it could help deliver the required number of affordable homes.

Core outputs and monitoring

What are the core outputs?

Plan-making authorities will need to set out clear conclusions and any assumptions made in reaching these conclusions on the levels of quantitative and qualitative predicted need. This will be an important input into assessing the suitability of sites and the plan preparation process more generally.

Plan-making authorities will need to consider their existing and emerging housing strategies in light of needs.

How often should indicators be monitored?

Local planning authorities need not undertake comprehensive assessment exercises more frequently than every five years, although their findings will need to be updated regularly, looking at the short-term changes in housing market conditions.

Monitoring information should be shared with qualifying bodies undertaking a [neighbourhood plan](#) via the local authority's [monitoring report](#) so that they can understand how their neighbourhood plan is being implemented.

What could be monitored?

Plan-making authorities will need to put in place their own monitoring arrangements in relation to relevant local indicators which could include:

- housing and premises (current stock) database;
- housing permissions granted, by type;
- housing permissions developed by type, matched to allocated sites;
- housing permissions for development of sites where change of use is involved;
- housing land available and recent transactions;
- housing premises enquiries (if the authority has an estates team);
- housing developer requirements and aspirations for houses;
- housing waiting lists applications.

Neighbourhood Plans

How should local planning authorities set a housing requirement figure for designated neighbourhood areas?

Ideally, local planning authorities should set housing requirement figures for designated neighbourhood areas as part of their strategic policies. However, it may be necessary for indicative housing requirement figures to be produced (for example where the strategic and neighbourhood plan production timescales don't align or new evidence of housing need is available). There is no set method for local authorities to determine the proportion of the authority's housing need which each neighbourhood should plan for. The housing requirement for a neighbourhood area should be derived from the authority's housing need figure and take into consideration relevant policies and evidence such as the spatial strategy (or the emerging strategy if indicative figures are being set), the [Housing and Economic Land Availability Assessment](#), the population of the neighbourhood area and the role of the neighbourhood area in providing services.

Indicative figures may need to be updated by authorities and discussed with neighbourhood planning groups, should additional evidence emerge which would significantly change the housing requirement for the neighbourhood area. Proactive engagement with neighbourhood planning groups is therefore essential as part of this process, in order for groups to understand and influence how figures are reached. This is important to avoid disagreements at neighbourhood plan or local plan examinations, and minimise the risk of neighbourhood plan figures being superseded when the local authority adopts a new plan.

What happens if the local planning authority's strategic policies do not provide a neighbourhood housing requirement for a designated neighbourhood area?

Where a local authority's strategic policies do not include a housing requirement for a particular neighbourhood area, neighbourhood planning groups may request an indicative figure from the local authority if they wish to plan for housing. If, in exceptional circumstances, a local planning authority has been unable to provide an indicative housing requirement figure within a reasonable timeframe, then the neighbourhood planning group may need to determine a housing requirement figure for the designated neighbourhood area. The [latest neighbourhood planning toolkit](#) on housing needs assessment may be used to provide the requirement. Groups will need to proactively engage with the local planning authority through this process. The figure will need to be tested at examination of the neighbourhood plan.

Are housing requirement figures for neighbourhood areas binding?

Where minimum housing requirement figures are set in strategic policies, a neighbourhood planning group may propose an alternative figure in exceptional circumstances, where it has compelling evidence to support a departure from the strategic policies. This would need to be tested at examination as neighbourhood plans must be in general conformity with strategic policies of the development plan to meet the '[basic conditions](#)'.

Indicative housing requirement figures are not binding on the neighbourhood plan, but they will be important considerations during examination of the plan. This is because the [‘basic conditions’](#) against which neighbourhood plans are examined also require neighbourhood plans to have regard to national policies and guidance, and to contribute to the achievement of sustainable development.

Ideally the local authority should include the indicative figures produced for neighbourhood areas in its emerging strategic policies. However the local authority is not bound to do so.

How should neighbourhood plans use the housing requirement figure provided by the local planning authority?

Where neighbourhood planning groups have decided to make provision for housing in their plan, the housing requirement figure provided by the local authority should be regarded as a minimum. Communities are encouraged to plan to meet their housing requirement, and where possible, to exceed the requirement, for example through allocating reserve sites. A sustainable choice of sites to accommodate housing will provide flexibility if circumstances change and allows plans to remain up to date over a longer time scale. Neighbourhood plans should set out whether their housing requirements were part of the local authority’s strategic policies or constitute indicative figures provided by the local authority. Neighbourhood plan policies on the size or type of housing required should be informed by [other local authority evidence](#) as far as possible.

What does ‘policies and allocations to meet its identified housing requirement’ mean in the context of paragraph 14 of the National Planning Policy Framework on neighbourhood plans?

The ‘identified housing requirement’ is the number of homes being planned for in the neighbourhood area, as set out in a neighbourhood plan policy. This number will have been set as part of the local authority’s strategic policies or have been provided by the local authority as an indicative requirement, or (if necessary) by the neighbourhood planning group. Where applicable, the identified housing requirement will have been tested at the neighbourhood plan examination.

In order for a neighbourhood plan to meet the criteria set in paragraph 14 of the Framework, the ‘policies and allocations’ in the plan must meet this housing requirement in full. For example, a neighbourhood housing requirement of 50 units could be met through two sites allocated for 20 housing units and a policy for a windfall allowance of 10 units. However, a policy on a windfall allowance alone would not be sufficient. Allocations are sites clearly outlined with a site boundary on an Ordnance Survey base map with accompanying policies in the plan setting out the proposed land use and the quantum of development appropriate for the site.

How should a neighbourhood plan allocate sites for development?

Where a plan is aiming to allocate sites for development, the neighbourhood planning group should carry out an appraisal of options and an assessment of individual sites against clearly identified criteria.

[Guidance on general principles of assessing sites and on viability](#) should provide the framework for the assessment of sites. The latest [neighbourhood planning toolkit](#) on site assessments may also be used.

The site being allocated should be shown with a clear site boundary on an Ordnance Survey base map. A policy in the plan should set out the proposed land uses on the site, and an indication of the quantum of development appropriate for the site.

When are neighbourhood plans protected from the ‘presumption in favour of sustainable development’?

Under paragraph 75 of the National Planning Policy Framework, local authorities with less than five years’ supply of land for housing, or a substantial under-delivery of housing (assessed against the Housing Delivery Test), should apply the presumption in favour of sustainable development to planning applications for housing. The presumption (at paragraph 11d) says to grant permission unless

- i. “the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”

Where the application is in an area where a neighbourhood plan has been approved at referendum, paragraph 14 of the Framework provides some protection for the neighbourhood plan where applications for housing are made that conflict with the neighbourhood plan. This paragraph sets out that for some neighbourhood plans in defined circumstances, the adverse impact of allowing development in conflict with the plan is likely to significantly and demonstrably outweigh the benefits.

The circumstances where this protection applies are where the neighbourhood plan:

- has been passed at referendum two years or less before the date the decision is made.
- contains policies and site allocations to meet the neighbourhood area’s identified housing requirement;
- the local planning authority has at least a three year supply of deliverable housing sites, when assessed against its five year supply; and
- the local planning authority has delivered at least 45% of its housing requirement over the past three years (as assessed against the Housing Delivery Test).

There are also two transitional arrangements for the policies relating to this protection, which are contained in paragraph 212 of the National Planning Policy Framework.

The first transitional arrangement allows the protection to apply to neighbourhood plans that were approved at referendum more than two years before the application is decided, if they meet the other criteria set out above, up to and including 11 December 2018.

The second transitional arrangement relates to the 45% housing delivery threshold. In line with the transitional arrangements for the Housing Delivery Test (set out in paragraph 211 of the Framework), the protection for neighbourhood plans will apply where housing

delivery is at least 25%, as measured by the Housing Delivery Test in November 2018. The 45% threshold will apply from the November 2019 Housing Delivery Test measurement onwards.

Plan-making

Statutory duty and role of plans

What is the role of plans?

The development plan is at the heart of the planning system with a requirement set in law that [planning decisions should be taken in line with the development plan](#) unless material considerations indicate otherwise. Plans set out a vision and a framework for the future development of the area, addressing needs and opportunities in relation to housing, the economy, community facilities and infrastructure – as well as a basis for safeguarding the environment, adapting to climate change and securing good design. It is essential that plans are in place and kept up to date.

The Framework introduces flexibility in the way areas plan for the development and use of land. Plans can be produced at different spatial scales, and local planning authorities, in consultation with their communities, will determine which development plan documents are appropriate for their area. The minimum requirement is for strategic policies to be in place in strategic plans, prepared either by a local planning authority, jointly with others, or individually, or by a Mayor or Combined Authority with powers to produce a spatial development strategy. Local policies, setting out more detailed policies for specific areas, neighbourhoods or types of development can be set out in a local plan or neighbourhood plan.

How detailed should plans be?

While the content of plans will vary depending on the nature of the area and matters to be addressed, all plans should be as focused, concise, and accessible as possible. The Government encourages authorities to make use of digital plans and open data when publishing plans and the evidence base which underpins them. National planning policy sets out the requirements for plans.

When drafting strategic and local policies plan-makers should avoid undue repetition. There should be no need to reiterate policies that are already set out in the Framework. Where sites are proposed for allocation, sufficient detail should be given to provide clarity to developers, local communities and other interests about the nature and scale of development (addressing the ‘what, where, when and how’ questions).

The policies map should illustrate geographically the policies in the plan and be reproduced from, or based on, an Ordnance Survey map. If the adoption of a plan would result in changes to a previously adopted policies map, when the plan is submitted for examination, an up to date submission policies map should also be submitted, showing how the adopted policies map would be changed as a result of the new plan.

[Section 19 of the Planning and Compulsory Purchase Act 2004](#) sets out specific matters to which the local planning authority must have regard when preparing a plan. [Regulations 8 and 9 of the Town and Country Planning \(Local Planning\) \(England\) Regulations 2012](#) prescribe the general form and content of local plans and adopted policies maps, while

regulation 10 states what additional matters local planning authorities must have regard to when drafting their plans.

Do local planning authorities have to prepare any plans in addition to those which address their strategic priorities?

Local planning authorities may produce plans in addition to those dealing with their strategic priorities, to set out local policies to guide development in their area. They may also choose to rely on neighbourhood planning bodies to produce [Neighbourhood Plans](#).

Local planning authorities should demonstrate they can maintain a five year land supply and report on performance against the Housing Delivery Test. Therefore, local planning authorities will need to consider whether additional development plan documents are required to allocate land to meet their identified development needs and maintain an adequate supply of deliverable sites.

Tests of soundness

What is meant in the ‘effective’ test of soundness by “strategic matters which are dealt with rather than deferred”?

Demonstrating that cross-boundary strategic matters are dealt with rather than deferred means addressing these matters as fully as possible during the plan-making process, rather than deferring issues to subsequent plan updates. This is especially the case for those issues which may be challenging for authorities to address, such as infrastructure, housing requirement and distribution. Authorities should look to deal with these through effective joint working with neighbouring authorities and relevant public bodies (such as infrastructure providers).

What should an authority do if strategic matters cannot be dealt with through effective cross-boundary working?

Occasionally, agreement on specific cross-boundary strategic matters may not be reached. This might occur, for example, where such matters cannot be dealt with within the authority’s plan period, or where the potential impacts of such matters over the plan period could be uncertain, such as for national infrastructure projects. Under such circumstances the authority will need to evidence matters on which agreement cannot be reached, as well as the efforts made to try to reach agreement, in a statement of common ground.

In these circumstance authorities may need to consider an early revision of the plan once it is adopted, or Inspectors may be minded to direct authorities to do this when the plan is examined.

Statement of common ground

What is a statement of common ground?

A statement of common ground is a written record of the progress made by strategic plan-making authorities during the process of planning for strategic matters across local

authority boundaries. It documents where effective co-operation is and is not happening, and is a way of demonstrating at examination that plans are deliverable over the plan period, and based on effective joint working across local authority boundaries. In the case of local planning authorities (including County Councils), it is also evidence that they have complied with the duty to cooperate.

How should a statement of common ground be developed?

Authorities should publish a statement of common ground following the publication of the revised Framework. A statement should contain the following sections:

- a. A written description and map showing the location and administrative areas covered by the statement, and a justification for these areas;
- b. The key strategic matters being addressed by the statement, including the local housing need for the area;
- c. The plan-making authorities responsible for joint working detailed in the statement, and list of any additional signatories (including matters to which each is a signatory);
- d. Governance arrangements for the cooperation process, including how the statement will be maintained and kept up to date;
- e. If applicable, the housing requirements in any adopted and (if known) emerging development plan documents within the area covered by the statement;
- f. Distribution of housing need in the area as agreed through the plan-making process and/or the process for agreeing the distribution of housing need (including unmet need) across the area;
- g. A record of where agreements have (or have not) been reached on key strategic matters; and
- h. Any additional strategic matters to be addressed by the statement which have not already been addressed.

The statement is expected to be proportionate to the matters being addressed and not used to document every occasion that strategic plan-making authorities meet, consult with each other, or contact prescribed bodies under the duty to cooperate.

How should the statement of common ground be published?

Statements should be prepared, maintained and made publicly available throughout the plan-making process. The statement should be published in a machine readable format on the websites of the authorities producing the statement and must comply with open data standards [under development] set out in guidance.

Who is responsible for preparing, maintaining and updating the statement of common ground?

Local planning authorities and elected Mayors or combined authorities are required to produce a statement of common ground when preparing plans. Statements should be jointly produced by those authorities who have agreed to collaborate with each other to address strategic matters across local authority boundaries when preparing these documents. Authorities who have agreed to collaborate with each other are likely to be signatories (signing off on agreements made and decisions taken) to most of the matters addressed in the statement.

Which geographical area should a statement of common ground cover?

The statement will need to cover the area which local planning authorities and Mayors or combined authorities with plan-making powers feel is the most appropriate functional geography for gathering of evidence and the preparation of planning policies.

In the case of elected Mayors or combined authorities with plan-making powers, the statement of common ground should look beyond the combined authority area and actively engage neighbouring authorities in the plan-making process.

What is the process for preparing, maintaining and updating the statement of common ground?

Authorities responsible for the statement will need to decide early on the governance arrangements for preparing, maintaining and updating the statement. For example, authorities may wish to decide which authority will lead on updating the statement, and whether certain matters require member-level sign-off or can be delegated to officers. Authorities may consider using independent bodies as arbiters or facilitators to aid discussions such as County Councils in two-tiered areas, or Mayors in combined authority areas. This process should be documented in the statement.

Once published how often should a statement of common ground be reviewed and updated?

Once published, authorities responsible for the statement should ensure that it reflects the most up to date position in terms of joint working across the area. Accordingly, a statement will need to be updated at the earliest opportunity once:

- agreements are reached on strategic matters detailed in the statement, such as housing distribution; or
- a decision is taken to revise a development plan document or revise strategic policies in the defined area.

Who are additional signatories to the statement of common ground?

Additional signatories will be those who have an interest in a statement of common ground, but who may not be responsible for preparing, maintaining and updating it. These may include: other relevant public bodies (Local Enterprise Partnerships, Local Nature Partnerships, and the Marine Management Organisation in coastal areas); other strategic plan-making authorities (such as County Councils, combined authorities without plan-making powers, and any local planning authorities outside of the area covered by the statement); or infrastructure providers.

Parish Councils and Neighbourhood Forums do not need to be signatories to a statement of common ground.

What is the role of additional signatories on the statement of common ground?

The statement of common ground may set out where agreements are reached with additional signatories, but their remit should be limited to those parts of the statement that

relate directly to their interest/involvement, e.g. specific infrastructure or transport commitments, rather than being a signatory to the statement as a whole. They have no responsibility for publishing, maintaining or updating the statement of common ground.

Should authorities prepare a statement of common ground for each matter being addressed?

Where multiple strategic matters can be addressed within one defined area these matters and any associated agreements can be documented in a single statement.

When is it appropriate for plan-making authorities to prepare more than one statement of common ground?

Authorities may feel it is appropriate to produce more than one statement if they feel this would be the clearest and most expedient way to evidence joint working. This will depend on the matters being addressed and the areas covered. For example, multiple statements may be appropriate where there are a large number of authorities working jointly on matters beyond a defined geographical area, or where areas overlap, and the process of documenting the joint working undertaken would be too time-consuming and resource intensive to be documented in a single statement.

Should a statement of common ground be prepared for minerals and waste plans?

Yes. When preparing minerals and waste plans, authorities should work jointly with neighbouring authorities to address the need for and distribution of, minerals extraction and waste facilities and impacts arising from these. This should be evidenced in a statement of common ground.

In two-tier areas, District Councils within the County should be signatories on the statement of common ground for County Council minerals and waste plans as these will have a direct effect on the development strategy of their areas.

Are local planning authorities (including London Boroughs) within a combined authority area required to be signatories to a statement of common ground prepared by the combined authority for a spatial development strategy?

No, it is not necessary for each local planning authority (or London Boroughs) within the combined authority area to be signatories on the statement prepared by the combined authority or Mayor with plan-making powers for a spatial development strategy. The Mayor or combined authority preparing the strategy will need to engage the local planning authorities effected at the early stages of the plan-making process.

Is a combined authority (including the Greater London Authority) required to be a signatory to statements of common ground prepared by local planning authorities within the combined authority area?

No, however these local planning authorities will need to involve the combined authority in early stakeholder engagement and may want to use the combined authority as an arbiter

or facilitator for statement of common ground discussions, or, where appropriate and subject to governance arrangements, to invite the combined authority to lead on updating the statement.

What role can combined authorities without plan-making powers play in the preparation of statements of common ground?

Where the combined authority has responsibilities to deliver strategic priorities, such as economic development and transport improvements they should be included as an additional signatory to a statement of common ground prepared by local planning authorities where this will help deliver the strategic matters identified in the statement.

Mayors without plan-making powers may be able to act as an arbiter or facilitator of statement of common ground discussions and could assist in the preparation of the statements themselves. This will depend on the governance arrangements established by the local planning authorities responsible for the statement.

Do local planning authorities have to produce a statement of common ground for plans which do not contain strategic policies?

Strategic plan-making authorities are expected to produce a statement of common ground even where they are not directly preparing strategic policies. When a local planning authority chooses to produce a plan which contains only local policies they will still be required to fulfil their duty to cooperate. In order to satisfy the soundness tests they will be expected to produce a statement of common ground. However, the level of joint-working needed across local authority boundaries will be substantially less than where a plan contains strategic policies.

How should the Mayor of London use the statement of common ground when preparing the London Plan?

The Mayor of London will need to work with those authorities outside of London, considered most appropriate for gathering evidence and preparing strategic policies, for the spatial development strategy for London (the London Plan). This should be evidenced in one or more statements of common ground.

Are Parish Councils and Neighbourhood Forums required to produce Statements of Common Ground when preparing neighbourhood plans?

Parish Councils and Neighbourhood Forums are not required to produce a statement of common ground when preparing neighbourhood plans.

How can the statements of common ground be used to address strategic infrastructure?

The statement of common ground provides a vehicle to establish if additional strategic cross-boundary infrastructure is required, especially where it would unlock more land for housing. Where it is identified that there are strategic infrastructure matters to be addressed, strategic plan-making authorities will be expected to document how they intend to resolve these, that they have sought agreement with the relevant bodies, and document any agreements reached.

Where development needs and infrastructure matters have been addressed in the statement of common ground this will inform considerations for the [Community Infrastructure Levy](#). It should also form part of the evidence base for the Infrastructure Funding Statement, especially when forecasting contributions required for future planned development.

Authorities who agree to take additional housing from other areas may in turn require investment in infrastructure provision to support this. Where effective cross-boundary working can be evidenced in the statement of common ground, this could be used as evidence when trying to secure grants for infrastructure where effective joint working forms part of the assessment criteria.

Evidence Base

How are strategic and local plans produced?

Strategic and local plans should be developed by assessing the future needs and opportunities of their area, developing options for addressing these and then identifying a preferred approach. This involves gathering evidence, carrying out a [Sustainability Appraisal](#) to inform the preparation of strategic and local plans and effective discussion and [consultation](#) with local communities, businesses and other interested parties.

There is considerable flexibility open to local planning authorities in how they carry out the initial stages of local plan production, provided they comply with the specific requirements in [regulation 18 of the Town and Country Planning \(Local planning\) \(England\) Regulations 2012](#), ('the Local plan Regulations') on consultation, and with the commitments in their Statement of Community Involvement. It is important to make clear how any consultation fits within the wider local plan process.

Local planning authorities must publicise the version of their local plan that they intend to submit to the Planning Inspectorate for examination to enable representations to come forward that can be considered at examination.

How should local planning authorities keep communities informed of plan-making?

Local planning authorities must publicise and keep up to date their timetable for producing their local plan. This information is contained within a [Local Development Scheme](#), which local planning authorities should publish on their website produced in compliance with the data standard [under development] and must keep up-to-date. Up-to-date and accessible reporting on the Local Development Scheme in an Authority's Monitoring Report is an important way in which local planning authorities can keep communities informed of plan making activity.

What approach should plan-making authorities take when gathering evidence needed to support policies?

Plan-making authorities will need to consider carefully the need to commission evidence that will add delay and cost to plan production. Wherever possible, authorities may wish to prepare evidence in-house or jointly to speed up the process, and obtain best value for the

taxpayer. Plan-making authorities may wish to seek advice on this, for example, from the Planning Advisory Service as part of their ongoing plan-making support.

The evidence needs to inform what is in the plan and shape its development rather than being collected retrospectively.

How should authorities keep communities informed of evidence gathering?

The Local Plans Expert Group, set up to consider how to make plan-making more efficient and effective, found that “communities are turned off by the length, slow pace and obscure nature of many local plans.” Authorities are expected to be mindful of the need to produce concise, visual, evidence, written in plain English to help ensure that it is easily accessible to local communities, to avoid them becoming disengaged with the process.

[From 31st July 2018](#) authorities are expected to set out in their Statement of Community Involvement how they will engage communities on the preliminary stages of plan-making, specifically [survey stage](#) and [local development scheme](#). For example, this may include publishing documents forming part of the evidence base as they are completed on their website in an accessible format, rather than waiting until options are published or a local plan is published for representations. Where authorities have evidence that might need to be considered by neighbouring authorities when producing or updating plans, they should share this at the earliest opportunity. This will help communities bringing forward [neighbourhood plans](#), who may be able to use this evidence to inform the preparation of their own plans.

How can the strategic plan making authority show that strategic or local plans are capable of being delivered, including provision for infrastructure?

Strategic plan-making authorities will need to work with other authorities and providers to:

- assess the quality and capacity of infrastructure, and its ability to meet forecast demands. Where deficiencies are identified, plans should set out how those deficiencies will be addressed; and
- take account of the need for strategic infrastructure including nationally significant infrastructure within their areas.

A plan is an opportunity for the local planning authority to set out a positive vision for an area, but the plan should also be realistic about what can be achieved and when (including in relation to infrastructure). This means paying careful attention to providing an adequate supply of land, identifying what infrastructure is required and how it can be funded and brought on stream at the appropriate time; and ensuring that policies are realistic and the total cost of all relevant policies is not of a scale that will make the development unviable. Viability assessment should be carried out in accordance with [guidance](#). Early discussion with infrastructure and service providers is particularly important to help understand their investment plans and critical dependencies. Plan-making authorities should also involve the Local Enterprise Partnership and where relevant strategic authorities, at an early stage in considering the strategic issues facing their area, including the prospects for investment in infrastructure.

Plans set out the key infrastructure requirements and the developer contributions that local authorities will expect from different types of development, and where necessary, from different sites. Where relevant, plans may also take account of funding to support

infrastructure provision through the Community Infrastructure Levy. The Government recommends that local authorities prepare an Infrastructure Funding Statement using the standard template in an open data format [template under development] in accordance with the National Planning Guidance on viability.

Where the cost or deliverability of critical infrastructure is uncertain then the plan should address the consequences of this, including possible contingency arrangements and where a [viability assessment](#) may be required to accompany a planning application. The detail concerning planned infrastructure provision can be set out in a supporting document such as an infrastructure delivery programme that can be updated regularly and be made publicly available.

How should the authority ensure there is consistency between viability assessments and the Community Infrastructure Levy?

The principles for assessing viability and preparing Infrastructure Funding Statements set out in guidance are also relevant for Community Infrastructure Levy. Further guidance on evidence required to support introduction of the [Community Infrastructure Levy](#) should also be referred to.

What evidence might be needed to plan for housing?

Plan-making authorities should have a clear understanding of housing requirements in their area. They should:

- Establish the overall housing need (using the standard methodology unless there are exceptional circumstances that justify an alternative);
- Identify the housing need of specific groups;
- Prepare or update their Strategic Housing Land Availability Assessment to establish realistic assumptions about the suitability, availability, and achievability (including economic viability) of land to meet the identified need for housing over the plan period, including robust evidence of deliverability for those sites identified for the first five years of the Plan;
- Prepare a viability assessment in accordance with guidance to ensure that policies are realistic and the total cost of all relevant policies is not of a scale that will make development unviable.

What evidence might be needed to plan for businesses?

Plan-making authorities will need a clear understanding of business needs within the economic markets operating in and across their area. To achieve this, they can:

- work together with county and neighbouring authorities, Mayors, combined authorities and with Local Enterprise Partnerships to prepare and maintain a robust evidence base to understand, with reference to local industrial strategies where relevant, both existing business needs and likely changes in the market; and
- engage with the business community to understand their changing needs and identify and address barriers to investment, including a lack of housing, infrastructure or viability.

Authorities may use the evidence base to assess:

- the need for land or floorspace for economic development, including both the quantitative and qualitative needs for all foreseeable types of economic activity over the plan period, including for retail and leisure development;
- the existing and future supply of land available for economic development and its suitability to meet the identified needs. This should be undertaken at the same time as, or combined with, Strategic Housing Land Availability Assessments and should include a reappraisal of the suitability of previously allocated land. Any assessment of current or future land should also assess the likely availability and achievability of employment led development, taking into account market signals;
- the role, capacity and function of town centres and the relationship between them, including any trends in the performance of centres; and
- locations of deprivation which may benefit from planned remedial action.

What evidence might be needed to plan for defence, national security, counter-terrorism and resilience?

Plan-making authorities may:

- work with the police and other partners to develop and implement a local strategy to guide proposals for appropriate security measures at public buildings and spaces;
- work with local police counter-terrorism security advisers (CTSAs) and local police crime prevention design advisers (CPDAs) to ensure that they inform them of planning applications concerning the development of crowded places, transport hubs and critical infrastructure; and
- work with the Ministry of Defence's Strategic Planning Team to ensure that they have and take into account the most up-to-date information about defence and security needs in their area.

What evidence might be needed to plan for the natural environment?

Planning policies and decisions should be based on up-to-date information about the natural environment and other characteristics of the area including drawing, for example, from River Basin Management Plans. Working with Local Nature Partnerships where appropriate, this should include an assessment of existing and potential components of ecological networks. A sustainability appraisal which meets the relevant legal requirements on strategic environmental assessment should be an integral part of the preparation of strategic and local plans, and should consider all the likely significant effects on the environment, economic and social factors.

Strategic and local plans may require a variety of other environmental assessments, such as under the Habitats Regulations where there is a likely significant impact (which may not necessarily be within the same local authority area). This may also include assessments of energy and climate change (to help inform a proactive approach in plans to mitigating and adapting to climate change and help increase the use and supply of renewable and low carbon energy and heat); Strategic Flood Risk Assessment and assessments of the physical constraints on land use, such as land instability, contamination and subsidence. Wherever possible, assessments can share the same evidence base and be conducted over similar timescales, but plan-making authorities need to take care to ensure that the purposes and statutory requirements of different assessment processes are respected.

Assessments should be proportionate, and should not repeat policy assessment that has already been undertaken. Wherever possible plan-making authorities should consider how the preparation of any assessment will contribute to the plan's evidence base. The process should be started early in the plan-making process and key stakeholders should be consulted in identifying the issues that the assessment must cover.

Shoreline Management Plans should inform the evidence base for planning in coastal areas. The prediction of future impacts should include the longer term nature and inherent uncertainty of coastal processes (including coastal landslip), and take account of climate change.

What evidence might be needed to plan for the conservation and enhancement of the Historic environment?

Plan-making authorities should have up-to-date evidence about the historic environment in their area and use it to assess the significance of heritage assets and the contribution they make to their environment. They should also use it to predict the likelihood that currently unidentified heritage assets, particularly sites of historic and archaeological interest, will be discovered in the future. Local planning authorities should either maintain or have access to a historic environment record, and should make information about the significance of the historic environment (gathered as part of plan-making or development management) publicly accessible.

Where appropriate, landscape character assessments can be prepared, integrated with assessment of historic landscape character, and – for areas where there are major expansion options – assessments of landscape sensitivity.

What evidence might be needed to plan for health and well-being?

Plan-making authorities may work with public health leads and health organisations to understand and take account of the health status and needs of the local population, including the quality, quantity of and accessibility to healthcare and the effect any planned growth may have on this. Authorities should also assess quality, quantity of and accessibility to green infrastructure, sports, recreation and places of worship including expected future changes, and any information about relevant barriers to improving health and well-being.

What evidence might be needed to plan for public safety from major incidents?

Planning policies should be based on up-to-date information on the location of hazardous establishments in relation to population or environmentally sensitive areas, and on the prevention and mitigation of the consequences of major incidents. This includes a requirement for additional measures for existing establishments to be considered so that risks to people in the area are not increased. The plan-making authority is also expected to seek technical advice from the Health and Safety Executive and the Environment Agency, on the risks presented by major incident hazards affecting people in the surrounding area and the environment when handling development proposals.

What evidence might be needed to assess viability?

The National Planning Policy Framework says that plans should be prepared positively, in a way that is aspirational but deliverable. Understanding viability is important for ensuring this. Policy requirements for developer contributions should be informed by proportionate evidence of infrastructure and affordable housing need and be assessed for viability at the plan-making stage in accordance with [guidance](#).

Plan review guidance

How often should a plan be reviewed?

To be effective plans need to be kept up-to-date. Policies, including strategic policies in spatial development strategies, should be reviewed to assess whether they need revising at least once every five years.

From 6 April 2018, under [Regulation 10A of The Town and Country Planning \(Local Planning\) \(England\) Regulations 2012 \(as amended\)](#) local planning authorities must review local plans, and Statements of Community Involvement at least once every five years from their adoption date to ensure that policies remain relevant and effectively address the needs of the local community, in particular the need for housing. Most plans are likely to require revising in whole or in part at least every five years. Reviews should be proportionate to the issues in hand. Plans may be found sound conditional upon a plan revision in whole or in part within five years of the date of adoption.

There will be occasions where there are significant changes of circumstances which may mean a review of the plan being necessary earlier than the statutory minimum of five years, for example where new cross-boundary matters arise this may trigger the need to review policies and revise the plan to reflect this.

The Framework makes clear that the presumption in favour of sustainable development applies where an authority cannot demonstrate a five year supply of deliverable housing sites. Local planning authorities should also consider whether plan making activity by other authorities has an impact on planning and the development plan in their area.

There are requirements for a [local planning authority to support neighbourhood planning](#). Further detail is provided in the [neighbourhood planning guidance](#).

A local planning authority must set out the timetable for producing or reviewing its plans in its [Local Development Scheme](#).

What is the role of the Authority Monitoring Report?

Local planning authorities must publish information at least annually that shows progress with local plan preparation, reports any activity relating to the duty to cooperate and shows how the implementation of policies in the local plan is progressing and are encouraged to report as frequently as possible on planning matters to communities. This is important to enable communities and interested parties to be aware of progress. Local planning authorities can also use the Authority Monitoring Report to provide up-to-date information on the implementation of any [neighbourhood plans](#) that have been brought into force, and to determine whether there is a need to undertake a partial or full revision of the local plan, when carrying out a review at least every five years from the adoption date.

This information should be made available publicly. [Regulation 34 of the Town and Country Planning \(Local Planning\) \(England\) Regulations 2012](#) sets out what information the reports must contain, although there is other useful information that can be set out. In particular, the reports can highlight the contributions made by development, including section 106 planning obligations, Community Infrastructure Levy and New Homes Bonus payments, and how these have been used.

What documents does the requirement to review apply to?

The requirement to review applies to all development plan documents, including local plans (which would include those containing strategic or local policies) and Statements of Community Involvement. While not a statutory requirement, the National Planning Policy Framework expects the same approach to be taken with spatial development strategies.

What does a plan review involve?

Reviewing a plan means undertaking an assessment to determine whether the policies need revising, which should include consideration of any changes to local circumstances and national policy. A local planning authority should consider in particular any necessary changes to policies relating to their strategic priorities.

Every five years from the date of adoption of the plan document, a local planning authority must complete its review and decide either:

- that their policies do not need revising and publish their reasons for this decision; and/ or
- that one or more policies do need revising, and update their Local Development Scheme to set out the timetable for this revision.

If necessary authorities should then update their plan.

Is a plan considered out-of-date if it is not updated after five years?

The National Planning Policy Framework is clear that strategic policies should be prepared over a minimum 15 year period and a local planning authority should be planning for the full plan period. Policies age at different rates according to local circumstances and a plan does not become out-of-date automatically after five years. The review process is a method to ensure that a plan remains appropriate, maintaining its weight.

The plan is the basis for decision-making, subject to other material considerations and national policy, and due weight should be given to relevant policies in existing plans according to their degree of consistency with the National Planning Policy Framework. It will be up to the decision-maker to decide the weight to give to the plan.

When completing the review part of the process, a local planning authority can look at policies on an individual basis. If a local planning authority can justify not updating policies, they can continue to have full weight.

Revisions to the plan or certain policies within it must follow the [plan-making procedure](#); including preparation, publication, and examination by the Planning Inspectorate on behalf of the Secretary of State.

What should authorities consider when determining whether policies should be updated?

The authority will need to consider:

- conformity with national planning policy;
- changes to local circumstances;
- their Housing Delivery Test performance;
- whether the authority can demonstrate a five year supply of deliverable sites for housing;
- appeals performance; and
- success of policies against indicators in the Development Plan as set out in their [Authority Monitoring Report](#).

What evidence is required when carrying out a review?

A local planning authority may need to gather new evidence to inform their review. Proportionate, relevant and up-to-date evidence should be used to justify a decision not to revise policies

What is required when updating a plan?

If the local planning authority decides to update their plan in full or in part, the authority should ensure that the resultant plan follows the procedural requirements, meets all other legal requirements, and satisfies the tests of soundness.

What is the process for publishing reasons not to update a plan?

If a local planning authority decides that they do not need to update their policies, they must publish the reasons for this decision on their website within five years of the adoption date of the plan. A local planning authority will not necessarily need to revise their entire plan in whole and may publish a list of which policies they will update and which policies they consider do not need updating.

How do the review requirements apply to Statements of Community Involvement?

Local planning authorities must review their Statements of Community Involvement every five years from the adoption date. It is important that Statements of Community Involvement are kept up-to-date to ensure effective community involvement at all stages of the planning process. Therefore, a local planning authority should regularly review and update their Statement of Community Involvement to reflect any changes to engagement.

A local planning authority may review and revise their Statement of Community Involvement at the same time as reviewing and revising a plan to reflect what action is taken to involve the community in any change to the plan.

Do neighbourhood plans have to be reviewed every five years?

The requirement to review local plans at least every five years, does not apply to neighbourhood plans. Policies in a neighbourhood plan may become out of date, for example if they conflict with policies in a plan that is adopted after the making of the

neighbourhood plan. In these cases, the more recent plan policy takes precedence. In such cases, communities may decide to [update their neighbourhood plan, or part of it.](#)

Build to rent

Should authorities promote build to rent?

Build to rent is a distinct asset class within the private rented sector, and has been defined in the [National Planning Policy Framework glossary](#), in order to simplify its treatment within the planning system.

As part of their plan making process, local planning authorities should use a local housing need assessment to take into account the need for a range of housing types and tenures in their area including provisions for those who wish to rent. Specific demographic data is available on [open data communities](#) which can be used to inform this process. The assessment will enable an evidence-based planning judgement to be made about the need for build to rent homes in the area, and how it can meet the housing needs of different demographic and social groups.

If a need is identified, authorities should include a plan policy setting out their approach to promoting and accommodating build to rent. This should recognise the circumstances and locations where build to rent developments will be encouraged – for example as part of large sites and/or a town-centre regeneration area.

What provision of affordable housing is a build to rent development expected to provide?

The National Planning Policy Framework states that affordable housing on build to rent schemes should be provided by default in the form of affordable private rent, a class of affordable housing specifically designed for build to rent. Affordable private rent and private market rent units within a development should be managed collectively by a single build to rent landlord.

20% is generally a suitable benchmark for the level of affordable private rent homes to be provided (and maintained in perpetuity) in any build to rent scheme. If local authorities wish to set a different proportion they should justify this using the evidence emerging from their local housing need assessment, and set the policy out in their local plan. Similarly, the guidance on [viability](#) permits developers, in exception, the opportunity to make a case seeking to differ from this benchmark.

National affordable housing policy also requires a minimum rent discount of 20% for affordable private rent homes relative to local market rents. The discount should be calculated when a discounted home is rented out, or when the tenancy is renewed. The rent on the discounted homes should increase on the same basis as rent increases for longer-term (market) tenancies within the development.

How should affordable private rent be calculated?

Affordable private rent should be at a level that is at least 20% less than the private market rent (inclusive of service charges) for the same or equivalent property. Build to rent developers should assess the market rent using the definition of the International Valuations Standard Committee as adopted by the Royal Institute of Chartered Surveyors.

Is affordable private rent the only form of affordable housing permitted on build to rent schemes?

It is expected that developers will usually meet their affordable housing requirement by providing affordable private rent homes. However, if agreement is reached between a developer and a local authority, this requirement can be met by other routes, such as a commuted payment and/or other forms of Affordable Housing as defined in the [National Planning Policy Framework glossary](#). The details of this must be set out in the S106.

How can the proportion of affordable private rent and level of discount be flexed?

Both the proportion of affordable private rent units, and discount offered on them can be varied across a development, over time. Similarly it should be possible to explore a trade off between the proportion of discounted units and the discount(s) offered on them, with the proviso being that these should accord with the headline affordable housing contribution agreed through the planning permission. All options should be agreed jointly between the local authority and the developer as part of the planning permission, and set out in a S106 agreement. Guidance on [viability](#) confirms that viability studies for build to rent schemes can be customised in this way.

How should affordable private rent and market rent properties be managed?

Affordable private rent homes should be under common management control, along with the market rent build to rent homes. They should be distributed throughout the development and physically indistinguishable from the market rent homes in terms of quality and size. They will not need the separate involvement of a registered landlord. Combining the two tenures this way improves viability and any alternation of units between affordable private rent and market rent over time is made easier.

The process for managing affordable private rent units should also be set out in the S106 agreement. This should set out the parameters of the lettings agreement, the rent levels, apportionment of the homes across the development, a management and service agreement, and a marketing agreement setting out how their availability is to be publicised.

The S106 should also require build to rent scheme operators to produce an annual statement to authorities, confirming the approach to letting the affordable units, their ongoing status, and clearly identifying how the scheme is meeting the overall affordable housing level required in the planning permission.

What happens if homes within a build to rent scheme are sold off into separate ownership?

Build to rent schemes would normally, by definition, remain within the rental sector, under common ownership and management, for the long term. Any affordable private rent homes included as part of a scheme, through a S106 agreement, are provided specifically as a community benefit in perpetuity. The sale of a build to rent scheme, or the sale of individual homes within the scheme to other tenures, should not result in the withdrawal of the affordable housing contribution from the local community.

Circumstances may arise where developers need to sell all or part of a build to rent scheme into owner occupation or to multiple landlords or, exceptionally, to convert affordable private rent units to another tenure. The S106 should include stipulations covering such scenarios including a mechanism for recouping (“clawing back”) the value of the affordable housing provision that would normally be provided for development as reconfigured, taking account of the affordable private rent homes that were originally agreed and will remain available following the sale.

How should the clawback arrangement be structured?

It is for local authorities to decide how to structure any clawback arrangement, and whether the clawback should be by reference to viability and values at the time of the original application, or values and viability when the scheme is sold. One approach could be for authorities to encourage developers to submit two sets of figures when applying for the original permission, i.e. one for a “build to rent scenario” and another for a “build for sale scenario”. This would provide certainty and clarity for all parties as to all the initial values applying to the scheme, including the affordable component under a sale scenario, in the event that all or part of the build to rent scheme is sold.

The S106 should set out what should happen if any homes are to be withdrawn from affordable private rent. This can take the form of alternative provision of other affordable housing, as defined in national planning policy. Alternatively, clawback arrangements can be used, the proceeds of which should be spent on the provision of alternative affordable housing, for the benefit of the community. The following is a formula that may be used for this purpose.

Clawback sum = $D \times E$, where:

D is the price at which the home(s) withdrawn from Affordable Private Rent are sold;

E is the percentage discount that had been applied to the rent in respect of the Affordable Private Rent home(s) being sold.

For example, if the home had a sale value of £500,000, and the discount level is 20%, this would generate a clawback of £100,000.

How is eligibility to occupy affordable private rent homes determined?

Eligibility for occupying affordable private rented homes should be agreed locally between the local authority and the scheme operator, but with regard to criteria set out in planning guidance. This will ensure a consistent approach to eligibility assessment across the country and reduce any risk of delay in considering build to rent applications.

Final decisions over the occupancy criteria for affordable private rent homes should be made by the build to rent scheme operator, working with the authority, taking into account the criteria below. The eligibility criteria for the affordable private rent homes should be set out in the S106 agreement. Authorities must take a reasonable position in negotiating occupancy criteria with build to rent developers, and eligibility should not constitute grounds for refusing planning permission.

Eligibility should be determined with regard to local household income levels, related to local rent levels. Where authorities maintain an “intermediate housing list” they may wish

to suggest names from this, or potentially even their Statutory Housing list, taking into account the affordability of the homes to those on the list. Authorities should refrain from having direct nomination rights from their housing list.

In the absence of an established local intermediate housing list, developers and authorities may consider assembling a unique dataset for the development. In so doing they should have regard to the local authority housing allocation policies and any relevant potential candidates from the Statutory Housing list. The list should also ideally include evidence about peoples' local residence or employment connections.

How is a longer tenancy policy applied to build to rent homes?

The national policy definition of build to rent in the [National Planning Policy Framework glossary](#) states that build to rent developers will as a norm offer longer tenancy agreements of three years or more to all new tenants who want one. These are sometimes known as “family friendly tenancies” since they provide longer term security and stability for those who wish to settle down within a community. To implement this policy, developers and authorities should observe the following steps:

- In granting planning permission for build to rent developments, authorities should set in place a planning condition requiring scheme operators to offer tenancies of three or more years to all tenants in the development, who are eligible to live in the country for that period (under the right to rent). This should apply to all tenants, whether paying market rent or affordable private rent.
- There is no obligation on customers to take up the offer of a three year tenancy. They may prefer a tenancy of six months, one year or two years, and companies should offer these as an alternative, if requested.
- Where the rent or service charges are to be reviewed during the period of the tenancy, the basis for the review and for calculating the increase (whether as a fixed percentage or index linked to inflation) should be clearly set out in the tenancy agreement.
- Periodic rent and service charge reviews will also help to ensure there is an appropriate ongoing match between the occupants of the affordable private rent homes, and their income levels.
- Tenants should not be locked into longer tenancies for the full period of the agreement. Tenants should have the option to terminate at one months' notice, after the first six months, without a break fee being payable.
- There may be periods during the operation of a build to rent scheme when the offer of longer tenancies would interfere with planned refurbishment works. In such circumstances it would be permissible to offer shorter tenancies, running up to the date of the scheme refurbishment.

Should build to rent homes meet additional minimum standards?

Build to rent homes are normally designed, constructed and managed to a high quality standard. Individual schemes should meet any relevant local and national planning policy requirements. Affordable private rent homes within any particular scheme should be constructed and managed to the same high quality standards as the private rental homes. There are no extra national standards in addition to this.

There is no national requirement for authorities to apply [national space standards](#) in their area. Space standards are optional. Where authorities choose to apply them the national policy does not preclude authorities from dis-applying them for particular parts of the local plan area, or for particular development types, such as build to rent schemes.



Ministry of Housing,
Communities &
Local Government

Housing Delivery Test Draft Measurement Rule Book

Draft methodology to calculating the Housing Delivery Test



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1. The Housing Delivery Test (HDT) is the annual measurement of housing delivery performance in a plan-making authority area (non-metropolitan districts, development corporations with plan making and decision taking powers, metropolitan boroughs and London boroughs). The HDT does not apply to National Park Authorities or to development corporations without full plan making and decision making powers. The consequences of failing the HDT are set out in the revised NPPF¹.
2. The HDT is the percentage measurement of the number of **net homes delivered** (Table 1) against the **number of homes required** in a plan-making authority area.

$$\text{Housing Delivery Test (\%)} = \frac{\text{Total net homes delivered over three year period}}{\text{Total number of homes required over three year period}}$$

Table 1. Net homes delivered over a rolling three year period is the total of:	
Net additional dwellings	National Statistic for annual net additional dwellings in England ²
Student communal accommodation	Apply a nationally set ratio based on average number of students in a student household from England Census data against the number of bedrooms provided in student communal accommodation.
Other communal accommodation	Apply a nationally set ratio of the average number of adults in a household from England Census data against the number of bedrooms provided in communal accommodation.

3. Table 2 sets out detailed arrangements for what figure will be used for the number of homes required. In summary, where the latest adopted housing requirement figure³ for the plan period has been tested by PINS through the examination process, is less than 5 years old, or has been reviewed, the **figure for the number of homes required** used for the HDT measurement is the lower of:
 - The *latest adopted housing requirement*⁴ figure; or
 - The *local housing need figure (projected household growth* for financial years 2014-15 to 2017-2018) and unmet neighbours' need figure.
4. If the housing requirement figure is more than 5 years old and needs revising, the local housing need figure (or projected household growth for 2014-15 to 2017-2018), will be applied to each year of the HDT period.

¹ Paragraphs 74, 75 & 77 of the revised NPPF

² <https://www.gov.uk/government/collections/net-supply-of-housing>

³ As collected by MHCLG from local planning authorities on an annual basis.

⁴ Where applicable, the housing requirement for gypsies & travellers under the PPTS will be added to the NPPF requirement. Plan-making authorities should inform MHCLG of their housing requirement for gypsies and travellers under the PPTS through the annual HDT data collection.

5. When a new housing requirement figure is adopted within the HDT three-year period then the new housing requirement will be used for the HDT calculation from the start date of the strategic plan period. The HDT can be updated any time during the year to reflect these changes with immediate effect. If a new housing requirement figure is adopted between November measurements the HDT figures will be updated.
6. Where a housing requirement figure becomes out of date during the HDT period, the figure will be used for the HDT measurement up to the fifth anniversary of the plan's adoption. If the figure has not been reviewed, or requires revision, the HDT measurement will be based on local housing need from that point onwards, as per Table 2.

Table 2. Housing figure for the HDT, depending on type and age of the strategic housing policies in a plan-making authority:

Plan Area	A housing requirement that is less than five years old or a plan that is more than 5 years old but the review has confirmed the housing figure does not need revising ⁵ .	A housing requirement figure that is more than five years old and has not been revised
<i>Local Plan</i>	<i>Stepped housing requirement*</i> in Local Plan (or <i>annual average</i> where there is not a stepped requirement). If a range has been used the HDT will measure against the lower end of the range (if this reflects local housing need and any agreed need from neighbouring authorities); or the middle point of the range if it does not.	<i>Local housing need figure</i> (projected household growth for years 2014-15 to 2017-2018)
<i>Joint Local Plan</i>	<i>Apportioned housing requirement figure</i> , as set out in the joint plan. If no apportioned housing requirement figure is available, the plan provides for joint measurement, then the <i>joint housing requirement figure</i> will be used. In these instances, any consequences will apply to all authorities covered by the plan.	
<i>Development Corporations⁶</i> with full plan making and decision taking powers	<i>Housing requirement</i> in the Development Corporation's Local Plan.	<i>Apportioned housing requirement</i> in a borough/ district plan, or a LHN-compliant spatial development strategy (SDS), that is less than five years old, or <i>apportionment of local housing need figure⁷</i> (projected household growth for years 2014-15 to 2017-2018) if the Local Plan or SDS is more than five years old, or when plan-making powers were not exercised.
Areas covered by a <i>Spatial Development Strategy</i>	<i>Housing requirement</i> in the Local Plan.	<i>Apportioned housing requirement</i> in an up to date, SDS which uses LHN to calculate its housing requirement or the <i>local housing need figure</i> (projected household growth for years 2014-15 to 2017-2018).

*The stepped requirement set out in the plan will be used for the HDT measurement. We will keep under review whether the stepped requirement should be based on minimum 5 year intervals.

⁵ A link to the published review should be provided to MHCLG through DELTA as part of the HDT data collection.

⁶ Housing delivery for Urban and Mayoral Development Corporations without full plan making and decision taking powers will be included as part of the local planning authorities' HDT measurements.

⁷ Relevant local planning authorities should provide an appropriate number based on apportioning part of their local housing need. Local authorities should indicate what the appropriate figure is to MHCLG annually, in advance of the November measurement.

PLANNING COMMITTEE

4 April 2018



Report of: Assistant Director (Economic Growth and Regeneration)

Subject: UPDATE ON CURRENT COMPLAINTS

1. PURPOSE OF REPORT

1.1 To update members with regard to complaints that have been received and investigations that have been completed. Investigations have commenced in response to the following complaints:

1. Non-compliance with a condition relating to the provision of wheel-washing facilities at a residential development site at Wynyard Woods.
2. Conversion and alterations to a former barn to create a single two-storey dwelling at a residential property in Newton Bewley.
3. The erection of outbuildings at the rear of commercial premises in Lower Oxford Street.
4. The holding of a car boot sale at a caravan park in Dalton Piercy.
5. Businesses operating from a residential property in Aldeburgh Close.
6. Installation of replacement windows and removal of render at a residential property in York Place.
7. Non-compliance with condition relating to tree protection measures at a residential development site in Elwick Road.

1.2 Investigations have been completed as a result of the following complaints:

1. Operating a car sales and repairs business at a residential property in Relton Way. No evidence of car repairs and sales leading to a material change of use of the property as a dwellinghouse could be established. No further action necessary.
2. The siting of a portacabin at a commercial premises in Darlington Street. The portacabin has since been removed.

3. The change of use from a shop to a mixed use shop/hot food takeaway at a commercial premises in Wynyard Road. A valid retrospective planning application seeking to regularise the change of use has since been received.
4. The erection of a single storey extension to the front, side and rear, and the erection of a detached summerhouse in the rear garden of a residential property in Cresswell Drive. A valid retrospective planning application seeking to regularise the development has since been received.
5. The erection of an outbuilding in the rear garden of a residential property in Clifton Avenue. A valid retrospective planning application seeking to regularise the development has since been received.
6. Tree works on land to the rear of a residential property in Eyebright Close. The matter was redirected to the Council's Arboricultural Officer for action as appropriate.

2. RECOMMENDATION

- 2.1 Members note this report.

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