

Southend-on-Sea Borough Council

Agenda
Item No.

19

Report of Corporate Director for Place

to
The Cabinet
on
23rd June 2015

Report prepared by: Mark Sheppard – Senior Planner,
Strategic Planning

Adoption of Southend-on-Sea Development Management Report

Place Scrutiny Committee
Executive Councillor: Councillor Norman
A Part 1 Public Agenda Item

1. Purpose of Report

- 1.1 This report makes a recommendation to the Cabinet and Council to adopt the Southend Development Management Document. This follows on from the Development Management Document's successful examination by an independent Planning Inspector and the publication of the Inspector's Report on 25th March 2015, which found the document to be 'sound'.
- 1.2 If adopted, the Development Management Document and its policies map will form part of the Southend Development Plan. It will therefore, provide a set of up-to-date local planning policies for positively managing development in Southend and will be used to assess development proposals across the Borough.

2. Recommendations

- 2.1 **That all the recommendations of the Inspector's Report at Appendix A and the revised version of the Southend-on-Sea Development Management Document set out in Appendix B be agreed.**
- 2.2 **That Southend on Sea Borough Council proceeds to formally adopt the Development Management Document in the format set out in Appendix B, in accordance with the Planning Regulations 2012.**
- 2.3 **That the Director for Place, in conjunction with the Executive Councillor for Housing, Planning and Regulatory Services, is delegated to deal with all necessary adoption documents, minor adjustments which may be required to the text, and other consequential matters.**

3. Background

The Southend Development Management Document

- 3.1 The Development Management Document (Appendix B) sets out a number of criteria based policies that will be used to assess and determine development proposals across the Borough. It will replace the majority of the criteria based policies as set out in the Southend Borough Local Plan (BLP) (1994).
- 3.2 The document contains a number of topic areas, including:
- Design and Townscape;
 - The Seafront;
 - Housing;
 - Economic Development;
 - Environmental Management; and
 - Sustainable Transport.
- 3.3 The Development Management Document is a Development Plan Document and will form part of the Southend Development Plan in accordance with Section 38 of the Planning and Compulsory Purchase Act 2004. The Town and Country Planning Act 1990 requires that applications for planning permission must be determined in accordance with the Development Plan, including this Development Management Document, unless material considerations indicate otherwise.
- 3.4 Once adopted, the Development Management Document will provide the Council with a set of up-to-date local planning policies that are compliant with national policy, to be used to appraise and determine planning applications. This will not only assist the Council in ensuring that new development is of the right type and scale and is in the best location, but will also contribute to a number of Corporate Objectives and Council Strategies.

Examination in Public

- 3.5 The Development Management Document was submitted to the Secretary of State in July 2014. An independent Planning Inspector was assigned to determine whether it was considered to be 'sound' and legally compliant. This comprises assessing whether a plan is:
- 'Sound' - positively prepared (i.e. looks to meet need), effective (i.e. deliverable), justified (i.e. based on robust and proportionate evidence and consistent with national policy);
 - Legally compliant – prepared in accordance with the Southend Local Development Scheme and Statement of Community Involvement and has followed procedural requirements including the 'duty to co-operate' and preparation of sustainability appraisal and habitats regulations assessment.

- 3.6 The Examination in Public (EIP) took place on the 11th November 2014. The Hearing Session covered all of the proposed policies and considered representations made on the Plan. At the hearing session the Inspector verbally outlined a number of recommendations for areas where 'main modifications' could be made to improve the soundness of the plan.
- 3.7 After the EIP a further round of statutory public consultation took place for 8 weeks between 19th December 2014 and 13th February 2015 on the 'main modifications' to the Development Management Document which had been proposed by the Council. The main modifications reflected discussions at the examination Hearing Session and the subsequent 'initial findings' provided by the Inspector.
- 3.8 The Inspector has taken all matters into account including the responses to the consultation on the main modifications in compiling his 'Inspector's Report' (**Appendix A**).
- 3.9 Throughout the EIP, Southend-on-Sea Borough Council also identified a number of minor modifications - these are to address typographical errors or provide clarity in the main or to update national policy changes - they do not go to the heart of 'soundness' or legal compliance. Both minor and main modifications have been incorporated into the Development Management Document (**Appendix B**).
- 3.10 A number of the Development Management Document policies relate to discrete areas within Southend-on-Sea. The location and extent of these designations are depicted on the accompanying Policies Map (**Appendix C**).

The Inspector's Report

- 3.11 The Planning Inspector's Report was issued to the Council on 18 March 2015 (**Appendix A**).
- 3.12 Subject to the main modifications specified, the Inspector concluded that the Development Management Document is sound and may be adopted by the Council to guide development and assess planning applications in Southend-on-Sea.

The Role of Sustainability Appraisal

- 3.13 Sustainability Appraisal (SA) is an important part of the plan making process. It assesses the environmental, economic and social implications of policies and options in the production of plans. The SA forms part of the evidence base for the development of the Development Management Document and has been used, alongside other evidence, to aid decision-making.
- 3.14 The SA of the Development Management Document that was submitted for examination found that, overall, the SA recommendations relating to how to improve sustainability in the Development Management Document policies have been taken into account and the Development Management Document should

help deliver more sustainable development in Southend. A copy of the Non-Technical Summary of this Appraisal is attached at **Appendix D**.

- 3.15 An addendum to the SA (**Appendix E**) was produced that considered the impact of the proposed modifications and concluded that the findings of the previous SA remain unchanged.

Adoption of the Development Management Document

- 3.16 The Council will need to adopt the Development Management Document to make it deliverable and effective as planning policy and attached at **Appendix B** is the final version of the Development Management Document incorporating all the recommendations of the Inspector, together with other additional minor modifications. These minor modifications address typographical errors and improve clarity and therefore do not go to the heart of 'soundness' or legal compliance, and therefore were not consulted upon.
- 3.17 Regulation 36 of the Town and Country Planning (Local Development) (England) Regulations 2012 outlines the formal adoption process that must be followed. This procedure will commence if Southend-on-Sea Borough Council adopt the Development Management Document at Full Council. This will involve a period of publicity where an Adoption Statement will be published together with details of the places and times where the adopted Development Management Document may be inspected.
- 3.18 After adoption, the Development Management Document will form part of the Development Plan and will be used to assess and determine planning applications in Southend-on-Sea. It will be kept under regular review as part of the monitoring process implemented by the Council's Strategic Planning team.

4. Other Options

- 4.1 Not to adopt the Development Management Document but rely on the existing policy framework. This is not recommended as an up-to-date plan prepared using local evidence and guided by community consultation, is the most appropriate guide for local planning decisions and is compliant with national planning policy.
- 4.2 Not to accept all or some of the Inspector's Report recommendations. This would result in the Council not having a sound document or up-to-date plan. In cases where there is not an up-to-date local plan the National Planning Policy Framework (NPPF) will apply.

5. Reasons for Recommendations

- 5.1 To enable the Council to adopt the Development Management Document as planning policy for Southend-on-Sea.

6. Corporate Implications

6.1 Contribution to Council's Vision & Corporate Priorities

6.2.1 The successful delivery of the Development Management Document will contribute to the fulfilment of a number of spatial elements of the Council's vision and priorities, for example, in relation to regeneration, improving economic prosperity, promoting green technologies, and protecting and enhancing the natural and built environment.

6.2 Financial Implications

6.2.1 The main costs have already been met for the previous rounds of consultation and the EIP. There will be a minor cost associated with adoption of the Development Management Document, which will be met from existing agreed budgets.

6.3 Legal Implications

6.3.1 The adoption of the Development Management Document necessitates compliance with the Town and Country Planning (Local Planning) (England) Regulations 2012, a process which will be duly followed.

6.4 People Implications

6.4.1 Significant staff resources from the Council's Strategic Planning team have been required in order to produce the Development Management Document, particularly during document preparation, consultation stages and examination. Further staff resources will be required to take the document to adoption stage and have been allocated.

6.5 Property Implications

6.5.1 The Development Management Document does not identify specific site allocations although the policies will set the principles and criteria against which any application for planning permission is judged.

6.6 Consultation

6.6.1 The requisite statutory consultation process has been followed through the preparation of the Development Management Document.

6.7 Equalities and Diversity Implications

6.7.1 An Equalities Impact Assessment was completed as part of the Development Management Document process.

6.8 Risk Assessment

6.8.1 If the Development Management Document is not adopted decisions on planning proposals will be made in accordance with the NPPF, which may not take into account the particular needs and requirements of Southend.

6.9 Value for Money

6.9.1 It is believed that there will be significant beneficial impacts on value for money, by carrying out the work proposed using in-house resources wherever possible. This has brought in significant benefits in terms of experience and expertise which would not be gained otherwise.

6.10 Community Safety Implications

6.10.1 The Development Management Document seeks to improve the natural and built environment (including designing out crime in development and the public realm) thereby contributing towards improving community safety.

6.11 Environmental Impact

6.11.1 *Sustainability Appraisal*

A Sustainability Appraisal (SA) is an assessment of the potential significant social, environmental and economic impacts of development and forms an integral part of the plan making process. It ensures that all policies and proposals are prepared with a view to contributing to the achievement of sustainable development. This appraisal has been used to assist decision-making and identification of the most sustainable policies to take forward. A SA was also conducted in relation to the Main Modifications to the Development Management Document, consulted upon by the Council in December 2014, and subsequently used to inform the Inspectors Report on the examination into the Development Management Document.

6.11.2 *Habitats Regulations Screening Report*

Southend-on-Sea and surrounding districts have a number of important designated sites for nature conservation. Habitats screening is an assessment of the potential significant effects of a policy on European Sites designated for their nature conservation importance. These include Special Areas of Conservation, Special Protection Areas, and international Ramsar sites. A policy should only be approved after determining that it will not adversely affect the integrity of such sites. Each policy has been assessed for any significant impacts on European sites within or outside Southend-on-Sea and concluded that the Development Management Document is a positive plan that will protect and enhance the integrity of nature conservation sites.

7. Background Papers

7.1 The Town and Country Planning (Local Development) (England) Regulations 2012

7.2 Development Management Document – Cabinet 19 June 2012.

7.3 Planning and Compulsory Purchase Act 2004

7.4 Southend-on-Sea Core Strategy 2007

7.5 Southend-on-Sea Borough Local Plan 1994

8. Appendices

8.1 Appendix A – Inspector’s Report – including Main Modifications

8.2 Appendix B – Final Version of the Southend-on-Sea Development Management Document

8.3 Appendix C – Policies Map

8.4 Appendix D - Sustainability Appraisal (Non-technical summary)

8.5 Appendix E - Sustainability Appraisal Addendum: Proposed Schedule of Modification to the Revised Proposed Submission Development Management Document