

Meeting: Executive

Portfolio Area: Environment

Date: 12 February 2003

STEVENAGE DISTRICT PLAN SECOND REVIEW – FURTHER PROPOSED CHANGES

(Department of Environmental Services)

KEY DECISION

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1 PURPOSE

- 1.1 To recommend that full Council agree the further proposed changes made to the district plan under the delegated powers given to the Director of Environmental Services on 29 May 2002 and adopt them for development control purposes. The schedule of further proposed changes (Appendix A) is lodged in the Members' library.
- 1.2 To recommend that full Council agree the responses to the Further Proposed Changes. The schedule of summarised representations and responses (Appendix B) is also lodged in the Members' library.

2 BACKGROUND

- 2.1 At its meeting on 29 May 2002 Executive agreed to recommend to full Council that the Director of Environmental Services be given the delegated authority to propose further changes to the plan during the course of the public inquiry, as was deemed expedient and consistent with the aims of the plan, subject to their subsequent formal approval by Council.
- 2.2 This report fulfils the latter part of that agreed recommendation.

3 REASONS FOR RECOMMENDED COURSE OF ACTION AND OTHER OPTIONS

- 3.1 There is a need for Council to approve the further proposed changes (FPCs) made to the district plan in the run-up to, and during, the course of the local plan inquiry. There is also a need to consider and approve the responses to the representations received on those FPCs.
- 3.2 The inquiry sat discontinuously from 10 September through until 20 December. Whilst the inquiry was originally scheduled to sit for 26 days, it eventually sat for only 19 days as several parties dropped out – either as a result of negotiations with officers, or for external reasons. In the former case, the delegated power was instrumental in negotiations that led to a mutually acceptable position between the

Council and objectors: objections were resolved by making minor changes to the plan.

- 3.3 In total some 94 further proposed changes were made to the plan under the delegated power. These are set out in Appendix A. The changes vary from one or two-word alterations to the replacement or deletion of sentences, paragraphs or policies. The most significant changes are set out below, but Members should read Appendix A for a comprehensive listing of all of the changes.
- 3.4 Principal amongst the changes are those to the housing chapter. Monitoring of housing completions has necessitated changes to the housing land supply section of the chapter (especially Table H1). It was also necessary to make significant changes to the housing allocations in policy H3 and their phasing in policy H4. Detailed work for the inquiry identified that the allocated Cutty's Lane garage site may not now come forward for housing. Similarly, the deliverable dwellings at Walkern Road had to be reduced from 80 to 50 dwellings to retain some allotments on the site. These changes resulted in a shortfall of at least 40 dwellings against the structure plan requirement to 2011.
- 3.5 The shortfall represented an untenable position for the Council to adopt going into the inquiry. Consequently, and following extensive research into the sustainability of a selection of the other available sites, it was identified that the most sustainable site that could be delivered in the relevant phasing periods was the previously allocated housing site at Fairview Road playing fields. This was identified in the plan as a 'reserve' site and is in a highly sustainable location close to the town centre and other facilities. The site was, therefore, recommended to the Inspector to make up the shortfall and to provide additional flexibility in the event that other housing sites do not come forward in their entirety.
- 3.6 The policies relating to special needs accommodation (H13) and affordable housing (H17) have been modified to incorporate the new allocation, as it meets the thresholds required for these types of housing. These significant changes were agreed with the portfolio holder before being included in the Council's evidence.
- 3.7 Elsewhere in the plan, policy T9 - which supported the principle of proposals to widen the A1(M) - has had to be deleted as such non development control policies are contrary to Government guidance. However, to compensate, paragraph 5.4.1 of the reasoned justification has been changed to set out the Council's position on the principle of proposals to widen the A1(M).
- 3.8 A new policy has been added on buildings of local interest that are not of sufficient merit to be statutorily listed. The policy seeks to encourage the protection of such buildings and seeks to resist their demolition or unsympathetic alterations. The reasoned justification to the policy commits the Council to compiling a list of buildings of local historical or architectural interest and to producing Supplementary Planning Guidance to provide more detailed guidance. The need for a policy on this matter was justified following research by Hertfordshire Country Council and the Stevenage Conservation Liaison Group, which identified that there were a substantial number of buildings of local interest which did not enjoy the protection of statutory listing.
- 3.9 The majority of changes have led to the conditional withdrawal of objections and the rejection of the changes would revive those objections. In such circumstances, the Inspector and the objectors would have to be made aware of the Council's rejection of the changes. This would also add to the length of time before we receive the Inspector's report.

- 3.10 All objectors who had current representations on the changed part of the plan were advised of the change and asked to submit any further comments that they had. In turn, this led to 26 objections and 11 expressions of support for the further proposed changes. The objections and the officer-level responses made to those representations are set out in Appendix B.
- 3.11 The Inspector conducting the Local Plan Inquiry had all of this information before him when he closed the Inquiry. A copy of the District Plan Second Review, incorporating all of the (previously approved) pre-inquiry changes and the (new) further proposed changes, is posted on the Council's web-site under the Planning Policy pages.
- 3.12 Receipt of the Inspector's report is not expected until the end of July. The Inspector's report will make recommendations on how the Council should change the plan in the light of objectors' concerns. The report must be published within 8 weeks of its receipt and arrangements will be put in hand to ensure that this happens. An electronic version of the report will be published on the Council's web-site.
- 3.13 The Council is not obliged to accept the Inspector's recommendations. However, all of the Inspector's recommendations must be carefully considered and, if it chooses not to accept any of them, it must give sound planning reasons for doing so. In essence, there is an assumption that local authorities will accept their Inspector's recommendations.
- 3.14 Depending upon the detail contained within his report, and the number and nature of the recommendations, it may not be possible to publish the Council's response to the Inspector's report until several months after its receipt. This would then lead on to the publication of modifications to the plan, which we are required to place 'on deposit' for public comment for six weeks. Both the responses and the modifications will be the subject of reports to full Council via Executive.
- 3.15 Following the public consultation period, the Council is then obliged to consider and respond to all of the representations it has received before making the decision to proceed to adopt the plan. The procedures associated with the modifications and adoption stages will be more fully explained nearer the time.
- 3.16 Given this timetable it would appear unlikely that we will be able to achieve adoption in 2003: 2004 is now more realistic, especially given the potential for a legal challenge to the plan when it is adopted (for instance, on Stevenage West).
- 3.17 Members should also note that in December 2002 the Government introduced the Planning and Compulsory Purchase Bill to parliament. This has now had its second reading in the Commons and is going through committee stage before being passed on to the Lords. It is expected that the Bill will pass into law this autumn and then come into force from 1 April 2004.
- 3.18 The Bill completely reforms the current development plans system. Its proposals are substantially similar to those contained in the December 2001 Green Paper (*'Planning: Delivering Fundamental Change'*), which was the subject of a report to Executive on 5 March 2002. A more detailed description of the contents of the Bill will be provided for Members once the finalised detail is known.
- 3.19 The Bill has no immediate implications for the review of the District Plan except to note that the plan will only be 'saved' (ie, continue to be valid) for three years following adoption: after that date the plan will lapse. The new legislation will require

that during that three years period the Council should prepare a Local Development Framework (LDF) to replace the District Plan.

4 IMPLICATIONS

4.1 Planning Implications

The adoption of the district plan second review will give the Council an up to date development plan, in line with Government advice. In turn, this will provide a sound planning basis for the preparation of the LDF under the new legislation.

4.2 Other Implications

There are no other direct implications to report at this time.

5 RECOMMENDATIONS

- 5.1 That full Council be asked to agree the further proposed changes made to the district plan under the delegated powers given to the Director of Environmental Services on 29 May 2002 and adopt them for development control purposes.
- 5.2 That full Council be asked to agree the responses to the Further Proposed Changes.
- 5.3 That the Scrutiny Overview Committee be requested to refer any comments direct to Full Council.

BACKGROUND DOCUMENTS

- Stevenage District Plan Second Review, Revised deposit version (2001)
- Representations on the further proposed changes to the district plan
- Objectors proofs of evidence and other associated correspondence

APPENDICES

- Appendix A, Schedule of Further Proposed Changes; lodged in the Members' library
- Appendix B, Schedule of Summarised Representations upon, and Council Responses to, the Further Proposed Changes; lodged in the Members' library.