



From Development Control to Development Management

Making Decision Using LDPs: The
Inspector's View



Outline

- What are we trying to achieve?
- What is the 'right' decision?
- Weight – 'emerging' LDPs & SPG
- Proposals with no specific LDP policy
- Experience/examples
 - From England



What are we trying to achieve?

- Meeting the needs of the community
 - Housing, jobs, etc
- In the right place
 - Sustainable locations
- At the right time
- LDP
 - Locally distinctive
 - Vision-Objectives-Strategy



The 'right' decision

- Starts from the development plan - LDP
- Takes account of all material considerations
- Not based on irrelevant non-planning considerations
- Based on evidence



The Development Plan

- “....determination ***must be made*** in accordance with the development plan ***unless material considerations indicate otherwise.***” S38(6) P&CP Act 2004
- Plan ***led*** system
- Development plan - Structure Plan/Local Plan/UDP/LDP
- Adopted



Weight

- LDPs are different
- Emerging? – not in the same sense
- Binding Report
 - Whole plan can be rejected
- Cannot simply give weight to whole LDP
- Look at specific policies & allocations
- Reasons for giving weight



No specific LDP Policy?

- What's the starting point?
 - LDP Strategy & Objectives
- What's next – material considerations
 - National policy
- Other considerations
- Balance



Experience/Examples

Protecting Amenity

- All development proposals must adequately protect amenity, particularly with regard to privacy, security, noise and disturbance, pollution (including light pollution), odours and daylight.
- Development must make provision for the basic amenity needs of occupants and/or users, including where appropriate provision for an adequate level of open space for the use of occupants/users of the development.
- Developments must not unacceptably reduce the existing level of amenity space about buildings, particularly dwellings, and not unacceptably affect the amenity of residents or occupants.



Examples

- Policy BD1 – Design of All Development

- Policy BD5 – Extensions
- Planning permission will only be granted for extensions to existing residential properties where:
 - 1) They complement the character of the building, particularly in terms of scale, style, form and materials.
 - 2) They do not dominate the existing building in terms of size, scale or height.
 - 3) They incorporate a roof profile and materials sympathetic to the existing dwelling.
 - 4) Side extensions of detached or semi-detached dwellings do not create an unbroken or terraced appearance along the street frontage.
 - 5) Sufficient amenity space is provided in accordance with Policy BD4.
 - 6) Dormer windows do not dominate the existing roof profile (rear dormers do not occupy more than 40% and side dormers 25 % of the roof face), nor rise above or break the existing ridgeline or hip of the roof, are set in approximately one metre from each boundary and the eaves are finished in materials to match the existing roof. Front dormers will not generally be permitted.



Examples – Sound DPDs

- South Cambs, Blyth Valley
- Redcar & Cleveland - Development Policies <http://www.redcar-cleveland.gov.uk/main.nsf/Web+Full+List/CD7635381E77BAA2802571F60030FB77?OpenDocument>
- Hambleton http://www.hambleton.gov.uk/environment_and_planning/planning/ldf/dpd.htm
- Horsham http://www.horsham.gov.uk/strategic_planning/LDDS/local_dev_documents_4498.asp
- Havering - Core Strategy and Development Control Policies <http://www.havering.gov.uk/index.aspx?articleid=8549>
- Redbridge - Borough Wide Primary Policies http://www.redbridge.gov.uk/cms/environment_planning/planning_and_regeneration/planningpolicy/ldfpage.aspx