

Borough Plan Advisory Committee

Date: 16 November 2011

Agenda item:

Subject: Sites and Policies DPD Part 1 and 3 – Cabinet approval for public consultation on the council's preferred options.

Lead officer: Director of Environment and Regeneration, Chris Lee

Lead member: Cabinet Member for Environmental Sustainability and Regeneration, Councillor Andrew Judge

Forward Plan reference number: 1076

Contact officer: Programme Manager - Strategic Policy and Research, Tara Butler

Recommendations:

1. Borough Plan Advisory Committee:

- that Members consider the report and recommend that Cabinet approve six weeks of public consultation to take place between January and March 2012 on the Preferred Options for development management policies (part 1 of the Sites and Policies DPD) and accompanying Proposals Map
 - That approval to make changes to the documents and other consequential matters in accordance with the appropriate Regulations is delegated to the Director of Environment and Regeneration in consultation with the Cabinet Member for Environmental Sustainability and Regeneration.
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2. Cabinet: That, having regard to any comments/ recommendations arising from consideration by the Borough Plan Advisory Committee:

- Members consider the report and approve six weeks of public consultation to take place between January-March 2012 on the Preferred Options for development management policies (part 1 of the Sites and Policies DPD) and accompanying Proposals Map.
 - That the Director of Environment and Regeneration in consultation with the Cabinet Member for Environmental Sustainability and Regeneration be authorised to approve changes to the documents prior to public consultation and other consequential matters in accordance with the appropriate Regulations.
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1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 As set out in Merton's Local Development Scheme 2011, the Sites and Policies Development Plan Document (DPD) and the Proposals Map will be part of Merton's Local Development Framework (LDF). The Sites and Policies DPD is a key document in helping the borough to realise its regeneration plans as set out in the Core Planning Strategy and the Regeneration Delivery Plan.
- 1.2 The **Sites and Policies DPD** is divided into two parts
 - o Part 1 will contain detailed planning policies to assess development across the borough
 - o Part 2 will allocate sites across the borough for new uses.
- 1.3 The **Proposals Map** is the spatial expression of site allocations and policy matters. The map indicates where town centre boundaries, shopping frontages, open space and nature reserves are located so that the correct policies can be applied effectively to development.
- 1.4 The purpose of this report is to recommend that Members approve public consultation on the council's "Preferred Options" for Part 1 of the Sites and Policies DPD: new development management policies and the associated Proposals Map to take place for six weeks between January and March 2012.
- 1.5 Part 2 of the DPD – the site allocations – will be recommended for Members approval for consultation in early January 2012 (Borough Plan Advisory Committee on 10th January 2012; Cabinet on 16 January 2012)
- 1.6 Subject to Member approval, public consultation will start on the whole Sites and Policies DPD (Parts 1 and 2 combined) and the Proposals Map in late January for six weeks until early March 2012.
- 1.7 Once completed in early 2013, they will replace the remainder of Merton's Unitary Development Plan and Proposals Map 2003.
- 1.8 Appendix 1 to this report contains the Preferred Options for Part 1 of the Sites and Policies DPD – development management policies;
- 1.9 Appendix 2 contains the Preferred Options for the Proposals Map.

2. DETAILS

- 2.1 In accordance with Merton's submitted Local Development Scheme 2011, and following Cabinet approval in June 2011, Merton Council

undertook borough-wide community engagement between July and September 2011, known as the “Call for Sites”.

- 2.2 The purpose of this consultation stage was to ask people and organisations if there were sites in Merton that they wanted to be considered for change of use or redevelopment and to raise policy issues they want to be considered. Dialogue with landowners and developers as part of the consultation also helped ascertain market demand for regeneration proposals in Merton.
- 2.3 Approximately 45 responses were received from organisations and individuals. Out of these responses approximately 63 sites were proposed for new allocations to be considered. Officers are now considering each of these sites and undertaking research to inform recommendations for the council’s preferred approach for their development. Members will be asked to consider the sites with their recommended preferred allocations in early January 2012 as part 2 of the DPD.
- 2.4 During the same period, officers prepared new development management policies to give detailed guidance on development in Merton. These proposed policies have been guided by research, consultation results (including feedback from the Core Planning Strategy and the London Plan) and also in the light of emerging national guidance.
- 2.5 Merton’s Proposals Map has also been reviewed to ensure that its designations are based on up-to-date research and reflect the new policy framework.
- 2.6 Public consultation is proposed for six weeks between January and March 2012. This stage is known as “Preferred Options”. Here the council sets out the
- detailed planning policies (part of this report), and
 - preferred approach to site redevelopment (for Members consideration at meetings in early January 2012)
 - Proposals Map changes (part of this report)
- 2.7 Delegated authority is being sought for the Director of Environment and Regeneration in consultation with the Cabinet Member to approve changes to the documents as part of public consultation.

NEW PLANING POLICIES FOR ASSESSING DEVELOPMENT

- 2.8 The Sites and Policies DPD will also contain new detailed planning policies for assessing planning applications in the borough, ultimately replacing the remainder of the Unitary Development Plan 2003. In line with the government’s drive for a streamlined planning system, Merton will

have 32 policies in the new document, replacing approximately 160 in the UDP.

2.9 Appendix 1 contains a list of all the proposed policies, all of which complement the principles set out in Merton's Core Planning Strategy. An original approach is being proposed in the following cases:

- To encourage healthy eating, the council will not support more than one in every three shops in a frontage becoming a new hot food takeaway.
- The council will be generally supportive of the redevelopment of buildings within open spaces (such as sports pavilions) provided there is no net loss of open space. A greater mix of uses may be supported on site provided the ground floors remain in uses that complement the function of the open space.

2.10 The planning system nationally is undergoing a very radical change in approach; this is set out in the Localism Bill and the draft National Planning Policy Framework. There are also a number of other central government proposals that will affect planning policy, planning decisions and site allocations in Merton, including provisions for funding affordable homes.

2.11 Merton's Preferred Sites and Policies DPD has been produced in line with the changing national landscape as far as is possible. Central government expect to have published their final approach by April 2012, deleting nearly all existing guidance from this date.

2.12 If there is anything in central government's final policy direction that has not been taken into account in Merton to date, it will be incorporated into the Sites and Policies DPD and, if necessary, may be consulted upon as part of the second round of "Preferred options" mentioned in Section 4 of this report.

3. ALTERNATIVE OPTIONS

3.1 Until the public consultation starts towards the end of January 2012, there will be opportunity to propose alternative options such as changing or removing any of the proposed policies, sites, or proposals map designations. Amendments could either to be considered at a later date or to be removed from the plan completely.

3.2 The alternative option of halting production of the Sites and Policies DPD is not recommended as it would not allow the council to make effective use of resources, for the reasons set out in paragraph 6.1 below.

4. CONSULTATION UNDERTAKEN OR PROPOSED

- 4.1 The “Call for Sites” public consultation between July and September 2011 encouraged landowners to put their sites forward for change of use to be considered.
- 4.2 This report recommends Members approval for the Preferred Sites and Policies DPD to be published for consultation between January and March 2012. It is proposed that supplementary guidance be published for consultation at the same time, including:
- **Merton’s draft Design Supplementary Planning Document:** providing detailed guidance on improving development and urban design in Merton
 - **Borough Character Study:** helping development proposals to complement the public realm in each neighbourhood
 - **Draft Community Infrastructure Levy** proposals for Merton: setting out the potential Community Infrastructure Levy charge viable for Merton
- 4.3 Members will be asked to consider the three draft reports as well as Part 2 of the Sites and Policies DPD (the preferred options for site allocations) at
- Borough Plan Advisory Panel (10 January 2012) and
 - Cabinet (16 January 2012).
- 4.4 Landowners are already contacting officers with requests for additional sites to be considered as part of the Sites and Policies DPD. In addition, ongoing discussions with landowners as part of the Regeneration Delivery Plan are likely to bring forward more sites for consideration.
- 4.5 In order to consider these new sites as part of the DPD, it is likely that a second round of “Preferred Options” will be undertaken in summer 2012. This has been accounted for in the project plan and will not affect the timetable.

5. TIMETABLE

- 5.1 The timetable for the production of the Sites and Policies DPD is as follows:
- **January-March 2012:** 6 week consultation: “Preferred Sites and Policies DPD”, alongside drafts of Merton’s Design SPD, Borough Character Study and Community Infrastructure Levy charge
 - **(June-July 2012: potential 6 week consultation on additional sites or policy changes)**
 - **December 2012-February 2013:** 6 week consultation prior to submission to the Secretary of State
 - **March 2013:** Submission to the Secretary of State.

6. FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS

- 6.1 Undertaking the Sites and Policies DPD at this time makes efficient and effective use of council resources.
- It allows the council to consider the changes to the national planning system and if necessary, adapt local planning policies to best interpret national matters in a Merton context. It will mean that Merton Council will have an up-to-date development plan under the new planning system and the London Plan 2011, supporting local decision-making in Merton;
 - most of the supporting research has already been undertaken for the Core Planning Strategy;
 - Preparing the Sites and Policies DPD, Regeneration Delivery Plan, draft Design SPD, Borough Character Study and draft Community Infrastructure Levy simultaneously allows information and resources to be shared and ensures consistency across Merton's guidance for development in the borough.

7. LEGAL AND STATUTORY IMPLICATIONS

- 7.1 The Planning and Compulsory Purchase Act 2004 (as amended) plus associated Regulations currently set out the parameters for the production of Development Plan Documents.
- 7.2 In line with the proposed reforms in the Localism Bill, currently going through Parliament, Government has consulted on new local planning regulations. The consultation Local Planning Regulations are generally similar in nature to the existing Regulations for this stage of plan-making. In producing the Sites and Policies DPD, officers have had regard to both existing and proposed Regulations, with the existing taking precedence.

8. HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS

- 8.1 None for the purposes of this report. An Equalities Impact Assessment is being carried out on the proposals in the Sites and Policies DPD.

9. CRIME AND DISORDER IMPLICATIONS

- 9.1 None for the purposes of this report. The crime and disorder implications for the Sites and Policies DPD proposals have been assessed through sustainability appraisal,

10. RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS

- 10.1 None for the purposes of this report.

11. APPENDICES – the following documents are to be published with this report and form part of the report

- Appendix 1: Part 1 of draft Sites and Policies DPD (preferred options for development management policies) for public consultation
- Appendix 2: draft Proposals Map for public consultation

12. BACKGROUND PAPERS

- Merton's Local Development Scheme 2011-2013
- PPS12 Local Spatial Plans
- Draft National Planning Policy Framework (July 2011)
- Merton's Core Planning Strategy 2011