
Development Control Committee – 2nd February 2015

Report of the Strategic Director (Environment, Economy and Housing)

Review of the relevant national and local policies, planning legislation and national guidance concerning the change of use or redevelopment of Public Houses.

Purpose of Report

1. To inform Development Control Committee of the outcome of the review of the relevant National and local planning policies, planning legislation and guidance concerning the change of use or redevelopment of Public Houses with a view to addressing the elements within the motion considered at Full Council on 1st December 2014.

Policy Background

2. The National Planning Policy Framework (NPPF) issued March 2012 seeks to promote healthy communities and identifies that planning has an important role in facilitating social interaction and creating healthy and inclusive communities.
3. Local Planning Authorities interpret national policy and have to be consistent with it at a local level which in Dudley Borough is via the Black Country Core Strategy adopted 2011 and other local plans such as the remaining parts of the Unitary Development Plan 2005, Area Action plans and the emerging Borough Development Strategy Development Plan Document (DPD). Currently there are no specific policies within the existing Unitary Development Plan which relate to the protection of community facilities. The opportunity now arises where the draft Borough Development Strategy can address the matter of community facilities.
4. The attached report to the Cabinet Member Regeneration, Appendix I, sets out the context, the permitted development rights and the background to Community Rights to Bid.
5. The Cabinet Member Regeneration considered the report on 9th January and endorsed the recommendation.

Conclusion

6. The Local Planning Authority has to have regard to National planning policy and legislation, including existing Permitted Development Rights. Local Planning policies have to be consistent with National policy; however a local dimension is included in adopted planning policies following their successful Examination by the Secretary of State. The current work on the new draft Borough Development Strategy Document provides the opportunity to clarify the policy on community facilities in relation to their part in sustainable communities.

Finance

7. The production of the Borough Development Strategy is funded from existing budgets and resources dedicated to the production of Development Plan Documents and other statutory planning documents.

Law

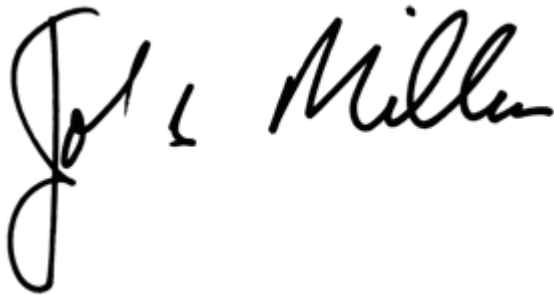
8. Pursuant to Section 1 of the Localism Act 2011, the Council has the general power of competence to do anything that individuals generally may do.
9. The Local Plan documents are produced in accordance with the relevant provisions of the Planning and Compulsory Purchase Order Act 2004 and the Town and Country Planning (Local Planning) (England) Regulations 2012 and the National Planning Policy Framework (NPPF) 2012.
10. Permitted development is regulated by The Town & Country Planning (General Permitted Development Order) 1995 as amended by (Amendment) (England) Order 2010.
11. Section 2 of the Local Government Act 2000 allows the council to do anything that it considers likely to promote or improve the economic, social or environmental well being of an area.

Equality Impact

12. This work has been conducted in full accordance with the Council's equality and diversity policies and should in no way have any prejudicial impact on, any individual or group in respect of age, race, gender, disability, sexual orientation and/or other relevant groups as defined by protected characteristics.

Recommendation

13. It is recommended that Development Control Committee note the contents of the report.



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List of Background Papers

- Planning and Compulsory Purchase Order Act 2004
- Town and Country Planning (Local Planning) (England) Regulations 2012
- The Town & Country Planning (General Permitted Development) Order 1995 (SI 418/1995);
- The Town & Country Planning (General Permitted Development) (Amendment) (England) Order 2010 (SI 654/2010)
- Government Circular 9/95: General Development Order
- National Planning Policy Framework;
- Black Country Core Strategy 2011;
- Dudley Unitary Development Plan 2005;