

**Committee Name and Date of Committee Meeting**

Cabinet – 16 September 2019

**Report Title**

Local Plan: consultation on draft Supplementary Planning Documents

**Is this a Key Decision and has it been included on the Forward Plan?**

Yes

**Strategic Director Approving Submission of the Report**

Paul Woodcock, Strategic Director of Regeneration and Environment

**Report Author(s)**

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**Ward(s) Affected**

Borough-Wide

**Report Summary**

Cabinet approval is sought to undertake public consultation on the following draft Supplementary Planning Documents:

- Householder Design Guide
- Development in the Green Belt
- Equal and Healthy Communities
- Town Centre Uses and Developments
- Air Quality and Emissions
- Shop Front Design Guide

Rotherham's Local Plan provides the framework for determining planning applications. Supplementary Planning Documents provide additional detail and guidance to support policies in the Local Plan. Once adopted, they are a material consideration which can be taken into account when determining planning applications. Supplementary Planning Documents help improve planning applications, which in turn can speed up the planning process and produce better outcomes for the community.

**Recommendations**

1. That Cabinet approves public consultation on the draft Supplementary Planning Documents at Appendices 2 to 7.

2. That following consultation a further report be brought to Cabinet regarding adoption of the Supplementary Planning Documents.

### **List of Appendices Included**

- Appendix 1 PART A - Initial Equality Screening Assessment
- Appendix 2 Draft Householder Design Guide SPD
- Appendix 3 Draft Development in the Green Belt SPD
- Appendix 4 Draft Equal and Healthy Communities SPD
- Appendix 5 Draft Town Centre Uses and Developments SPD
- Appendix 6 Draft Air Quality and Emissions SPD
- Appendix 7 Draft Shop Front Design Guide SPD

### **Background Papers**

Rotherham Local Plan 2013 – 2028:

[https://www.rotherham.gov.uk/info/200074/planning\\_and\\_regeneration/617/a\\_guide\\_to\\_the\\_local\\_plan](https://www.rotherham.gov.uk/info/200074/planning_and_regeneration/617/a_guide_to_the_local_plan)

Adopted Statement of Community Involvement:

[https://www.rotherham.gov.uk/info/200074/planning\\_and\\_regeneration/893/a\\_guide\\_to\\_how\\_you\\_can\\_influence\\_planning\\_decisions](https://www.rotherham.gov.uk/info/200074/planning_and_regeneration/893/a_guide_to_how_you_can_influence_planning_decisions)

### **Consideration by any other Council Committee, Scrutiny or Advisory Panel**

Name of Committee – Click here to enter a date.

Name of Committee – Click here to enter a date.

### **Council Approval Required**

No

### **Exempt from the Press and Public**

No

## **Local Plan: consultation on draft Supplementary Planning Documents**

### **1. Background**

- 1.1 Rotherham's Local Plan provides the framework for determining planning applications. Supplementary Planning Documents (SPDs) provide additional detail and guidance to support Local Plan policies. Once adopted, they are a material consideration which can be taken into account when determining planning applications. The documents also offer further assistance and clarification to applicants when preparing planning applications. SPDs provide detailed guidance to householders, agents and developers to help improve the quality of submitted planning applications, which in turn can speed up the planning process and produce better outcomes for the community.
- 1.2 Following adoption of the Local Plan Core Strategy (2014) and Sites and Policies documents (2018), a number of existing Council planning guidance documents now require updating. Several further topics where new guidance would be helpful have also been identified.
- 1.3 Priority has been given to preparing guidance which supports the delivery of new homes and other development, and updating existing guidance regularly used when considering and determining planning applications. Whilst a number of draft SPDs are in preparation, those appended to this report are now at final draft stage and can be taken forward to public consultation.
- 1.4 The Council's existing and proposed new supplementary planning documents/guidance are listed below, with an indication of the priority for their review/preparation. This list may change as guidance is reviewed and experience of implementing policies in the recently adopted Local Plan is gained.

#### **High priority for review/preparation (the subject of this report)**

- Householder Design Guide (2014)
- Development in the Green Belt (2013)
- Equal and Healthy Communities (new)
- Town Centre Uses and Developments (new)
- Air Quality and Emissions (new)
- Shop Front Design Guide (2006)

#### **Medium priority (review/prepare after high priority SPDs are adopted)**

- Affordable Housing Interim Planning Statement (2008)
- Viability and Developer Contributions (new)
- Greenspace (new)
- Transport Assessments, Travel Plans & Parking Good Practice Guidance (2014)
- Wildlife and Geology Sites (new)
- Small Scale Housing Developments (new)
- Local Skills and Employment (new)
- Flood Risk Toolkit (2011)
- Safeguarding Community Facilities (new)

## **Low priority (recently adopted or still current, review in due course)**

- Rotherham Town Centre (2016)
- South Yorkshire Residential Design Guide (2011)
- South Yorkshire Interim Local Guidance for Sustainable Drainage Systems (2015)
- Landscape Design Guide (2014)
- Development on Land Affected by Contamination Technical Guidance (2015)
- Design Code for Rotherham Town Centre River Corridor (2005)

## **2. Key Issues**

2.1 The draft SPDs proposed for consultation cover a range of issues. A summary of the key elements of each document is provided below.

<b>Householder Design Guide</b>	Guidance on householder extensions to domestic properties and the erection of buildings within the curtilage (garden area). Considers issues such as scale and proportion of development, overshadowing, privacy and materials.
<b>Development in the Green Belt</b>	Although there is a general presumption against development in the Green Belt, some limited development is acceptable in certain circumstances. The draft SPD assists applicants preparing planning applications for these types of development within the Green Belt, covering issues including extensions to, replacement of and conversion of existing buildings, development in Green Belt villages and other uses of land.
<b>Equal and Healthy Communities</b>	Supports proposals which have a positive impact upon mental and physical health and well-being, and advises applicants on how to demonstrate these considerations have informed development proposals. It includes a restriction on hot food takeaways within 800m of schools and colleges. Also includes advice for applicants on demonstrating how equalities considerations have informed development proposals. This assists in meeting the Council's obligations under the Equality Act 2010.
<b>Town Centre Uses and Developments</b>	Guidance on undertaking sequential and impact test assessments as required by Core Strategy Policy CS12. Provides guidance on how policies related to town, district and local centres, including primary and secondary shopping frontages, will be applied.

**Air Quality and Emissions**

Aimed at helping deliver national air quality objectives. Forms part of an emerging and overarching Low Emissions Strategy to reduce road transport emissions in Rotherham.

**Shop Front Design Guide**

Encourages good quality shop front design, the reinstatement of historic shop fronts and guidance on the provision of contemporary designs.

2.2 In line with The Town and Country Planning (Local Planning) (England) Regulations 2012 the Council is required to undertake public consultation on a draft SPD for a minimum of four weeks, and to take account of any comments received in preparing final documents. Once adopted by the Council these documents can then be taken into account when determining planning applications.

**3. Options considered and recommended proposal****3.1 Option 1: decline to take forward the SPDs**

Whilst the SPDs provide further guidance to assist those preparing and determining planning applications, there is no requirement that the Council must produce them. However, they provide valuable additional guidance to applicants by providing clarity on Local Plan policy requirements and enable the Council to refuse non-compliant planning applications.

**3.2 Option 2: do not carry out public consultation**

If no public consultation is undertaken then the final documents could still be used by the Council as informal guidance but cannot be adopted as SPD. The documents may still have some weight when determining planning applications, however any weight which could be given to the documents would be less than if they were adopted as SPD.

**3.3 Option 3: carry out public consultation on the draft SPDs**

Taking forward the documents will provide guidance to applicants, helping speed up the planning process by minimising amendments or negotiations that may be necessary following submission of planning applications. Adoption of the documents as SPD will ensure that they have more weight in planning decision-making and enable the Council to refuse non-compliant planning applications. This will give more certainty for the community and prospective developers on the Council's preferred approach to the subjects covered by SPDs. This is the recommended option.

3.4 Option 3 is the recommended option.

#### 4. Consultation on proposal

- 4.1 Preparation of the draft SPDs has been undertaken by, or in conjunction and consultation with other relevant services. Community Safety and Transportation have input to the Draft Air Quality and Emissions SPD, and Public Health and Customer, Information & Digital Services have been consulted on and input into the Draft Equal and Healthy Communities SPD. The Council's Development Management service within the Planning Service have reviewed all the draft SPDs. Members were also provided opportunity to input into the draft SPDs through a presentation and seminar on 4 June 2019. A further member drop-in session will be arranged during the consultation period to allow members to raise any specific questions and provide feedback on the detail of the draft SPDs.
- 4.2 Consultation will be undertaken in line with the Council's adopted Statement of Community Involvement. This statement sets out how the Council involves the public and stakeholders in producing planning policy documents and consulting on planning applications.
- 4.3 Consultation will be undertaken via the Council's planning consultation website. This notifies interested parties (including statutory consultees, members of the public and other stakeholders) on the Local Plan consultation database and allows and encourages comments to be submitted online. A summary of the consultation plan is set out below.

**Where will the draft SPDs be available to view?**

The draft SPDs will be available to view on the Council's planning consultation website, with links from the Planning Policy webpage and from the corporate consultations webpage.

The documents can be viewed online at Rotherham's libraries which offer internet access (free for library members and at a minimal cost for non-members). Library staff will be briefed and are able to offer assistance if required.

Printed copies of the draft SPDs will be available to view at the Council's main offices at Riverside House during normal office hours.

**How will people know about the draft SPDs?**

The Council's Planning Service maintains a database of those interested in preparation of the Local Plan and other planning documents. They will be notified by email of the consultation.

Notification will also be sent to any relevant stakeholders identified whose details are not currently held on the consultation database.

The Council's Planning webpages will be updated to provide details of the consultation and how to provide comments.

A notice publicising the consultation will be placed in the local press and a press statement will be issued.

## **5. Timetable and Accountability for Implementing this Decision**

- 5.1 Subject to approval by Cabinet, it is proposed to undertake public consultation over a four week period from 7 October to 4 November 2019.
- 5.2 Following consultation, any comments received will be considered in producing final versions of the SPDs and a consultation feedback report produced detailing the main issues raised and how these have been addressed.
- 5.3 A further report will then be brought to Cabinet seeking adoption of the final SPDs. The timing of this report will be dependent on the volume and nature of the consultation response on the draft SPDs.

## **6. Financial and Procurement Advice and Implications**

- 6.1 The proposed consultation will be carried out via the Council's planning consultation website and any additional costs associated with this consultation will be limited to minimal printing and advertising costs. These costs will be managed within the Service's existing approved revenue budget.

## **7. Legal Advice and Implications**

- 7.1 Public consultation on the draft SPDs will allow the Council to ensure more robust decision-making and thus mitigate any risks of challenge. Legal advice has been sought as necessary by the relevant officers in relation to the drafting, consultation and adoption process for the SPDs.

## **8. Human Resources Advice and Implications**

- 8.1 There are no Human Resources implications associated with undertaking consultation on the draft SPDs.

## **9. Implications for Children and Young People and Vulnerable Adults**

- 9.1 The SPDs are intended to assist in delivering the Council's strategy and policies set out in the Local Plan. These include promoting and delivering sustainable patterns of development and sustainable communities, reducing pollution and conserving and enhancing the quality of the built and natural environment. In particular, the SPDs seek to ensure that new development has regard to promoting health and well-being and ensuring equality for Rotherham's communities. In addition, the draft Equal and Healthy Communities SPD also seeks to help address obesity in younger people by restricting new hot food takeaways near to schools and colleges.

## 10. **Equalities and Human Rights Advice and Implications**

10.1 The SPDs are intended to assist in delivering the Council's strategy and policies set out in the Local Plan. These include promoting and delivering sustainable patterns of development and sustainable communities, reducing pollution and conserving and enhancing the quality of the built and natural environment. In particular, the draft Equal and Healthy Communities SPD seeks to ensure that new development has regard to promoting health and well-being and ensuring equality for Rotherham's communities.

## 11. **Implications for Partners**

11.1 The implications for partners or other directorates are mainly associated with consultation on the draft SPDs and to ensure partners and directorates are fully engaged in the process.

## 12. **Risks and Mitigation**

12.1. The Council may be open to legal challenge should the SPDs not be produced in accordance with The Town and Country Planning (Local Planning) (England) Regulations 2012. Legal advice will be sought as necessary.

## 13. **Accountable Officers**

Bronwen Knight, Acting Assistant Director, Regeneration & Environment

Approvals obtained on behalf of Statutory Officers:-

	<b>Named Officer</b>	<b>Date</b>
Chief Executive	Sharon Kemp	02/09/19
Strategic Director of Finance & Customer Services (S.151 Officer)	Judith Badger	21/08/19
Head of Legal Services (Monitoring Officer)	Bal Nahal	27/08/19

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This report is published on the Council's [website](#).