

Committee Name and Date of Committee Meeting

Cabinet – 15 June 2020

Report Title

Local Plan: Adoption of 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)

Winsze Lam, Planning Officer
01709 822874 or winsze.lam@rotherham.gov.uk

Ward(s) Affected

Borough-Wide

Report Summary

Cabinet approval is sought to adopt the following 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 approval be given to adopt the Supplementary Planning Documents in respect of:-

- 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

List of Appendices Included

Appendix 1	PART A - Initial Equality Screening Assessment
Appendix 2	Householder Design Guide SPD
Appendix 3	Development in the Green Belt SPD
Appendix 4	Equal and Healthy Communities SPD
Appendix 5	Town Centre Uses and Developments SPD
Appendix 6	Air Quality and Emissions SPD
Appendix 7	Shop Front Design Guide SPD
Appendix 8	Consultation Statement

Background Papers

Rotherham Local Plan 2013 – 2028:

<https://www.rotherham.gov.uk/planning-development/guide-local-plan/1>

Adopted Statement of Community Involvement:

<https://www.rotherham.gov.uk/downloads/download/80/statement-of-community-involvement>

Consideration by any other Council Committee, Scrutiny or Advisory Panel

No

Council Approval Required

No

Exempt from the Press and Public

No

Local Plan: Adoption of 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, planning 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), the Council is in the process of updating a number of existing planning guidance documents, and preparing new guidance. Following Cabinet approval (Cabinet 16 September 2019, minute 49 refers), public consultation was undertaken on the following draft Supplementary Planning Documents between 7 October and 4 November 2019:
- 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

2. Key Issues

- 2.1 Consultation on the draft SPDs was undertaken in line with The Town and Country Planning (Local Planning) (England) Regulations 2012 and the Council's adopted Statement of Community Involvement. In response to the consultation the Council received 30 representations, broken down as follows:

Householder Design Guide	3 representations
Development in the Green Belt	7 representations
Equal and Healthy Communities	7 representations
Town Centre Uses and Developments	4 representations
Air Quality and Emissions	6 representations
Shop Front Design Guide	3 representations
Total	30 representations

All representations received have been considered and Appendix 8 'Consultation Statement' provides a summary of the issues raised, the Council's response and how the SPDs have been amended as a result. The statement also identifies where changes have been made to the draft SPDs to reflect recent changes to national planning guidance.

- 2.2 The purpose of each SPD and key changes resulting from the consultation are summarised below:

Householder Design Guide	<p>Provides detailed guidance for applicants to help improve submitted schemes for residential extensions and outbuildings. Changes made:</p> <ul style="list-style-type: none"> • Includes reference to The Conservation of Habitats and Species Regulations 2017. • Includes additional mitigation measures and wildlife enhancement guidance.
Development in the Green Belt	<p>Helps clarify what may be acceptable in the Green Belt, particularly on extensions and replacement buildings. Changes made:</p> <ul style="list-style-type: none"> • Includes reference to The Conservation of Habitats and Species Regulations 2017. • Included additional guidance on lighting to minimise impact on wildlife. • Clarifies the interpretation of the NPPF and Planning Practice Guidance on change of use in the Green Belt.
Equal and Healthy Communities	<p>Provides a checklist for applicants to help demonstrate how their proposal meets health, wellbeing and equality aims. Introduces a restriction on hot food takeaways within 800 metres of schools and colleges. Changes made:</p> <ul style="list-style-type: none"> • Includes additional guidance in the healthy communities planning checklist regarding green spaces. • NB No objections were received to the restrictions on hot food takeaways near schools and colleges.
Town Centre Uses and Developments	<p>Provides guidance for developers on sequential and impact tests for retail applications, to help promote the health of the borough's town centres. Also provides guidance on development within primary and secondary shopping frontages in town centres. Changes made:</p> <ul style="list-style-type: none"> • Up to date monitoring data included for retail centres.
Air Quality and Emissions	<p>Primarily aims to reduce emissions in Rotherham to meet national targets and improve the local environment for residents. Changes made:</p> <ul style="list-style-type: none"> • Includes guidance on the provision of electric charging points for all development. • Updated in line with the latest central government Planning Practice Guidance (November 2019). • Updated Map 1 to reflect the latest data and simplified the indicators. • Includes guidance on the Habitat Regulations.

Shop Front Design Guide

Encourages good shop front design and promotes the reinstatement of historic shop fronts, to help improve the townscape, character and attractiveness of the borough's centres. Changes made:

- Included additional guidance on modern shop front and frontage cohesion.
- Includes guidance to address issues raised regarding internal illumination of shop fronts and use of LED lighting.

- 2.3 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: Adopt the SPDs with the amendments

Adopting the documents as SPD will provide clear guidance to applicants, helping speed up the planning process by minimising the time-consuming amendments or negotiations often necessary following submission of planning applications. Adoption of the documents will ensure that they have more weight in planning decision-making and support for 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.

- 3.2 The amendments detailed in Appendix 8 'Consultation Statement' are considered necessary to ensure the guidance contained in each document is robust, clear, relevant and appropriate.

3.3 Option 2: Adopt the SPDs without amendments

The amendments detailed in Appendix 8 'Consultation Statement' are considered necessary to ensure the guidance contained in each document is robust, clear, relevant and appropriate. Not incorporating these amendments into the final documents would make the guidance less robust and reduce the ability to withstand challenge (for example at planning appeal), and may result in the need to revise the SPDs in the near future.

3.4 Option 3: Decline to take forward the adoption of SPDs

There is no requirement that the Council must produce Supplementary Planning Documents. 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.

- 3.5 Should the Council decide not to adopt the documents they would have limited weight when determining planning applications, which would be much less than if they were adopted as SPD.

- 3.6 Option 1 is the recommended option, to ensure that the documents are robust and have appropriate weight when making planning decisions.

4. Consultation on proposal

- 4.1 Consultation has been undertaken via the Council's planning consultation website in line with the Council's adopted Statement of Community Involvement. Hard copies of the documents were also available to view on request at the Council's Riverside House offices. Elected Members were provided opportunity to input into the draft SPDs through a presentation and seminar on 4 June 2019 and a drop-in session on 15 October 2019.
- 4.2 Preparation of the final SPDs has been undertaken by, or in conjunction and consultation with, other relevant services - Community Safety and Transportation have input to the Air Quality and Emissions SPD, the Council's Development Management service within the Planning Service have reviewed all the SPDs.

5. Timetable and Accountability for Implementing this Decision

- 5.1 Subject to approval by Cabinet, the final SPDs, and the accompanying consultation statement, will be published on the Council's website and be used for pre-application advice and decision making on planning applications. All those providing comments on the draft documents will be notified.
- 5.2 To achieve consistency with the Council's document style, minor changes to numbering, formatting and images may be made prior to publication of the adopted SPDs.

6. Financial and Procurement Advice and Implications

- 6.1 This consultation was carried out via the Council's planning consultation website and therefore the costs associated with this consultation were limited to minimal printing and advertising costs. These costs have been managed within the Service's existing approved revenue budget.
- 6.2 There are no direct procurement implications in this report.

7. Legal Advice and Implications

- 7.1 The adoption of the SPDs will ensure that decision-making is more robust by providing detail and guidance to support existing policies in the Local Plan since they are material planning consideration. Furthermore, since the SPDs are very informative, they are very helpful for applicants in the pre-application stage, making the process even more transparent and open.

8. Human Resources Advice and Implications

- 8.1 There are no Human Resources implications associated with the adoption on the 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 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 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 Ward Priorities

- 11.1 The SPDs if adopted will apply borough-wide, so will be of overarching benefit to the priorities of all wards. In particular, some of the SPDs should also support the specific priorities of certain wards as highlighted below:

Supplementary Planning Document	Wards
Householder Design Guide	All wards
Development in the Green Belt	All wards (with Green Belt areas)
Equal and Healthy Communities	All wards Boston Castle Brinsworth & Catcliffe Maltby Rotherham East Silverwood
Town Centre Uses and Developments	All wards (with a defined town centre) Dinnington Wath
Air Quality and Emissions	All wards Keppel
Shop Front Design Guide	All wards Dinnington

12. Implications for Partners

- 12.1 The implications for partners or other directorates are mainly associated with the additional guidance provided within the SPDs, regarding the implementation of Local Plan policies. In particular, the Air Quality and Emissions SPD now requires electric vehicle charging points for new residential and commercial development. This will assist the Council in mitigating and adapting to climate change and meeting local and national targets; contributing to the actions and targets set out in the Council's 'Responding to the Climate Emergency' policy document.

13. Risks and Mitigation

- 13.1 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.

14. Accountable Officers

Simon Moss, Assistant Director of Planning, Regeneration & Transport

Approvals obtained on behalf of Statutory Officers:-

	Named Officer	Date
Chief Executive	Sharon Kemp	01/06/20
Strategic Director of Finance & Customer Services (S.151 Officer)	Judith Badger	27/05/20
Head of Legal Services (Monitoring Officer)	Bal Nahal	27/05/20

Report Author: Winsze Lam, Planning Officer
01709 822874 or winsze.lam@rotherham.gov.uk

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