

Committee Name and Date of Committee Meeting

Cabinet – 21 June 2021

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)

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Ward(s) Affected

All wards

Report Summary

Cabinet approval is sought to adopt the following Supplementary Planning Documents (SPD):

- Affordable Housing SPD
- Development Viability SPD
- Natural Environment SPD
- Transport Assessments, Travel Plans and Parking Standards SPD
- Community Facilities SPD

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 to 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 the adoption of the Supplementary Planning Documents at Appendices 3 to 7.

List of Appendices Included

- Appendix 1 Equality Part A – Screening
- Appendix 2 Carbon Impact Assessment
- Appendix 3 Affordable Housing SPD
- Appendix 4 Development Viability SPD
- Appendix 5 Natural Environment SPD
- Appendix 6 Transport Assessments, Travel Plans and Parking Standards SPD
- Appendix 7 Community Facilities SPD
- Appendix 8 Consultation Statement

Background Papers

National Planning Policy Framework

<https://www.gov.uk/guidance/national-planning-policy-framework>

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 (SPD) provide additional detail and guidance to support Local Plan policies. Once adopted, they are a material consideration to 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 landowners, 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 preparing new planning guidance documents. Following Cabinet approval (Cabinet 20 July 2020, minute 35 refers), public consultation was undertaken on the following draft Supplementary Planning Documents between 17 August and 14 September 2020:
- Affordable Housing SPD
 - Development Viability SPD
 - Natural Environment SPD
 - Transport Assessments, Travel Plans and Parking Standards SPD
 - Community Facilities SPD

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 28 representations, broken down as follows:

Affordable Housing	6 representations
Development Viability	2 representations
Natural Environment	10 representations
Transport Assessments, Travel Plans and Parking Standards	6 representations
Community Facilities	4 representations
Total	28 representations

All representations received have been considered and the Consultation Statement at Appendix 8 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, specifically with respect to changes to permitted development rights and to changes to the Use Classes Order.

2.2 A summary of the key elements of each document and the changes made following consultation is provided below:

Affordable Housing Supports the delivery of affordable housing negotiated through S106 Planning Obligations.

- Sets out that affordable housing should be provided that reflects local housing needs informed by the Council's Strategic Housing Market Assessment (2018).
- Replaces the earlier Interim Affordable Housing Guidance, to reflect the National Planning Policy Framework and the adopted Local Plan.

Changes to SPD following consultation

- Included reference to Secured By Design accreditation and additional guidance regarding security in designing new developments.
- Contact details section added.
- Included an appendix with further guidance on abnormal development costs.

Development Viability

Establishes over-arching principles in the determination of planning applications where challenges to viability of the delivery of policy compliant affordable housing are made.

- Provides additional guidance on the appraisal methodology, information requirements and review procedures that the Council will apply when evaluating submitted evidence.
- Seeks to ensure that development is not made unviable by the Plan's affordable housing and other planning policy requirements. The supporting evidence to the SPD has tested a cross-section of sites allocated in the Local Plan.
- Details the approach the applicant shall follow if they contest viability; enabling the Council to evaluate the accuracy and relevance of such challenges in informing

its decision-making.

Changes to SPD following consultation

- Sets out the key stages for review at subsequent dates should the Council accept lower than plan policy requirements at the time of its decision. This will ensure that any uplift in values following commencement of development on site are captured, to further meet local plan policy requirements.
- Paragraphs 40 and 44: references to 'competitive return' replaced with 'minimum return' to reflect guidance and ensure consistency.
- Included a contacts section consistent with other SPDs.
- Included an appendix with further guidance on abnormal development costs.
- In addition, the Council will include a schedule of Fees on its website, that will be reviewed annually. The Fees Schedule will set out standard costs to be paid by applicants in relation to the review mechanism.

Natural Environment

Provides guidance to support developers in considering the natural environment, particularly wildlife habitats and species, and geology within development proposals.

- Provides clarity on when ecological and/or geological surveys are required to support planning applications, how to report on the outputs from such surveys and essential mitigation required.
- Establishes the procedure for the discharge of relevant planning conditions.
- Sets out that the natural environment should be considered at each stage in the planning process.

Changes to SPD following

- Provided further guidance in relation to watercourses, blue / green infrastructure,

consultation

landscape buffers, bats, biodiversity decline, biodiversity benefits in the design of SuDS, water plants, wildflower-rich grassland, and hedgehog holes in fences and walls.

- Further guidance regarding Biodiversity Net Gain provided.
- Included reference to and guidance in relation to other documents including RMBC Waterways Strategy, Water Framework Directive, River Basin Management Plan, Our Green Future, The Wildlife & Countryside Act 1981 and Protection of Badgers Act.
- Greater reference to biodiversity, connectivity, and amenity in relation to blue/green infrastructure.
- Guidance provided on Impact Risk Zones.
- Various changes to paragraphs to improve structure and clarity.
- Appendix 4 to SPD updated to remove duplicated reference to Sheffield and Rotherham Wildlife.
- Minor amendments to correct typographical errors and to replace references to 'we' with 'the Council'.
- Paragraph 22 updated to reflect the current position following the UK's departure from the EU.

Transport Assessments, Travel Plans and Parking Standards

Sets out detailed guidance on the way the Council expects parking and travel plan policies in the Local Plan to be applied in specific circumstances or localities.

- Provides guidance on the preparation of transport assessments, travel plans and sustainable transport opportunities to support the submission of planning applications.
- Establishes the general principles

applicable to parking and sustainable transport, including cycling and cycle storage, and how these are considered through the planning process.

- Provides a methodology for the analysis of transport impacts of development proposals and their mitigation through the prioritisation of sustainable transport.
- Sets out that the impacts of transport on climate change including air quality and carbon emissions, are of utmost importance and are a priority for the Council.

Changes to SPD following consultation

- Paragraph 14 amended to clarify that the Council will consider on a case by case basis whether a Transport Statement or Transport Assessment will be required, and that the scope should be agreed prior to submission of a planning application.
- Various changes made to reflect the role of Highways England and consideration of impacts on the Strategic Road Network, including amendments to provide further clarity in paragraphs 19, 21, 30, 31 and 45.
- Additional guidance provided regarding electrical vehicle charging infrastructure within larger estates or landholdings.
- Updated parking standards to reflect the recent changes to the Use Classes Order by removing references to specific use classes but retaining the descriptions of uses to which specific standards apply, and amending table headings and titles to remove reference to specific use classes and provide appropriate descriptions.
- Clarified that the minimum length of a parking bay between the highway boundary and a garage door is 5.5 metres but that the preferred length is 6 metres.

Community Facilities

Sets out the information or evidence that an applicant is expected to provide to

demonstrate compliance with relevant Local Plan policies.

- Provides clarity on what is a reasonable range of services and facilities and whether new facilities are required as part of development proposals.
- Explains the exceptions to this requirement where applicants can robustly demonstrate that such provision would not be viable or would threaten the viability of the overall scheme.
- Clarifies those facilities that are considered to serve a community need and provides clear guidance on the route to satisfying Local Plan policy.

Changes to SPD following consultation

- Included reference to encouraging engagement with communities and to work with the community to deliver the community facilities and services which are required.
- Clarified that it will be important to clearly establish the relevant geographical area within which to assess currently available provision and for this to be agreed with the Local Planning Authority.
- Amended paragraph 29 to clarify that assessments and evidence submitted shall be undertaken in accordance with current good practice guidance; shall provide a robust, impartial, independent, and transparent assessment of the supply of, and current and future demand for, those uses proposed to be lost.
- Clarify that the assessment shall be based on an appropriate and justified catchment area, which depending on circumstances may be borough-wide and or require consideration of cross-boundary demand with other Local Authority areas.
- Clarify that the involvement of, and discussion with, key stakeholders will be

required. And the need to refer specifically to Sport England guidance: Assessing Needs and Opportunities and Playing Pitch Strategy Guidance.

2.3 Once adopted, these documents will become an essential part of the decision-making process when determining planning applications.

2.4 The following documents are superseded by replacement SPDs and will be withdrawn on publication of the adopted SPDs:

- Affordable Housing Interim Planning Statement
- Transport Assessments, Travel Plans and Parking Standards Good Practice Guidance
- Local Wildlife Good Practice Guidance

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 time-consuming amendments or negotiations often necessary following submission of planning applications. Adoption of the documents will ensure they have more weight in planning decision-making and provide support for the Council to refuse non-compliant planning applications. This will give greater certainty to the community and prospective developers on the Council's preferred approach to the subjects covered by SPDs.

3.2 The amendments detailed in the Consultation Statement at Appendix 8 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 the Consultation Statement at Appendix 8 are considered necessary to ensure the guidance contained in each document is robust, clear, relevant, and appropriate. Not incorporating these amendments into the final Supplementary Planning Documents will make the guidance less robust and reduce the ability of the Council to withstand challenge (for example at planning appeal); it 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 prepares adoptable 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 will have limited weight in the future when determining planning applications. The weight to be

given to the documents as “good practice guidance” will be considerably 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 was undertaken via the Council’s planning consultation website between 17 August and 14 September 2020. 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, in accordance with the Council’s adopted Statement of Community Involvement. A notice was also placed in the local press. Copies of the SPDs were posted to consultees on request, with a small charge to cover printing and postage.
- 4.2 Preparation of the final SPDs was undertaken by, or in conjunction and consultation with, other relevant services. The Ecologist within the Green Spaces Team has prepared the Natural Environment SPD. The Transportation Service has prepared the Transport Assessments, Travel Plans and Parking Standards SPD, based on current practice within the team advising on planning applications. Both SPDs are based on earlier Good Practice Guidance published to support the Sites and Policies Local Plan through its examination and subsequent adoption.
- 4.3 The Council’s Affordable Housing officer has supported the preparation of the Affordable Housing SPD; prepared to preplace earlier interim Affordable Housing Guidance. The views of the Asset Management Team were sought in the preparation of the Community Facilities SPD and the Council’s Development Management Service within the Planning Service has 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 who provided 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 documents.

6. Financial and Procurement Advice and Implications (to be written by the relevant Head of Finance and the Head of Procurement on behalf of s151 Officer)

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 Procurement are satisfied with the approach set out. There may be some costs which are minimal (i.e. printing and advertising). Any chargeable goods or services required by the Council should be sought in accordance with section 52 of the financial and procurement procedure rules.

7. Legal Advice and Implications (to be written by Legal Officer on behalf of Assistant Director Legal Services)

7.1 The adoption of the SPDs will ensure that decision-making is more robust by providing greater detail and advice to support existing policies in the Local Plan since they are a material planning consideration. Furthermore, since the SPDs are informative, they provide clear guidance to applicants in the pre-application stage, ensuring the process of decision-making is 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 will assist in delivering the Council's strategy and policies set out in the Local Plan. These include promoting and delivering sustainable patterns of development, the creation of mixed and sustainable communities, reducing pollution, protecting community resources and facilities, and conserving and enhancing the quality of the built and natural environment.

10. Equalities and Human Rights Advice and Implications

10.1 The Supplementary Planning Documents (SPDs) will assist in delivering the Council's strategy and policies as set out in the adopted Local Plan. These policies include promoting and delivering sustainable patterns of development, the creation of mixed and sustainable communities, protecting community resources and facilities, and conserving and enhancing the quality of the built and natural environment. An Integrated Impact Assessment (which included Equalities Impact Assessment) was prepared to support the adoption of the Core Strategy (2014) and Sites and Policies Document (2018). These two documents, along with the Barnsley, Doncaster Rotherham Joint Waste Plan (2012), make up the Rotherham Local Plan.

10.2 The SPDs will be used by applicants submitting planning applications across the borough. The outcome will be planning decisions which comply with relevant planning policies. SPDs aid understanding of Local Plan policies and provide additional guidance to aid their implementation, but they do not create new planning policy.

- 10.3 The SPDs have been subject to public consultation and comments received have been considered in preparing the final documents.

11. Implications for CO₂ Emissions and Climate Change

- 11.1 Climate change poses a significant threat to environments, individuals, communities, and economies on local, national, and international scales. In recognition of this the Council has aimed to be net carbon neutral as an organisation by 2030, and for Rotherham as a whole to achieve the same position by 2040.
- 11.2 The Supplementary Planning Documents (SPD) proposed to be adopted, promote best practice. The Natural Environment SPD and Transport Assessments, Travel Plans and Parking Standard SPDs, will both assist in the mitigation of CO₂ emissions. There could be potential for a reduction in energy consumption should existing community facilities be saved from demolition and reused for community or other purposes; thus, reducing the impacts arising from delivery of new buildings or facilities on site.

Demolition of existing buildings rather than re-use releases embedded carbon, and potentially requires greater energy consumption and use of scarce resources to build new buildings and/or facilities. It is not possible to identify the exact impact at present.

- 11.3 The SPD on Transport Assessments, Travel Plan and Parking Standards sets out the requirement for developers to undertake Transport Assessments to demonstrate how new development will improve, provide and promote travel by public transport, cycling and walking and minimise travel by car. The SPD establishes a package of measures to manage access to a development or institution; to reduce the impacts of vehicular transport on local roads and the environment.

The Supplementary Planning Documents provide further guidance and clarity to developers in bringing forward planning applications for development; reducing the carbon footprint of development; promoting higher sustainable construction standards; building climate resilient dwellings; minimising impacts of carbon emissions harmful to local air quality, the natural environment and health.

The willingness of developers to work towards zero carbon developments is a key driver to change and future government legislation will effectively regulate development on site to be zero carbon. However, without legislation, the Council can promote best practice sustainable construction techniques through its Local Plan and Supplementary Planning Documents but cannot insist on such development.

There is a significant demand for new homes in the borough and the Council is committed to determining planning applications in accordance with Local Plan policy as expeditiously as it can.

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.

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 – Planning, Regeneration and Transport
Nigel Hancock, Head of Planning and Building Control

Approvals obtained on behalf of Statutory Officers: -

	Named Officer	Date
Chief Executive	Sharon Kemp	07/06/21
Strategic Director of Finance & Customer Services (S.151 Officer)	Judith Badger	28/05/21
Head of Legal Services (Monitoring Officer)	Stuart Fletcher	02/06/21

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