

BARNSELY METROPOLITAN BOROUGH COUNCIL

This matter is a Key Decision within the Council's definition and has been included in the relevant Forward Plan

REPORT OF THE EXECUTIVE DIRECTOR PLACE TO CABINET

ADOPTION OF SUPPLEMENTARY PLANNING DOCUMENTS/PLANNING ADVICE NOTES

1. PURPOSE OF REPORT

- 1.1 This report seeks authority to adopt several Supplementary Planning Documents (SPD's) and Planning Advice Notes (PAN's).

2. RECOMMENDATIONS

- 2.1 **That Cabinet refers this report to Full Council for approval to adopt the Supplementary Planning Documents and Planning Advice Notes covered in this report.**

3. INTRODUCTION

- 3.1 The Local Plan, adopted on 3rd January 2019, contains policies to be considered when determining planning applications. Supplementary Planning Documents contain further advice and explain how these policies will be applied. Where a document is referred to as a Planning Advice Note (PAN) it is providing guidance on an issue that doesn't have a direct link to a Local Plan policy. Cabinet approved a number of updated and new Supplementary Planning Documents and Planning Advice Notes on 20th February for public consultation.
- 3.2 Public consultation took place for a period of four weeks between 4th March and 1st April 2019. Appendix 1 provides a summary of the main issues raised during consultation and any changes made in response. Appendix 1 also sets out the main issues covered in the documents and any key points that have been changed in response to comments made during consultation.
- 3.3 Of the 20 documents that were the subject of public consultation this report seeks authority to adopt of 18 of them. Further consideration is being given to comments on the Sustainable Travel SPD. As a consequence it is also considered prudent to adopt the Planning Obligations SPD at a later date, as that makes reference to the Sustainable Travel SPD. A further report dealing with these two SPD's will be submitted to Cabinet in due course.

4. PROPOSAL AND JUSTIFICATION

- 4.1 Following adoption of the Local Plan, a suite of updated and new SPD's/ PAN's has been prepared. This report provides an update on the response to the public consultation, and seeks authority to adopt 18 of the SPD's/PAN's, as amended where appropriate, following public consultation. Paragraphs 4.2 and 4.3 sets out the full list of documents that were consulted on.
- 4.2 **Existing SPD's/PAN's that have been updated**
Financial Contributions for Schools
Barn Conversions
Trees and Hedgerows
Shop Front Design
Advertisements
House Extensions and other Domestic Alterations
Residential Amenity and the Siting of Buildings
Design of Housing Development
Open Space Provision on New Housing Developments
Removal of Agricultural Occupancy Conditions
Mortar Mixes for pointing historic buildings
Hot Food Takeaways SPD
Walls and Fences
Lawful Development Certificates
- 4.3 **New SPD's/PAN's**
Planning Obligations
Affordable Housing
Sustainable Travel
Heritage Impact Statements
Biodiversity and Geodiversity
Hot Food Takeaways Planning Advice Note
- 4.4 Public consultation took place for a period of four weeks between 4th March and 1st April 2019. A total of 111 comments were received from 38 consultees (including one consortium comprising representations submitted by two agents on behalf of ten developers/ housebuilders). The breakdown of how many comments were made on each draft SPD/ PAN is given in appendix 1, which summarises the main issues covered by the documents. Appendix 1 also sets out the main issues raised in the consultation responses, and any key points that have been changed in response to comments made during consultation.
- 4.5 The consultation was advertised in a public notice in the local press in a public and press releases were done, including information placed on social media at the start, end and during the consultation period. The consultation documents were available on the Council's on line consultation system Smartsurvey, and could also be viewed online or as paper copies at Barnsley Central Library, Wellington House, Wellington Street, and at all branch libraries across the borough, during normal opening hours. Comments were accepted via the consultation system, by email or by post.
- 4.6 A number of the Supplementary Planning Documents seek developer contributions through section 106 agreements.

These are:

- Financial Contributions for Schools
- Sustainable Travel
- Affordable Housing
- Open Space Provision on New Housing Developments

Understandably these have attracted comments raising concerns about their effect on the viability of sites and impact on delivery. In anticipation of this we have commissioned updated viability evidence work to look at the impact of the proposed contributions sought by these draft SPD's. The updated viability work indicates that the figures sought can be supported, and concludes that *the proposed supplementary planning document requirements are not considered to undermine the viability of the Local Plan (albeit accepting that viability is still likely to be a consideration on a case by case basis reflecting the specific circumstances of a scheme).*

- 4.7 The SPD's and PAN's consulted on cover numerous issues. Appendix 1 details the changes made as a result of representations. The final proposed SPD's/ PAN's for adoption are available with the cabinet papers.
- 4.8 In light of comments made on the Sustainable Travel SPD, we are giving some elements of this document further consideration. A further report on the Sustainable Travel SPD will be brought to Cabinet in due course. Therefore it is not included in the recommendation as one of the SPD's to be adopted by this report. In addition to seeking contributions for accessibility and active travel improvements, this SPD also sets a minimum number of electric vehicle charging points to be provided.
- 4.9 Given that the Planning Obligations SPD refers to all four of the documents that seek section 106 contributions including the Sustainable Travel SPD, it is considered prudent to take this forward at a later date and deal with it in a subsequent cabinet report with the Sustainable Travel SPD. Therefore it is not included in the recommendation as one of the SPD's to be adopted by this report
- 4.9 Should approval to adopt the SPD's/PAN's be given, their adoption will be publicised and they will be made available in line with the Town and Country Planning (Local Planning)(England) Regulations, 2012.
- 4.9 Following adoption of this suite of SPD's/ PAN's further documents will be prepared for public consultation. They will cover issues such as Section 278 and Section 38 agreements; Sustainable Urban Drainage and Air Quality Guidance.
- 4.10 It is important that we get appropriate digital infrastructure installed to serve new developments, which currently is full fibre. It has been considered whether an SPD is needed in order to seek full fibre to premises. However it is considered that the preferred way to deliver this is via a minor update to an existing standard planning condition. This can be updated as necessary in line with advances in technology, whereas a Supplementary Planning Document would continually need refreshing or would quickly become out of date.

5. CONSIDERATION OF ALTERNATIVE APPROACHES

- 5.1 One alternative approach would be not to adopt new supplementary planning documents and planning advice notes. This would mean that there would be a vacuum of planning policy advice to support the Local Plan to help explain how policies will be applied and interpreted.
- 5.2 The Sustainable Travel SPD could be taken forward for adoption, however it is considered prudent to give further time for consideration of comments and to make any required amendments rather than implement the document and have continual delays arising from it being challenged.

6. IMPLICATIONS FOR LOCAL PEOPLE/SERVICE USERS

- 6.1 The implications for local people and service users are that the updated Supplementary Planning Documents and Advice notes will be used to provide up to date information and guidance on how planning policies will be applied and interpreted.

7. FINANCIAL IMPLICATIONS

- 7.1 Consultations have taken place with representatives of the Service Director – Finance (S151 Officer).
- 7.2 The cost of adoption including printing and publicity costs are estimated to be approximately £2,000.
- 7.3 This additional expenditure will be financed from the reserves previously earmarked for the Local Plan.
- 7.4 The financial implications directly arising from this report are summarised in the attached Appendix A.
- 7.5 Only two, School Places and Open Space Provision, of the 20 SPD's and PAN's increase existing section 106 contribution figures. The indirect financial implication arising from this report is that section 106 receipts will increase for these areas.
- 7.6 For school places, the exact quantum of the increase is difficult to quantify as contributions are dependent on the number of applications and as contributions sought are often calculated on a case by case basis depending on the requirements of the individual school.
- 7.7 In respect of Open Space provision, the figures for each type of open space (Child and Youth facilities; Informal open space and Formal recreation) have been increased by 6% from the figures in the 2012 SPD. The section 106 monies from previous section 106 agreements received during 2018/19 were £1,198,721.52. If the income in 2019/20 is of a similar amount, the 6% increase would generate an additional £71,923 of section 106 contributions.

8. EMPLOYEE IMPLICATIONS

- 8.1 There are no employee implications arising from this report.

9. COMMUNICATIONS IMPLICATIONS

- 9.1 Communications support will be required in publicising the adoption of the SPD's/PAN's through press releases and social media.

10. CONSULTATIONS

- 10.1 Consultation has taken place internally with the various officers who act on behalf of the teams responsible for providing input into planning applications (e.g. Highways, Housing, Public Health). As detailed above public consultation on the draft SPD's/PAN's took place for a period of four weeks between 4th March 2019 and 1st April, 2019.

11. THE CORPORATE PLAN AND THE COUNCIL'S PERFORMANCE MANAGEMENT FRAMEWORK

- 11.1 The Local Plan is a key Council strategy document that will support achievement of each of the three main priorities set out in the corporate plan and more specifically outcomes 1-6, 9 and 11. The suite of SPD's provide further detail on how Local Plan policies will be applied.

12. PROMOTING EQUALITY, DIVERSITY AND SOCIAL INCLUSION

- 12.1 The Local Plan was subject to an Equality Impact Assessment to assess the impact of its policies and proposals. This concluded that all policies and proposals apply to all sectors of the community equally. The policies make provision for a range of housing types to meet differing needs for example affordable housing and the accommodation needs of gypsies and travellers. The Design policy D1 also seeks to ensure development is designed to be accessible to all. The Supplementary Planning Documents will support these policies ensuring that equality, diversity and social inclusion are promoted as far as possible when planning applications are considered.

13. TACKLING THE IMPACT OF POVERTY

- 13.1 If the objectives of the Local Plan are achieved it is anticipated that levels of poverty, deprivation and inequality will have reduced by the end of the plan period. A number of the supplementary planning documents will play important roles in securing planning contributions for sustainable travel (public transport, walking and cycling), investment in public open space, provision of additional school places and affordable housing. These contributions will benefit communities affected by development proposals, helping to mitigate impacts but also maximize opportunities. In turn, benefits should also be realised for those in poverty.

14. TACKLING HEALTH INEQUALITIES

- 14.1 A Health Impact Assessment was produced to consider the Local Plan proposals on health. This considered the impact of the various policies within the plan on the health of the various communities as well as whether they contribute to the ambitions of the Corporate Plan and reduce health inequalities. It concluded that as a whole the plan would potentially improve the health of residents and help address health inequalities.
- 14.2 The Hot Food Takeaway Planning Advice Note seeks to tackle obesity and promote the health agenda through influencing the location of hot food takeaways. Enhanced open space and active travel routes arising from the implementation of the Open Space on New Housing Development SPD and the Sustainable Travel SPD will also contribute towards improving health.

15. REDUCTION OF CRIME AND DISORDER

- 15.1 The Police Architectural Liaison Officer has been consulted on those documents which relate to layout and design of development to ensure that principles of Secured By Design are embedded.

16. RISK MANAGEMENT ISSUES

- 16.1 CIL is non-negotiable whereas section 106 can be negotiated. This is a risk but we consider it is outweighed by the benefits of focusing on section 106 contributions.

17. HEALTH, SAFETY AND EMERGENCY RESILIENCE ISSUES

- 17.1 Over and above the matters referred to under the heading “Tackling Health Inequalities”, there are no direct implications for health, safety and emergency resilience arising from this report.

18. COMPATIBILITY WITH THE EUROPEAN CONVENTION ON HUMAN RIGHTS

- 18.1 There are no implications arising from this report.

19. CONSERVATION OF BIODIVERSITY

- 19.1 The Local Plan as modified seeks to achieve a net biodiversity gain by the end of the plan period. One of the new supplementary planning documents sets out further detail on how the Local Plan biodiversity policy will be applied. Some other SPD's such as the Open Space SPD will indirectly assist in the conservation of biodiversity.

20. GLOSSARY

SPD Supplementary Planning Document
PAN Planning Advice Note

21. LIST OF APPENDICES

Appendix A Financial Implications

Appendix 1: Summary of comments made and changes made to the SPD's.

Appendix 2: Final versions of SPD/PAN documents for adoption.

22. BACKGROUND PAPERS

Local Plan <https://www.barnsley.gov.uk/media/9924/local-plan-adopted.pdf>

Local Plan Viability Testing Update 2019 CP Viability Ltd

If you would like to inspect background papers for this report, please email governance@barnsley.gov.uk so that appropriate arrangements can be made

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