

Report of the Chief Executive

POTENTIAL SUPPLEMENTARY PLANNING DOCUMENTS1. Purpose of report

To advise members of options for the preparation of Supplementary Planning Documents (SPDs), and/or other guidance, and to seek members' views on priorities.

2. Background

The Government's Planning Practice Guidance states:
"Supplementary planning documents (SPDs) should build upon and provide more detailed advice or guidance on policies in an adopted local plan. As they do not form part of the development plan, they cannot introduce new planning policies into the development plan. They are however a material consideration in decision-making. They should not add unnecessarily to the financial burdens on development."

Further information is included in appendix 1, together with suggestions of potential subjects for SPDs.

3. Financial implications

Decisions about priorities will have financial implications in that they will affect the staff resources that can be dedicated to the various potential SPDs, other policy-related work and development management.

Recommendation

The Committee is asked to RESOLVE which supplementary planning documents should be worked on as a priority.

Background papers

Nil.

APPENDIXIntroduction

Supplementary Planning Documents (SPDs) can add more detailed advice or guidance to adopted policies. They cannot add new policy; the distinction between the two is not entirely clear-cut and has been the subject of court cases. The government's Planning Practice Guidance and court cases indicate that some subjects are not appropriate for SPDs and should instead be dealt with in Local Plans. These include space standards and housing mix. (However, with regard to housing mix, policy 15 in the Part 2 Local Plan does already set varying affordable housing percentage requirements for different parts of the borough.) SPDs carry weight in appeal decisions; however, they do not carry as much weight as local plan policies.

Potential subjects for SPDs could instead be dealt with by producing non-statutory guidance documents, sometimes known as 'supplementary planning guidance'. These could be potentially quicker and simpler to prepare, as they would not be subject to statutory procedures. However, they would carry less weight than SPDs in decision-making. The potential subjects for SPDs could also be the subject of new policies in the next version of the Broxtowe Part 2 Local Plan. As discussed in a separate report to this meeting, the review of the Part 2 Local Plan is likely to immediately follow the adoption of the Greater Nottingham Strategic Plan (which will replace the Core Strategy); adoption of the Strategic Plan is currently anticipated to be in late 2022. Several of the potential subjects for SPDs will be referred to in the Strategic Plan; however, the Strategic Plan is unlikely to include detailed, locally-specific policies on these issues.

In accordance with the government's guidance (referred to in the main report), care will need to be taken to ensure that any SPDs do not add to the costs of developments in a way which may make them financially unviable. This may be particularly relevant to development on sites which are allocated in the Part 2 Local Plan, as development proposals for these sites will have been prepared incorporating expectations for developer contributions based on policies in the Part 2 Local Plan and the Core Strategy. Plan-wide viability work that was undertaken for the Part 2 Local Plan indicated that viability at some of the allocated sites may be marginal; the addition of substantial extra costs via SPDs might threaten housing delivery, which in turn might reduce the Council's success at appeals against refusals of permission. It may also reduce the amount of developer contributions that would be available for other purposes, such as affordable housing.

Progress on SPDs would in part depend on decisions about the distribution of staff resources within the planning department. This would apply both to the various aspects of the Council's planning function as a whole (policy, development management and enforcement) and to the different aspects of the planning policy teams' work (as discussed in a separate report to this meeting, and including work on the Strategic Plan, Neighbourhood Plans, Toton/Chetwynd, housing delivery/SHLAA/monitoring, etc).

Procedures and timescales

Procedures for preparing SPDs include drafting the document, inviting representations on it (for at least 4 weeks), considering the representations, potentially modifying it in response to the representations, preparing a 'consultation statement' and adopting the SPD. (An examination is not involved.) An Equality Impact Assessment may be required and perhaps, in 'exceptional circumstances', a Strategic Environmental Assessment.

In a report to this committee in February last year the former Head of Department estimated that it was likely to take one planning officer between 6 months and 1 year to do the necessary work on an HMO SPD comprehensively. Similar potential timescales would be likely for other SPDs. Actual timescales would depend partly on the staff resources that were needed to meet other departmental priorities (as mentioned above). Subject to decisions on these issues, it may be possible to progress two SPDs to adoption within approximately 12 months.

Potential subjects for SPDs

The first five of these subjects are given an approximate suggested order of priority. This order could be amended, perhaps with reference to other subjects in the list.

- *1. Houses in Multiple Occupation (HMOs)*
Subject to members' decision on a separate report on this agenda, an Article 4 direction would come into force on 26th March 2022, requiring planning applications for changes of use to small HMOs (Class C4). Guidance will be needed on how such applications will be assessed. It is therefore intended that an SPD will be consulted on and adopted by the time the direction comes into force. The SPD could also relate to applications for larger ('sui generis') HMOs. It could build on policy 8 in the Core Strategy and might be based on the concentration of HMOs within a certain distance of an application site.
- *2. Toton/Chetwynd*
Substantial work has already taken place on the preparation of an SPD, in liaison with the County Council, the Neighbourhood Forum and others. Development in this area is closely linked to the potential HS2 station and is of major importance to the borough as a whole (and areas beyond). The SPD will build on policy 2 in the Core Strategy and policies 3.1 and 3.2 in the Part 2 Local Plan, and it will provide extensive guidance on the scale and form of development. Due to the involvement of the County Council, this SPD might perhaps require a lesser input of Broxtowe's resources in future than some of the other potential SPDs.
- *3. Climate change / Carbon emissions*
The Council is committed to becoming a 'zero carbon' authority and an SPD could help in this regard. It could draw on the 'Zero Carbon Broxtowe' document and also on an informal county-wide document, produced by officers in December 2020, entitled 'Planning Guidance on

low carbon energy and sustainable design'. An SPD could refer to issues such as sustainable layout and design, minimising energy use, renewable energy systems, green infrastructure, landscaping and other good sustainable practices. Several aspects could also (or instead) be included in a design SPD (as mentioned below). An SPD on this issue could build on policy 1 in the Core Strategy and perhaps policy 17 in the Part 2 Local Plan.

- *4. Air Quality*

This is seen as a corporate priority and is being considered by a cross-departmental Air Quality Task and Finish Group. Policy 20 in the Part 2 Local Plan addresses the issue; however, there may be scope to add further guidance (in an SPD or a non-statutory document) on matters such as: reasonable steps to encourage the use of public transport; what would be considered a 'significant deterioration' in air quality; and perhaps (subject to legal considerations) a ratio of electric vehicle charging points to new dwellings. These might form part of emissions mitigation guidance for developers.
- *5. Gypsies and Travellers*

Policy 16 of the Part 2 Local Plan commits the Council to producing an SPD to identify sites within the built-up area in order to meet a need for two pitches which was identified in the 2016 Gypsy and Traveller Accommodation Assessment (GTAA). A new GTAA is being prepared at the time of writing this report, as part of the review of the Core Strategy, and the final version is likely to be available by the date of the meeting. The new GTAA would be likely to supersede the previous version and the need for an SPD will have to be considered in this context, and also in the context of potential future decisions on whether individual districts' requirements should be 'shared' across Greater Nottingham in the Strategic Plan.
- *Design*

Policy 17 in the Part 2 Local Plan covers a range of design issues and the associated 'Building for Life' criteria are detailed in an appendix. However, there would be scope to add more guidance on some of these issues. These might include 'Building for a Healthy Life' (the latest version of 'Building for Life'), biodiversity and possibly car parking. As mentioned above, a design SPD might also incorporate various issues relating to carbon reduction. Guidance on the design of domestic extensions could be included, and/or guidance on this and other design issues could be the subject of separate leaflets, of the kind which the Council produced some years ago. Informal guidance/leaflets might be preferable to an SPD for at least some of these design issues.
- *Eastwood and Stapleford Centres*

Policy 6 in the Core Strategy identifies a need to enhance the centres of Eastwood and Stapleford. In light of this, centre boundaries were adjusted in the Part 2 Local Plan and the Stapleford Town Bid is in progress. Consideration may need to be given as to what an SPD might be able to achieve as regards enhancement of the centres.
- *Heritage / 'Local Lists' / Conservation Area Appraisals and Management Plans*

Paragraph 23.5 of the Part 2 Local Plan refers to an aim to produce Appraisals and Management Plans (which would not necessarily be in the form of SPDs) for all the Conservation Areas. It also refers to considering the production of a 'Local List' of non-designated heritage assets, criteria for their identification and/or an associated SPD. However, expertise on heritage within the department is limited and a recent county-wide bid for government funding to help with the production of 'Local Lists' was unsuccessful. Liaison with local voluntary groups, including Civic and Local History Societies, may be an option.

- *Green Infrastructure*
Green Infrastructure Assets are covered in some detail in policy 28 of the Part 2 Local Plan. However, further guidance might be added in an SPD, if that were considered appropriate.
- *Landscape*
Landscape is dealt with in policy 30 of the Part 2 Local Plan and in the associated appendix, which includes substantial extracts from the Greater Nottingham Landscape Character Assessment. However, again, further guidance could perhaps be added, if required.
- *Biodiversity*
Biodiversity Assets are dealt with in policy 31 of the Part 2 Local Plan and, as mentioned above, biodiversity issues might be incorporated in a design SPD. However, there might be scope to produce a separate SPD relating solely to biodiversity.