

CABINET MEETING – 11 FEBRUARY 2020

EXECUTIVE SUMMARY SHEET – PART I

Title of Report:

Supplementary Planning Documents

Author(s):

Executive Director of City Development

Purpose of Report:

The purpose of this report is to seek Cabinet approval to undertake consultation on draft Supplementary Planning Documents (SPDs) covering the South Sunderland Growth Area and Planning Obligations, and draft Scoping Reports for SPDs in relation to Biodiversity, and Homes in Multiple Occupation (HMOs).

The report also seeks Cabinet approval of interim Development Management Planning Guidance, whilst new SPDs are prepared to replace aspects of planning guidance previously set out within the Development Control Guidelines, Household Alterations and Extensions SPD and Residential Design Guide SPD.

Description of Decision:

It is recommended that Cabinet approves for public consultation the draft South Sunderland Growth Area (SSGA) and draft Planning Obligations SPDs and the draft Scoping Reports for SPDs in relation to Biodiversity and HMOs. It is also recommended that Cabinet approves interim Development Management Planning Guidance for use until replacement SPDs are prepared.

Is the decision consistent with the Budget/Policy Framework? **Yes**

If not, council approval is required to change the Budget/Policy Framework

Suggested reason(s) for Decision:

The decision is required to allow public consultation to be undertaken on the SPDs in accordance with Regulations 12 & 13 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (the 2012).

The SPDs will provide guidance for developers and decision makers on specific planning matters, building upon the policies contained within the Core Strategy and Development Plan (CSDP).

As a result of deletion of previous SPDs following adoption of the CSDP, interim Development Management Planning Guidance is required whilst replacement SPDs are prepared in relation to Development Control Guidelines, Household Alterations and Extensions, and Residential Design.

Alternative options to be considered and recommended to be rejected:

The option to proceed without developing SPDs in relation to Biodiversity and HMOs was considered. There is, however, a requirement in national policy to deliver biodiversity net gains and an SPD provides an appropriate framework to set out how this will be achieved, as well as providing clarity regarding what will be expected as part of the planning application process in relation to biodiversity. Equally, the Council is committed to managing the development of new HMOs within communities across the city and an SPD provides an appropriate framework to facilitate the required level of management.

The option to proceed to adoption of the SSGA and Planning Obligations SPDs on the strength of previous consultation, without a further round being undertaken, was considered. Due to the passage of time since the last round of consultation on these two documents, the significant changes in national policy and legislation regarding planning obligations published since the last round of consultation, and material changes to the relevant policies within the CSDP it is considered more appropriate to update these and carry out a final round of consultation.

The option not to publish interim planning guidance for Development Management ahead of developing replacement SPDs was also considered. However, it was considered that this could create uncertainty from a planning policy perspective both for applicants and for those responsible for determining planning applications in the interim period.

Impacts analysed;

Equality **Privacy** **Sustainability** **Crime and Disorder**

The SPDs will support and provide guidance on a number of planning matters, which will be of benefit to a wide range of interest groups.

An Equality Impact Assessment has been undertaken for the SPDs. In addition, as part of the preparation of the CSDP, which these documents supplement, an Equalities Impact Assessment and Sustainability Appraisal was undertaken.

Is the Decision consistent with the council's co-operative values? **Yes**

Is this a "Key Decision" as defined in the Constitution? **Yes**

Is it included in the 28 day Notice of Decisions? **Yes**

SUPPLEMENTARY PLANNING DOCUMENTS

Executive Director of City Development

1. Purpose of the Report

- 1.1 The purpose of this report is to seek Cabinet approval to undertake consultation on draft Supplementary Planning Documents (SPDs) covering the South Sunderland Growth Area and Planning Obligations, and draft Scoping Reports for SPDs in relation to Biodiversity, and Homes in Multiple Occupation (HMOs).
- 1.2 The report also seeks Cabinet approval of interim Development Management Planning Guidance, whilst new SPDs are prepared to replace aspects of planning guidance previously set out within the Development Control Guidelines, Household Alterations and Extensions SPD and Residential Design Guide SPD.

2. Description of Decision (Recommendations)

- 2.1 It is recommended that Cabinet approves for public consultation the draft South Sunderland Growth Area (SSGA) and draft Planning Obligations SPDs and the draft Scoping Reports for SPDs in relation to Biodiversity and HMOs. It is also recommended that Cabinet approves interim Development Management Planning Guidance for use until replacement SPDs are prepared.

3. Background

- 3.1 *On 29th January 2020, the Council approved the Core Strategy and Development Plan (CSDP) for adoption. The CSDP was subsequently adopted by the Council on 30th January 2020 and now forms part of the adopted Development Plan for the city.*
- 3.2 In addition to the adopted Development Plan, the preparation of SPDs offer the opportunity to provide detailed planning guidance building upon policies within the adopted Development Plan. The guidance contained within an SPD will be a material planning consideration when determining relevant planning applications.
- 3.3 The CSDP identifies a number of areas where SPDs will be adopted. This includes the SSGA and Planning Obligations. In addition, the Council proposes to develop SPDs to guide development of HMOs and to help ensure achievement of biodiversity net gains as required by national policy.
- 3.4 The Council has therefore prepared a number of SPDs to provide planning guidance to support the delivery of policies within the CSDP.

- 3.5 In addition, SPDs which were linked to the Unitary Development Plan in relation to Development Control Guidelines, Household Alterations and Extensions, and Residential Design will be replaced by updated SPDs as necessary. The aspects of the guidance which it is intended to retain prior to development of the new SPDs within the interim Development Management Guidance are appended to this report (Appendix 7).

4. Current Position

4.1 SSGA SPD

- 4.1.1 The SSGA SPD has been prepared to support the delivery of a new sustainable community within the Ryhope and Doxford area of the city and ensure that the development comes forward in a comprehensive and coordinated way taking account of the cumulative impacts of development, whilst ensuring environmental protection.
- 4.1.2 The SSGA will provide planning guidance, building upon the allocation made for a new high quality, vibrant and distinctive neighbourhood through Policy SS6 of the CSDP.
- 4.1.3 Preparation of the SSGA SPD has been underway for some time. Approval was given by Cabinet in January 2016 to undertake public consultation on the SPD, which was undertaken in August 2017 alongside consultation on the Draft CSDP.
- 4.1.4 Due to the passage of time since the previous consultation, in order to make changes in response to the previous round of consultation and to reflect changes on the ground since this consultation took place, it is considered necessary to undertake a final round of consultation on the revised document. Following this final consultation the document will be updated as necessary to reflect responses received, prior to being brought back to Cabinet to seek approval for its adoption.
- 4.1.5 The Draft SSGA SPD on which it is proposed to consult is attached at Appendix 1. This has been developed with full consideration to the responses received at the initial consultation stage which are set out at Appendix 2.

4.2 Planning Obligations SPD

- 4.2.1 The Planning Obligations SPD will provide the mechanism to calculate developer contributions for new infrastructure required as a result of development. It will support Policy ID2 of the CSDP by providing the detail of when planning obligations will be sought, how contributions will be calculated and how viability will be taken into consideration on an application basis.

- 4.2.2 The Planning Obligations SPD aims to provide transparency for developers in the development process. It sets out the types of planning contributions expected from a development and the methodology used by the Council to calculate contributions. The SPD will equip developers with the tools to factor in planning contributions when appraising development opportunities at the outset. This will facilitate smooth submission of planning applications to the Council and will result in reductions in officer time liaising with developers to determine contributions.
- 4.2.3 Preparation of the Planning Obligations SPD has also been underway for some time. A first round of public consultation took place on the Planning Obligations SPD Scoping Report alongside consultation on the Draft CSDP in August 2017. Following this a further round of consultation was undertaken on a Draft Planning Obligations SPD in June 2018, alongside consultation on the Publication Draft CSDP.
- 4.2.4 Due to the passage of time since the previous consultation, in order to make changes in response to the previous round of consultation and to reflect changes in national planning guidance and legislation since, it is considered necessary to undertake a final round of consultation on the revised document. Following this final consultation the document will be updated as necessary to reflect responses received, prior to being brought back to Cabinet to seek approval for its adoption.
- 4.2.5 The Draft Planning Obligations SPD on which it is proposed to consult is attached at Appendix 3. This has been developed with full consideration to the responses received at the initial consultation stages which are set out at Appendix 4.

4.3 Biodiversity SPD

- 4.3.1 The Biodiversity SPD seeks to build upon Policy NE2 of the CSDP by providing certainty to applicants about what is required to comply with the new Policy as well as guidance, best-practice and strategies through which this can be delivered. In particular, the SPD will seek to establish how the Council will seek to deliver biodiversity net gains through new development, as required by the revised National Planning Policy Framework.
- 4.3.2 The Scoping Report represents the first stage of the process and sets out options regarding the potential scope of the SPD, including the following:
- Hierarchy of designated ecological sites, species and habitats;
 - Definition and approach to achieving biodiversity net-gain;
 - The ecological mitigation hierarchy;
 - Wildlife corridors;
 - Design; and
 - Mitigation, management and monitoring.

- 4.3.4 In addition to the above, the SPD could include other criteria relevant to biodiversity. The Scoping Report offers an opportunity to establish the principles of what the SPD could contain.
- 4.3.5 The Draft Biodiversity SPD Scoping Report on which it is proposed to consult is attached at Appendix 5.

4.4 HMO SPD

- 4.4.1 The intention to prepare an HMO SPD, stems from known problems of high concentrations of HMOs in certain areas of the city which can lead to negative impacts for their host communities. Such negative consequences can include: anti-social behaviour, disturbance, imbalanced communities, impacts on the streetscape, pressure on parking provision, increased crime and otherwise changes associated with the impact on the character and vibrancy of neighbourhoods.
- 4.4.2 It is acknowledged, however, that HMOs can play a role in a sustainable housing market, as a sub component in the growing private rental tenure. It is also acknowledged that trends in the housing market are making it increasingly difficult, especially for low-income and single person households, to find suitable accommodation that meets their own needs and preferences. There is therefore a role for HMOs within the overall housing mix.
- 4.4.3 Notwithstanding the above, it is clear that the development of HMOs needs to be managed carefully. It is in this regard that the planning guidance, which would be contained within the proposed SPD, would provide an additional tool to manage the development of HMOs.
- 4.4.4 The proposed planning guidance that will be contained with the SPD would link to Policy H6 of the Sunderland CSDP, which sets out the policy for Homes in Multiple Occupation.
- 4.4.5 The Scoping Report represents the first stage of the process and sets out options regarding the potential scope of the SPD. The scoping report seeks public engagement regarding what the SPD could cover, including:
- The Definition of Locality;
 - The Definition of Over Concentration
 - Clustering of HMOs
 - Large HMO guidance; and
 - Extensions to Existing HMOs.
- 4.4.6 In addition to the above, the SPD could include other criteria relevant to the development of HMOs. The Scoping Report offers an opportunity to establish the principles of what the SPD could contain.

- 4.4.7 The Draft HMO SPD Scoping Report on which it is proposed to consult is attached at Appendix 6.
- 4.5 It is proposed to coordinate consultation into one overall exercise for all four SPDs covered in sections 4.1 to 4.4 above.
- 4.6 Development Management Guidance
- 4.6.1 As reported to Cabinet in January 2020, upon adoption of the CSDP a number of supplementary planning guidance documents were deleted as they related to previous Unitary Development Plan policies. In addition to the proposals set out in sections 4.1 to 4.4, the Council intends to prepare new SPDs in relation to householder applications to replace the guidance previously contained within the Development Control Guidelines, Household Alterations and Extensions SPD and Residential Design Guide SPD.
- 4.6.3 As an interim measure, the Council has extracted the relevant paragraphs from the previous guidance and linked these to the replacement policies within the CSDP. This is set out within the appended Development Management Planning Guidance (Appendix 7).
- 4.6.4 The interim Development Management Planning Guidance sets out the scope which it is anticipated that the replacement SPDs will cover and, subject to Cabinet approval, should be given due weight in the consideration of relevant planning applications until the replacement SPDs are developed.
- 4.6.5 The replacement SPDs will be prepared in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012 and will be subject to public consultation subject to Cabinet approval.

5. Reasons for the Decision

- 5.1 The decision is required to allow public consultation to be undertaken on the SPDs in accordance with Regulations 12 & 13 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (the 2012).
- 5.2 The SPDs will provide guidance for developers and decision makers on specific planning matters, building upon the policies contained within the Core Strategy and Development Plan (CSDP).
- 5.3 As a result of deletion of previous SPDs following adoption of the CSDP, interim Development Management Planning Guidance is required whilst replacement SPDs are prepared in relation to Development Control Guidelines, Household Alterations and Extensions, and Residential Design.

6. Alternative Options

- 6.1 The option to proceed without developing SPDs in relation to Biodiversity and HMOs was considered. There is, however, a requirement in national policy to deliver biodiversity net gains and an SPD provides an appropriate framework to set out how this will be achieved, as well as providing clarity regarding what will be expected as part of the planning application process in relation to biodiversity. Equally, the Council is committed to managing the development of new HMOs within communities across the city and an SPD provides an appropriate framework to facilitate the required level of management.
- 6.2 The option to proceed to adoption of the SSGA and Planning Obligations SPDs on the strength of previous consultation, without a further round being undertaken, was considered. Due to the passage of time since the last round of consultation on these two documents, the significant changes in national policy and legislation regarding planning obligations published since the last round of consultation, and material changes to the relevant policies within the CSDP it is considered more appropriate to update these and carry out a final round of consultation.
- 6.3 The option not to publish interim planning guidance for Development Management ahead of developing replacement SPDs was also considered. However, it was considered that this could create uncertainty from a planning policy perspective both for applicants and for those responsible for determining planning applications in the interim period.

7. Impact Analysis

- (a) **Equalities** – An Equalities Impact Assessment has been undertaken for the SPDs. As part of the preparation of the CSDP an Equalities Impact Assessment was also undertaken.
- (b) **Sustainability** – As part of the preparation of the CSDP an Sustainability Appraisal was undertaken at all stages
- (c) **Reduction of Crime and Disorder – Community Cohesion/Social Inclusion** – The SSGA SPD seeks to ensure a comprehensively designed new residential area which will have positive benefits in terms of community cohesion. The HMO SPD seeks to improve community cohesion by carefully managing the development of new HMOs within the city.

8. Other Relevant Considerations/Consultations

- (i) **Financial Implications** – The costs of the consultation will be met through existing Planning Policy budgets.
- (ii) **Risk Analysis** – It is not considered that a risk analysis is necessary.

- (iii) **Legal Implications** – It is not considered that there would be any legal implications.
- (iv) **Policy Implications** – The SPDs would provide new planning policy guidance which would be a material planning consideration in the determination of planning applications for planning contributions.
- (v) **Implications for Other Services** – The SPDs would be used in the determination of planning applications and therefore would not have any direct implications for Other Services. However, other services which have an interest in the respective SPDs including Housing Strategy, Education, Highways, Ecology, Leisure Services, Development Management and Licensing have been consulted during the preparation of the respective SPDs and Scoping reports.
- (vi) **The Public/External Bodies** – The Cabinet report seeks Cabinet approval to undertake a 4 week public consultation on the SPDs and Scoping reports.
- (vii) **Project Management Methodology** – N/A
- (viii) **Procurement** – N/A

9. Background Papers

- 9.1 As part of the preparation of the SSGA and Planning Obligations SPDs, the Council has prepared a Report of Consultation which sets out how the previous rounds of consultation have been undertaken, summarises the responses received and sets out how these have been taken into consideration when preparing the revised documents. A copy of each Report of Consultation is appended to this report at Appendix 4 and 6 respectively.

10. List of Appendices

- Appendix 1 Draft South Sunderland Growth Area SPD
- Appendix 2 Draft South Sunderland Growth Area SPD Report of Consultation
- Appendix 3 Draft Planning Obligations SPD
- Appendix 4 Draft Planning Obligations SPD Report of Consultation
- Appendix 5 Draft Biodiversity SPD Scoping Report
- Appendix 6 Draft Homes in Multiple Occupation SPD Scoping Report
- Appendix 7 Interim Development Management Planning Guidance

Copies of the bundle of appendices are available in the Members' Rooms and online at

<https://www.sunderland.gov.uk/committees/cm5/Meetings/tabid/73/ctl/ViewMeetingPublic/mid/410/Meeting/9962/Committee/1953/Default.aspx>

