

Report of	Meeting	Date
Director of Partnerships, Planning and Policy	Council	25 September 2012

## **ADOPTION OF SUPPLEMENTARY PLANNING DOCUMENTS**

### **PURPOSE OF REPORT**

1. To advise members that five Supplementary Planning Documents (SPD's) have been finalised to guide the interpretation and implementation of specific Core Strategy policies. Authority is therefore sought to adopt the documents, subject to compliance with the further procedural requirements as set out in this report.

### **RECOMMENDATION(S)**

2. Members are asked to:
  - (1) Adopt the five SPD's
    - Affordable Housing
    - Controlling the Re-Use of Employment Premises
    - Rural Development
    - Access to Healthy Food
    - Design Guide
  - (2) Give delegated authority to the Executive Member for Planning and LDF and the Leader of the Council in consultation with the Director of Partnerships, Planning and Policy to make any minor drafting changes following the completion of the four week period stipulated by Part 12 of the Town and Country Planning (Local Planning) (England) Regulations 2012. This regulation requires the final documents to be displayed at the main council offices and on websites along with a statement setting out who was consulted during the preparation of the SPD's; the issues they raised and how those issues have been addressed in the documents.

### **EXECUTIVE SUMMARY OF REPORT**

- (3) The text of the now adopted Core Strategy identifies six areas where Supplementary Planning Documents (SPD's) are required across Central Lancashire. Five of the six documents have now been finalised. The SPD's provide the opportunity to add guidance in specific policy areas. Consultation took place on the documents for a six week period between April and May this year. The documents have therefore been amended and updated taking into account the responses to the consultation and the fact that in the intervening period the National Planning Policy Framework was brought into statute and the Core Strategy adopted. This report now seeks authority to adopt the SPD's subject to compliance with Part 12 of the Town and Country Planning (Local Planning) (England) Regulations 2012, which requires publicity to be given to the final version of the documents for a four week period along with a supporting statement which summarises the issues raised during the consultation process and comment as to how those issues have been addressed in the final documents.

<b>Confidential report</b> Please bold as appropriate	Yes	No
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## CORPORATE PRIORITIES

(4) This report relates to the following Strategic Objectives:

Strong Family Support		Education and Jobs	
Being Healthy	√	Pride in Quality Homes and Clean Neighbourhoods	√
Safe Respectful Communities		Quality Community Services and Spaces	√
Vibrant Local Economy	√	Thriving Town Centre, Local Attractions and Villages	√
A Council that is a consistently Top Performing Organisation and Delivers Excellent Value for Money			

## BACKGROUND

- Supplementary Planning Documents (SPD's) offer local planning authorities the opportunity to add guidance in specific policy areas. They are documents that must be prepared in consultation with interested parties, and must be subject to a screening process to discover whether a sustainability appraisal would be required. Unlike Development Plan Documents (DPD's) SPD'S do not require independent examination before they are adopted.
- The text of the Core Strategy identifies the six areas where SPD's are required across Central Lancashire, and the aim is to apply the SPDs consistently to all three local authority areas. This report deals with the first five of these documents. The SPD on Open Space and Recreation is being prepared subsequently to the others, this was to allow for the completion of the Open Space and Recreation Review and associated Playing Pitch Strategy. This Review is now complete and preparatory work on this sixth SPD is underway.
- The text below was prepared earlier in the year to briefly explain the context of the documents when the initial drafts were prepared.

### “OVERVIEW OF THE SPDs Affordable Housing

- The guidance in this document expands upon Core Strategy Policy 7 which aims to enable sufficient provision of affordable and special housing to meet needs in Central Lancashire. The SPD sets out detailed provisions to help ensure that (normally on-site) affordable housing is made available to those in housing need as part of market housing development proposals. The availability is to be in perpetuity and with local authority nomination rights. The document also expands on the detailed points of design and quality standards, instances when off-site provision may be appropriate, and the approach to delivering rural exception sites.

### Design

- The SPD focuses on the way in which the Councils will encourage good design by setting out key design principles that will be used in dealing with planning applications. The document includes an assessment of the settlement pattern and landscape character, and it explains how new development can best be integrated into the surrounding area. Using the Quality Reviewer approach, the SPD explains the steps that the Councils will take to appraise the

design quality of development proposals, and so improve the public benefits arising out of well designed development.

### **The Re-use of Employment Premises**

10. The objective of this SPD is to set out the Councils' approach to development proposals involving the re-use of existing employment premises and sites. It develops the wording of Core Strategy Policy 10 by applying a balanced criteria based approach under which all proposals for re-use will be assessed. The SPD therefore aims to ensure that:
  - There is an adequate supply of employment land in Central Lancashire to 2026.
  - All existing employment sites and premises are protected for employment use, and a presumption that premium sites will be retained for business uses.
  - The Councils continue to maintain and create employment opportunities in Central Lancashire
  - Existing employment sites are only re-used for other uses where it is appropriate and justified

### **Rural Development**

11. Although most development is expected to take place in urban locations, the Core Strategy recognises the need to balance appropriate provision of new development and protection of the countryside. This SPD provides an interpretation of Core Strategy Policy 13 on the Rural Economy, by setting out guidance to such matters as employment (including live-work developments), garden centres and horticultural nurseries, farm shops, tourism uses, equestrian development, community facilities and recreational development. It also contains guidance on the re-use, replacement or extension of buildings in rural areas

### **Access to Healthy Food**

12. This SPD seeks to help implement Core Strategy Policy 23 which integrates public health principles and planning, in order to help improve the health and wellbeing of Central Lancashire's residents. It proposes a restriction on opening new hot food takeaways near to schools, and it provides guidance to encourage the inclusion of allotments and market gardens within new developments"

### **Consultation**

13. Subsequently to this consultation took place on the draft SPD's between 18<sup>TH</sup> April and 30<sup>th</sup> May 2012. This generated 33 responses. As well as comments specific to the particular SPD, a re-occurring theme was the fact that the documents were drafted before the publication of the National Planning Policy Framework and the adoption of the Core Strategy. The National Planning Framework superseded much of the national planning guidance that preceded it. Therefore the authors have updated the documents taking into account the revised guidance and the fact that the Core Strategy has now been adopted.

### **The Updated Documents**

14. The main areas of change/ updating in relation to each SPD are considered in turn below.

### **Affordable Housing**

15. Following the consultation on the draft SPD, there have been a number of changes to the document. The majority of these are minor wording changes to improve the clarity of the SPD but there are a small number of more significant changes to reflect comments considered to be reasonable, particularly around viability and off-site contributions as well as to bring the document in line with the National Planning Policy Framework.

16. The main changes are:  
Wording changes to strengthen the requirement that affordable housing should be provided in perpetuity
17. A simplification has also been provided in terms of the calculation of commuted sums. Developers are also now given the option of a residual valuation calculation, provided all costs, including those incurred by the local authority in assessing the submitted information are at their expense.
18. Clarification is provided in relation to on site affordable housing, in terms of figures being rounded up or down to the nearest whole dwelling where the calculation of the requirement results in a fraction which would have to be the subject of a financial contribution. For example a development of 38 dwellings results in 11.4 affordable homes at a 30% affordable housing requirement. This would be rounded down to 11 rather than requiring a commuted sum for 0.4 of a dwelling.
19. An option is also now included to agree the timescale and phasing of commuted sum payments.

### **The Re-Use of Employment Premises**

20. The document has been updated to accord with the NPPF.
21. In terms of specific detail the requirement in relation to alternative uses for small scale employment use has been amended. As originally drafted the SPD required a 12 months marketing exercise for small and medium employment land and premises before considering an alternative use. This would include advertisement in the regional and local press, including the property press and specialist trade papers on a frequent basis (minimum of 6 adverts) throughout the twelve months timescale. In the current climate it is considered that this would be too onerous, and the requirement within the SPD has been amended to require the submission of a robust supporting statement by an applicant to demonstrate that their proposal would not compromise the availability/ supply of small scale employment land and premises.

### **Rural Development**

22. The document has been amended to improve consistency and clarity of the assessment of the impacts of development upon environmental assets. This has been done by creating a separate section containing general guidance, and limiting further guidance to specific land uses or circumstances.
23. Minor changes have been incorporated to clarify the guidance concerning matters, including the impact of development proposals on the landscape, the extent of retail activity at garden centres, and the construction of new farm buildings.
24. Modification to the guidance has taken place concerning changes from community uses or for the re-use of rural buildings to residential use, to seek viability assessments.
25. Various matters have been clarified in the section entitled "re-use, replacement or extension to buildings in the countryside", including the important distinction between the treatment of dwellings and other rural buildings.

## **Access to Healthy Food**

26. The responses from education establishments/authority to the consultation related primarily to school policies and behaviours, and the relationship of hot food takeaways to schools. The contrasting view was also offered that an attempt to restrict takeaways to promote health is not a planning matter. A concern was also raised that a consequence of the SPD will be that there are virtually no locations within any of the three council areas where takeaway development would be acceptable.
27. The SPD has been updated to take account of the NPPF which says that the “social” dimension to sustainable development includes a health element, and that planning should promote healthy communities and take account of local strategies to improve health. In making plans, the NPPF says at paragraph 171, that local planning authorities should work with public health organisations to understand and take account of health status and needs of the local population.
28. The main change to the document is to take the defined city and town centres out of the 400m exclusion zones. This is in response to the criticism above that the exclusion zones as set out in the draft document would effectively have prevented any new A5 uses in the city and town centres, which would have had a detrimental effect on their vitality and viability, at a time when the town and city centres are experiencing high vacancy rates.
29. Chorley Council proposes to include this issue for Chorley Town Centre in the Publication Local Plan (previously referred to as the Site Allocations DPD) under revised Policy EP6 - Chorley Town Primary Shopping Area, Primary and Secondary Frontages. Under this policy hot food takeaways will be permitted where they do not adversely impact either individually or cumulatively, on the function, vitality and viability of these frontages. In addition, in relation to District and Local Centres, Policy EP7-Development and Change of Use in District and Local Centres only permits hot food takeaways where the centre falls outside a 400m exclusion zone and where they do not adversely impact either individually or cumulatively, on the function, vitality and viability of the centre.

## **Design**

30. There were only limited responses to the Design SPD in the consultation period. Those that were received centred upon factual matters such as the Environment Agency seeking to ensure that development should avoid areas of flood risk and United Utilities requesting that the infrastructure, particularly water and sewerage services is in place to facilitate development. English Heritage and Natural England commented upon the need for guidance to make it explicit that good design is as equally important in the countryside as the built up areas. Another response questioned the standards that commercial buildings would be expected to satisfy.
31. Therefore, the main changes in relation to this SPD centred upon updating in relation to the NPPF and points of clarification

## **REASONS FOR RECOMMENDATIONS**

32. To facilitate the approval of the draft documents subject to compliance with Part 12 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

## **ALTERNATIVE OPTIONS CONSIDERED AND REJECTED**

33. None

## **IMPLICATIONS OF REPORT**

34. This report has implications in the following areas and the relevant Directors' comments are included:

Finance		Customer Services	
Human Resources		Equality and Diversity	
Legal		Integrated Impact Assessment required?	
No significant implications in this area		Policy and Communications	

**COMMENTS OF THE STATUTORY FINANCE OFFICER**

34. No comments

**COMMENTS OF THE MONITORING OFFICER**

35. No comments

LESLEY-ANN FENTON  
DIRECTOR OF PARTNERSHIPS, PLANNING AND POLICY

There are no background papers to this report.

Report Author	Ext	Date	Doc ID
Steven Brown	5229	13/09/12	