



Full Council	Tuesday, 16 April 2019	Matter for Information and Decision
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Report Title: **Adoption of Supplementary Planning Document (SPD) and Statement of Community Involvement (SCI) (April 2019)**

Report Author(s): **Jamie Carr (Planning Policy Team Leader)**

Purpose of Report:	<p>The purpose of this report is to highlight to Members the comments that were received during the Supplementary Planning Document (SPD) public consultations and the Statement of Community Involvement (SCI) public consultation that took place between 8 October 2018 and 19 November 2018. The report highlights how the comments have been taken into account in the production of the final SPD's and SCI which are now recommended for Adoption.</p>
Report Summary:	<p>The consultation comprised of four documents; the revised SCI; the Developer Contributions SPD; the Conservation Areas SPD; and the Residential Development SPD. The SPD's and the SCI are updates and revisions of existing adopted documents. The revisions take account of current national planning policy, legislation and regulations.</p> <p>In general the comments received for all of the documents during the consultation periods were positive, however some respondents did suggest some more significant changes to the Developer Contributions SPD and the Conservation Areas SPD which are explained in this report. All documents have been amended accordingly and are being submitted to Full Council with the recommendation for adoption.</p>
Recommendation(s):	<p>A. That the changes made to the three Supplementary Planning Documents as a result of the public consultation (as set out at Appendices 5 – 8) are approved and adopted;</p> <p>B. That the Statement of Community Involvement (as set out at Appendix 1) is approved and adopted;</p> <p>C. That the Developer Contributions Supplementary Planning Document (as set out at Appendix 2) is approved and adopted;</p> <p>D. That the Conservation Areas Supplementary Planning Document (as set out at Appendix 3) is approved and adopted; and</p> <p>E. That the Residential Development Supplementary Planning Document (as set out at Appendix 4) is approved and adopted;</p>
Responsible Strategic Director, Head of Service and Officer Contact(s):	<p>Stephen Hinds (Director of Finance & Transformation) (0116) 257 2681 stephen.hinds@oadby-wigston.gov.uk</p> <p>Adrian Thorpe (Head of Planning, Development and Regeneration) (0116) 257 2645 adrian.thorpe@oadby-wigston.gov.uk</p> <p>Jamie Carr (Planning Policy Team Leader)</p>

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Corporate Objectives:	Building, Protecting and Empowering Communities (CO1) Growing the Borough Economically (CO2)
Vision and Values:	"A Strong Borough Together" (Vision) Innovation (V4) Customer Focus (V5)
Report Implications:-	
Legal:	The consultation process followed for each of the documents conformed to statutory legislation and requirements, as well as local requirements as set out within the Council's SCI.
Financial:	There are no implications directly arising from this report.
Corporate Risk Management:	Reputation Damage (CR4) Regulatory Governance (CR6)
Equalities and Equalities Assessment (EA):	There are no implications arising from this report. EA not applicable.
Human Rights:	There are no implications arising from this report.
Health and Safety:	There are no implications arising from this report.
Statutory Officers' Comments:-	
Head of Paid Service:	The report is satisfactory.
Chief Finance Officer:	The report is satisfactory.
Monitoring Officer:	The report is satisfactory.
Consultees:	The full Consultation Statements in relation to each of the SPD's and the SCI is set out at paragraph 2.2 and in appendices 5 to 8.
Background Papers:	None.
Appendices:	<ol style="list-style-type: none"> 1. Revised Statement of Community Involvement (April 2019) 2. Revised Developer Contributions SPD (April 2019) 3. Revised Conservation Areas SPD (April 2019) 4. Revised Residential Development SPD (April 2019) 5. Statement of Community Involvement Consultation Statement (2018) 6. Developer Contributions SPD Public Consultation Statement (2018) 7. Conservation Areas SPD Public Consultation Statement (2018) 8. Residential Development SPD Public Consultation Statement (2018) <p>As appendices 1 to 8 are substantially large documents to reproduce, they have <u>not</u> been physically annexed as a hard-copy to this report. Alternatively, a copy of all appendices will be (have been) made available by Planning Policy for inspection:</p> <ul style="list-style-type: none"> • at the Council Offices during ordinary business hours (9:00 am - 5:00 pm) 5-clear working days before the Full Council

	<p>meeting on 16 April 2019 (by 8 April 2019);</p> <ul style="list-style-type: none"> • on the Council's website and via the modern.gov app (as part of the electronic agenda reports pack) 5-clear working days before the Full Council meeting on 16 April 2019; • at the Full Council meeting itself on 16 April 2019; and • by reference to the copies deposited in the Members' Room (Room 104) at the Council Offices (Members only).
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1. Background

- 1.1 Between 8 October 2018 and 19 November 2018 the Council undertook a 6 week public consultation on three revised Supplementary Planning Document's (SPD) and the revised Statement of Community Involvement (SCI). Each of the documents consulted upon were updates to previously adopted documents.
- 1.2 The SCI document sets out the Council's approach to involving and consulting local people and stakeholders in the planning process, more specifically the preparation of the various components of the Local Plan and in making development management decisions on planning applications. The SCI allows all local people, businesses and stakeholders to become fully engaged in the planning process in order for the local planning system to be a positive tool in shaping the future growth and improvement of the Borough.
- 1.3 SPD's are documents which add further detail to the policies set out within the Council's new Local Plan. They can be used to provide further guidance for development on specific sites, or on particular issues, such as design. SPD's do not form part of the Council's development plan, however they are a material consideration in the planning decision making process.
- 1.4 The three SPD's consulted on were; the Developer Contributions SPD; the Conservation Areas SPD; and, the Residential Development SPD. These SPD's are the first 'tranche' of revision documents. Upon adoption, work on the next set of SPD revision documents will begin.

2. Consultation Responses

- 2.1 To ensure that there was an opportunity for the whole community to get involved in commenting on the documents, the consultation was advertised widely.
- 2.2 In addition to a notification letter being sent out to every contact on the Local Plan Database, the Council made all elected Council Members aware of the consultation; advertised the consultation on each of the digital display screens throughout the Borough; advertised the consultation on social media; advertised the consultation on it's website; made available for inspection hard copies of all relevant information and documentation at it's Customer Service Centre in Wigston and the public library in Oadby; and, made available for inspection electronic copies of all relevant information and documentation on its website.
- 2.3 During the consultation for the revised SCI comments were received from three statutory consultees; Natural England, the Environment Agency and Severn Trent Water.
- 2.4 There were no issues raised and/or any suggested amendments to the document. The principle of early and meaningful engagement was supported. Further information relating to the consultation process and the comments received for these documents is contained within the Council's 'Statement of Community Involvement Public Consultation Statement 2018' document appended to this report.
- 2.5 During the consultation for the revised SPD's, representations were received from Natural

England, the Environment Agency, Severn Trent Water, Sport England, East Leicestershire and Rutland Clinical Commissioning Group, Leicestershire County Council Conservation Department, Wigston Civic Society, Montagu Evans on behalf of the University of Leicester and Barton Wilmore on behalf of the Co-op.

- 2.6 The majority of the comments received were positive, however there were some comments that proposed amendments to the wording of the SPD documents. The main comments raised are listed below.

Developer Contributions SPD

- The absence of a specific Viability Assessment underpinning the figures contained within the SPD.
- The justification for the Council seeking a Monitoring Fee to cover the administrative costs to monitor the collection and expenditure of planning obligations from qualifying new developments.
- The justification for the Council in seeking a contribution towards the capital cost of providing 'household' and 'recycling bins' for every new additional home in the Borough.
- The strengthening of the references to Sport England's 'Active Design' principles throughout the document.

Conservation Areas SPD

- Consistency in references to Locally Listed Buildings and Significant Local Buildings...the latter being out of date.
- Amend the wording relating to demolition of buildings within a Conservation Area. The previous assessment criteria relating to demolition was suggested to be overly prescriptive and not in line with current national policy and guidance.
- Whether a general presumption against the change of use and/or the demolition of buildings within a Conservation Area is justified

Residential Development SPD

- Sport England sought the reference of their 'Active Design' Guide within the SPD to ensure that the 10 key principles are taken into account during masterplanning and planning decision making processes.
- The provision of further guidance relating to the use of technical housing space standards and when these should apply, as well as what information is required from an applicant.

- 2.7 Further information relating to the consultation process and the comments received for all of the SPD's is contained within the 'Developer Contributions SPD Public Consultation Statement 2018'; 'Conservation Areas SPD Public Consultation Statement 2018'; and, 'Residential Development SPD Public Consultation Statement 2018', all of which are appended to this report.

3. Post Consultation

- 3.1 Taking account of the comments received during the public consultation, some

amendments have been made to each of the revised SPD documents, however no changes were made to the revised SCI.

Developer Contributions SPD

- The Monitoring and Enforcement section of the SPD has been amended to implement fixed Monitoring Fees. The fees fairly reflect the scale and kind of development, as well as the anticipated cost to the Council to monitor the obligations over the lifetime of the development.
- Paragraph 4.50 within the Open Space, Sport and Recreation Facilities (incorporating Green Infrastructure) section has been amended to make reference to Sport England's 'Active Design' initiative, which seeks to encourage more active lifestyles through good design of new developments.
- The 'Waste: Household and Recycling Receptacles' section, together with 'Appendix 2: Household Waste and Recycling Receptacles Unilateral Undertaking' has been deleted. This decision reflects representations submitted by Barton Wilmore, together with a review of legislation contained within the Environmental Protection Act (1990) which indicates that this is not an appropriate use of S106 contributions.
- To provide applicants / developers with greater levels of clarity about the levels of off-site financial contributions expected of them from new developments, an additional Appendix has been created to illustrate the likely level of contribution per dwelling size, in each ward within the Borough. Reference to this additional Appendix has been added to paragraph 4.72 within the SPD.

Conservation Areas SPD

- All references to Conservation Area Consent have been removed from the document because demolition of any building now requires planning permission.
- The criteria relating to demolition, set out within Chapter 3 of the SPD has been removed. Having considered the comments received it was considered that the criteria was not in line with policy set out within the Council's Local Plan. Reference is now made within the SPD to the relevant Local Plan policy.
- Reference has been made within the SPD to the Technical Housing Standards that are set out within the Council's Local Plan in relation to conversion, sub-divisions and/or changes of use from a building other than residential, to residential.
- Paragraph 3.1 of the SPD has been amended to be more consistent with national policy and guidance, as well as local policy and guidance. Rather than having a 'general presumption against demolition', the wording states that there will be a 'general presumption in favour of retention and preservation'.
- Paragraph 13.12 has been amended to suggest that new buildings will not be permitted in close proximity to important trees unless it can be robustly demonstrated that the new building will not have a detrimental impact on the important tree in question.

Residential Development SPD

- In response to the comments received by Sport England, further text has been added to the SPD document (paragraph 3.2) to reference the Sport England Active guidance, specifically its ten key principles.

- Further text has been added, relating to the use of technical housing space standards and when these should apply, as well as what information is required from an applicant. The additional text comprises two new paragraphs, 3.108 and 3.109. It is considered that the additional text adds clarity for both the applicant and the decision maker.