

PAPER NO.

REPORT TO THE EXECUTIVE MEETING OF 19th DECEMBER 2011

Status: For Decision
Title: Status of Supplementary Planning Guidance
Originator: Stephen Pointer
Where from: LDF Task Panel
Where to next: Council

1 Purpose of the Report

- 1.1 To confirm the status of existing Supplementary Planning Guidance in light of adoption of the Core Strategy and to indicate how it may be reviewed and retain a status of a Supplementary Planning Document

2 Recommendations:

- 2.1 **That the proposed status of existing Supplementary Planning Guidance and other documents listed in Appendix 1 be approved.**
- 2.2 **That existing guidance where still relevant is consolidated in a single Development Management Supplementary Planning Document to be prepared during 2012 and incorporated into the Councils Local Development Scheme.**

3 Summary of Reasons for the Recommendations

- 3.1 To ensure that existing Guidance which is used in the development control process is revised and provide which an appropriate status.

4 Impact on Communities

- 4.1 The existing Guidance provides detailed guidance to help promote good design and for the consideration of many applications

5 Key Facts

- 5.1 The adoption of the Core Strategy on 14th November 2011 has an effect upon the status of existing supplementary planning guidance (SPG) (or supplementary planning documents – SPD) which up to now have related to existing Local Plan policies many of which are to be replaced by policies in the Core Strategy.

- 5.2 SPG and SPD do not form part of the Development Plan (Core Strategy and Local Plan) – they are intended to add detail to what the Development Plan says. They provide non statutory local authority approved planning guidance
- 5.3 Appendix 1 lists all our existing SPG and SPD, the saved policies to which they relate, and whether those saved policies will continue after adoption of the Core Strategy on 14th November 2011.
- 5.4 The majority of existing SPG/SPD are linked to policies which no longer exist since they have been replaced by Core Strategy policies. The Guidance continually makes reference to these policies and whilst some detailed design principles contained within the documents may still be relevant, the general context within which these Guidance Notes are set has changed completely.
- 5.5 The existing Local Development Scheme approved by the Council refers to these Guidance Notes, but makes no provision for updating these documents. The Scheme currently only lists a single new Supplementary Planning Document (that for Developer Contributions and Affordable Housing)
- 5.6 Consideration should be given to how best to retain the value from these documents. A single Development Management SPD to relate directly to Core Strategy policies would be the best means of providing up to date design guidance on a number of issues within a single concise document. Officers in the Development Control team have agreed to resource the task of updating the advice.
- 5.7 Until replaced, it is proposed that the Council should continue to treat specified Guidance or parts of it as a material consideration in the determination of planning applications. Whilst this guidance relates to policies which no longer exist, it has been subject to public consultation, been agreed by Council and been in operation for many years. To suddenly completely ignore the guidance would leave a policy vacuum that would not be in the public interest and could be harmful to interests of local importance. However formal planning decisions should relate to the Core Strategy and can only make reference to the Guidance if it related to a policy in the Local Plan which has not been replaced.
- 5.8 Some SPG (eg Development Briefs) are now old and are out of date. The Appendix is used to formally cancel these.
- 5.9 The LDF Task Panel considers that a single Development Management SPD would be beneficial and understands that if the development control team is involved in its preparation, this will not impact on the priority for the planning policy team of creating proposed development allocations. If Executive agree this recommendation , the Councils Local Development Scheme will be updated accordingly (the document which tells people what Local Planning documents apply in the area).

6 Legal Issues

6.1 There are no legal issues. Councils have discretion about what documents form part of their local planning framework.

7 Resource Issues

7.1 There are no significant additional resource requirements. It is agreed with the Development Control Manager that the work to revise and consolidate existing advice into a single planning document will be undertaken in house by development control staff, who use the documents on a regular basis and are best placed to do this, drawing on practical experience. Consultation stages will be undertaken in conjunction with planned consultation on other documents in 2012 by the Planning Policy team.

8 Equality Impact Assessment Implications/Outcomes

8.1 The SPD would need to be subject to a fresh Equality Impact Assessment

9 Impact on the Organisation

9.1 The Council demonstrates its commitment to good design and development.

10 Community Safety Implications

10.1 The SPD would provide updated advice on making development safer and secure.

11. Carbon Management Implications

11.1 None.

12. Risk Management Implications

12.1 None.

13 Consultation

13.1 Consultation would be carried out on the proposed SPD

14 Options Considered

14.1 Leave existing SPG without a formal status. This would reduce its effectiveness

14.2 Consolidate into a new SPD in a concise format

15 Background Papers

15.1 None.

Previous report(s): None

Information Issued Under Sensitive Issue Procedure: None

Ward Members Notified: N/A

Appendices

A.

APPENDIX A PROPOSED STATUS OF SPG/SPD IN LIGHT OF CORE STRATEGY ADOPTION

Title of the SPG / SPD etc (date adopted) All SPG adopted 3/2003	Relevant Local Plan policy	Is the Local Plan policy saved after adoption of the Core Strategy?	Core Strategy policy which replaces	How relevant is the SPG to the Core Strategy?	Proposed Status
Affordable Housing SPD (Feb 2006)	HS/4	No	CS3	Only in part – needs updating.	Under Review. To be replaced by Developer Contributions and Affordable Housing SPD in 2012. Use as material consideration
Note 1: Design principles to be applied in Harborough District	IN/1, ALT 3	No	CS11, CS2	Only in part – needs updating.	Under Review. To be replaced by Development Management SPD Use as material consideration
Note 2: Residential Development- Major Housing Sites	IN/1, ALT 3	No	CS11, CS2	Only in part – needs updating.	Under Review To be replaced by Development Management SPD Use as material consideration
Note 3: Single Plot Development and Development of Small Groups of Dwellings, including Development within Conservation Areas	HS/8, HS/10, IN/1	HS/8 (Limits to Development) retained	CS17, CS11	Only in part – needs updating.	Under Review and to be replaced by Development Management SPD. Use as material consideration

Note 4: Residential Development in the Countryside	IN/1	No	CS11	Only in part – needs updating.	Under Review and to be replaced by Development Management SPD. Use as material consideration
Note 5: Extensions to Dwellings	IN/1, HS/12	No	CS11	Only in part – needs updating.	Under Review and to be replaced by Development Management SPD. Use as material consideration
Note 6: Agricultural and Equestrian Buildings and Development for Sport and Recreation	IN/1, EV/8	No	CS11, CS17	Only in part – needs updating.	Under Review and to be replaced by Development Management SPD. Use as material consideration
Note 7: Industrial and Commercial Layout and Design Criteria	IN/1, EM/2, EM/6	EM/2 (Control of Development on Employment sites) retained	CS11, CS7, CS17	Only in part – needs updating.	Under Review and to be replaced by Development Management SPD. Use as material consideration
Note 8: New Uses for Old Buildings- A Guide to their Conversion	IN/1, EV/11, EV/13, EV/17, EV/22, EM/3,	No	CS11, CS5, CS7	Only in part – needs updating.	Under Review and to be replaced by Development Management SPD.

	HS/11				Use as material consideration
Note 9: Landscape and New Development	IN/1, EV/20	No	CS11	Only in part – needs updating.	Under Review and to be replaced by Development Management SPD. Use as material consideration
Note 10: Trees and Development	IN/1, EV/19, EV/20	No	CS11	Only in part – needs updating.	Under Review and to be replaced by Development Management SPD. Use as material consideration
Note 11: Hedges and Development	IN/1, EV/20	No	CS11	Only in part – needs updating.	Under Review and to be replaced by Development Management SPD. Use as material consideration
Note 12: Lighting in Town and Country	IN/1, EV/22	No	CS11, CS5	Only in part – needs updating.	Under Review and to be replaced by Development Management SPD. Use as material consideration
Note 13: Crime	IN/1	No	CS11	Only in part – needs	Under Review and to

Prevention and Reduction				updating.	be replaced by Development Management SPD. Use as material consideration
Note 14: Access for People with Disabilities	IN/1, TR/8	No	CS11	Only in part – needs updating.	Under Review and to be replaced by Development Management SPD. Use as material consideration
Note 15: Telecommunications Developments	IN/1	No	CS11	Only in part – needs updating.	Under Review and to be replaced by Development Management SPD. Use as material consideration
Note 16: Requirements for the Provision of Land for Outdoor Play Space in New Residential Developments	IN/1, LR/5	No	CS11, CS8	Guidance already replaced by document prepared.	Replaced by Core Strategy supporting document “Provision for Open Space Sport and Recreation” (2009)
Note 17: Garden Extensions	IN/1, EV/4, EV/5	No	CS11, CS17	Only in part – needs updating.	Under Review and to be replaced by Development Management SPD. Use as material consideration
Note 18: Working from	IN/1	No	CS11	Only in part – needs	Under Review and to

Home				updating.	be replaced by Development Management SPD Use as material consideration
Note 19: Development and Flood Risk	RM/2	No	CS10	Only in part – needs updating.	Under Review and to be replaced by Development Management SPD Use as material consideration
Note 21: Conservatories on Listed Buildings and Buildings of Character	IN/1, EV/15, EV/16, EV/17	No	CS11	Only in part – needs updating.	Under Review and to be replaced by Development Management SPD Use as material consideration
Appendix I to Local Plan	SH/4	No	CS11	In part – needs updating	Under Review and to be replaced by Development Management SPD Use as material consideration
Development Briefs					
Development Brief: Croda Colloids Limited, Gallow Hill, Leicester Road, Market Harborough (7/2003)	IN/1, EV/4, EV/5, EM/2, TR/3, RM/8, RM/10	EM/2 (as above) and RM/8 (sites of local ecological or geological interest) are retained	CS11, CS17, CS5, CS8	Not relevant. Site allocation policy to be considered in Allocations DPD	Cancelled
Development Brief: Land South of Harborough Road, Kibworth (7/2003)	IN/1, KB/2	KB/2 retained	CS11	Not relevant. Site now developed	Cancelled

Development Brief: Airfield Farm, Lubenham/Market Harborough (9/2003)	IN/1, EM/11	EM/11 retained	CS11	Not relevant. Site allocation policy to be considered in Allocations DPD	Cancelled
Development Brief: Torch House, Hallaton (7/2002)	IN/1, EV/11, HS/9	HS/9 (Important Open Land) retained	CS11	Not relevant. Site now developed	Cancelled
Development Brief: Land west of Farndon Road, Market Harborough (4/2001)	IN/1, MH/4	MH/4 retained. Note this reference may be an error and MH/3 may be the correct reference. This is also retained.	CS11	Not relevant. Site now under development	Cancelled
Development Brief: Greenacres Caravan Site, Leicester Road, Lubenham (4/2000)	EM/11	EM/11 retained	CS11	Not relevant. Site allocation policy to be considered in Allocations DPD	Cancelled
Development Brief: Land east of Mill Road, Ullesthorpe (4/2000)	IN/1, UL/1	UL/1 retained	CS11	Not relevant. Site now developed	Cancelled
Village Design Statements/ Parish Plans					
North Kilworth Parish Plan Chapters 5 & 6 (11/2004)	IN/1, EV/11, HS/7	No	CS11, CS1, CS17	Plan/Statement provides background evidence for strategy and helps inform revised site specific allocations.	Material Consideration in assessing proposals made within the village
Tugby and Keythorpe VDS (1/2003)	IN/1, EV/4, HS/8, HS/9, HS/12, EV/11, EV/12, EV/13	HS/8 and HS/9 retained (see above)	CS11, CS17	Plan/Statement provides background evidence for strategy and helps inform revised site specific allocations.	Material Consideration in assessing proposals made within the village

Billesdon VDS (5/2001)	IN/1, EV/4, HS/8, HS/9, HS/12, EV/11, EV/12, EV/13, BI/1	HS/8 and HS/9 retained (see above) and B1/1 (land s-w of Rolleston Road) retained	CS11, CS17	Plan/Statement provides background evidence for strategy and helps inform revised site specific allocations.	Material Consideration in assessing proposals made within the village
Great Bowden VDS (2000)	IN/1, HS/8, HS/11, EV/11, EV/12, EV/13	HS/8 retained	CS11	Plan/Statement provides background evidence for strategy and helps inform revised site specific allocations.	Material Consideration in assessing proposals made within the village
Bitteswell Parish Plan extract (2005)	IN/1, EV/3, EV/4, EV/5, EV/7, EV/11, EV/12, EV/13, EV/16, HS/7, HS/8, HS/9, EM/12, EM/13, EM/14, TR/3, LW/2, LW/3	EV/3 (Separation of settlements), HS/8, HS/9, and LW/3 retained	CS11, CS17, CS1, CS17, CS7, CS5, CS12, CS14	Plan/Statement provides background evidence for strategy and helps inform revised site specific allocations.	Material Consideration in assessing proposals made within the village
Other SPG					
Conservation Areas: Character Statements and Maps (9/2001)	EV/11, EV/12, EV/13	No	CS11	Conservation Area boundaries have been reviewed now and new boundaries are published on the HDC website	Do not now regard as SPG. Conservation area information is produced under separate legislation
Action Plan for Scraftoft	EV/2	EV/2 retained		Site specific	Supporting document

Green Wedge (4/2001)				allocation to be	to EV/2
Existing Supporting Statements to 'Saved' Harborough District Local Plan (HDLP) Policies					
St Mary's Road Gateway (7/2005)	MH/15, MH/8	Retained		Site allocation policy to be considered in Allocations DPD	Supporting document to MH/15 and MH/8
Great Glen VDS (11/2005)	IN/1	No	CS11	Plan/Statement provides background evidence for strategy and helps inform revised site specific allocations.	Forms a material consideration in assessing proposals made within the village
Stoughton Parish Plan extract (11/2005)	IN/1, EV/2, EV/4, EV/5, EV/11, EV/12, EV13, HS/8, HS/9	EV/2, HS/8 and HS/9 retained	CS11, CS17	Plan/Statement provides background evidence for strategy and helps inform revised site specific allocations.	Material Consideration in assessing proposals made within the village
Foxton VDS (7/2007)	IN/1, EV/4, EV/5, HS/8, HS/9, HS/12, EV/11, EV/12	HS/8 and HS/9 retained	CS11, CS17	Plan/Statement provides background evidence for strategy and helps inform revised site specific allocations.	Material Consideration in assessing proposals made within the village