

**AGENDA ITEM**

**REPORT TO COUNCIL**

**27 JANUARY 2021**

**REPORT OF CORPORATE  
MANAGEMENT TEAM**

**COUNCIL /KEY DECISION**

**Regeneration and Housing - Lead Cabinet Member – Councillor Nigel Cooke**

**Supplementary Planning Document Adoption – SPD No.1 - Housing Supplementary Planning Document and SPD No.2 - Householder Extensions and Alterations Supplementary Planning Document**

**SUMMARY**

A Supplementary Planning Document (SPD) provides guidance on how Local Plan policies are applied and will be a material consideration when determining applications for planning permission within the Borough. Two SPDs, the Housing SPD and Householder Extensions and Alterations SPD have been published for public consultation. In order to address the comments raised during the consultation, the documents have been amended where appropriate.

The SPDs (Appendix A and B), the Communities Impact Assessments (Appendix C) Consultation Statement (Appendix D) and Strategic Environmental Assessment Screening Report (Appendix E), are available on the Council's internet e-genda system and in the Members Library. The Consultation Statement includes the schedule of comments received during the consultation period on the draft versions of the SPD, alongside the Council's response.

The SPDs were presented to the Council's Planning Committee on 11<sup>th</sup> March 2020 to provide comments for Cabinet to consider. The SPDs were also endorsed by Cabinet on the 19<sup>th</sup> March 2020 who recommended that Council adopt the documents. However, the subsequent Council meeting was cancelled following the onset of the Covid-19 pandemic.

Council is now recommended to adopt these documents so that they can be used in the determination of planning applications. However, further to an amendment to the Cabinet report, the documents will only be applied to new planning applications which are submitted following adoption of these Supplementary Planning Documents.

Council are also recommended to approve the adoption of these documents as Council policy, subject to minor editing and changes that are be delegated to the Cabinet Member for Regeneration and Housing and the Director of Finance and Business Services.

**REASONS FOR RECOMMENDATION(S)/DECISION(S)**

To create a new guidance, in the form of Supplementary Planning Documents, which reflect the newly adopted Local Plan and set out clear and effective methods of implementing planning policies to aid colleagues, developers, the community and any other interested party.

**RECOMMENDATIONS**

1. Council note the contents of this report.

2. Council adopt SPD No.1 Housing Supplementary Planning Document and SPD No.2 Householder Extensions and Alterations Supplementary Planning Document; and
3. Council delegate the authority to approve non-material and minor alterations to the SPDs to the Cabinet Member for Regeneration and Housing, and the Director of Finance and Business Services, prior to publication.
4. Note that if the new SPDs are adopted that the existing SPD2 Householder Extension Guide, SPG 4 High Density Development: Flats and Apartments and SPD 8 Affordable Housing will apply to those planning applications current and valid on the date of adoption. Once those applications have been determined those SPDs will be superseded and replaced. The new SPD 1 and 2 will immediately apply to those planning applications received after the date of adoption.

## DETAIL

1. Members will recall that the Stockton on Tees Local Plan was adopted on 30th January 2019 providing a detailed planning policy framework which is the starting point for determining planning applications. Subsequently, (25th September 2019) Council resolved to grant delegated authority to the Cabinet Member for Regeneration and Housing and Director of Economic Growth and Development for the production and consultation on a series of draft SPDs. This authority also allowed any necessary amendments to be made as a result of comments received during public consultation, however, formal adoption of the final documents remains with Full Council.
2. Supplementary Planning Documents (SPDs) add further detail and guidance to the implementation of policies in the Local Plan. They do not have the same legal status as the Local Plan, and do not require the same level of preparation and examination prior to adoption.
3. Two SPDs have been prepared and public consultation undertaken between 8th January and 5th February 2020, including a briefing session with Ward Councillors. Each SPD is discussed below, including the outcomes of the consultation and revisions to the documents.

### SPD No.1 Housing

4. The Local Plan provides detailed policies regarding the preferred tenure, layout, type and mix of new housing. This SPD expands these policies providing guidance on, how the Council, through the planning process, will seek to deliver affordable housing; how to calculate a commuted sum or other contribution when off-site affordable housing provision is deemed more appropriate; how optional building regulations will be implemented to make homes more accessible and adaptable for those with limited mobility and advice on how the council will consider this guidance against the viability of a development.
5. During the consultation period, 33 comments were received from 13 parties and these are summarised in the accompanying Consultation Statement (Appendix D). Key issues raised include:
  - Questions over the scope of this SPD, for example, some respondents felt the requirement for accessible and adaptable homes; design and quality of materials and local lettings policies shouldn't be included;
  - The Council should take a cautious approach to support development viability by ensuring that the requirement for new homes to meet optional building regulations for accessibility and adaptability is supported by an appropriate framework for decision makers;
  - That the final SPD should relax a number of requirements relating to planning applications including information to accompany applications and the triggers for delivery and land transfer;

- Concerns regarding the revised calculation for delivery of off-site Affordable Housing through commuted sums;
  - In respondents' opinions, some evidence that supports the Local Plan and the SPD is out-of-date.
6. In response to comments or views received and to provide additional clarity or to rectify any drafting errors, a number of minor changes to the SPD have been made. These are detailed within the Consultation Statement and have been included in response. Where no change has been made, the Consultation Statement sets out the response to the points raised.

#### No. 2 Householder Extensions and Alterations

7. This SPD provides guidance to inform the design of extensions and alterations to residential properties across the Borough. The principles in the document will be used when determining planning applications. Where schemes do not require planning permission residents will be encouraged to consider the guidance in the document when developing a proposal.
8. Six responses were received to the consultation, four of which raised no comments. These comments are also detailed in Appendix D along with the Council's response. The comments received raised minor issues, with only one alteration required to the document.

#### Adoption and Next Steps

9. The SPDs have been prepared in accordance with Government legislation and guidance and have been subject to public consultation in accordance with regulations. Comments raised have been considered and, where necessary adjustments to the documents have been made. It is therefore recommended that the documents, as amended and attached at Appendix A and B are recommended for adoption.
10. Following adoption, the documents will be made available in the Council's main offices, on the Council's website and in public libraries across the Borough. The SPDs will be a material consideration in planning applications. Members should also be aware that legislation makes provision for individuals / organisations to pursue a legal challenge regarding SPDs, and this will end 3-months after adoption of the documents.

### **COMMUNITY IMPACT IMPLICATIONS**

11. The Housing SPD and Householder Extensions and Alterations SPD provide guidance regarding policies in the Stockton on Tees Local Plan, which has already been adopted and subject to a Community Impact Assessment. The Inspector appointed to consider the soundness of the parent policy document, the Stockton on Tees Local Plan, concluded in his report (December 2018) that 'no compelling evidence has been provided to show that the Plan would bear disproportionately or negatively on people who share a protected characteristic.'
12. Consultation has taken place during the preparation of the documents and the Council's consultation database is extensive, including consultees who represent those with protected characteristics.
13. The SPDs have been assessed to have a largely neutral or with some positive impact (through individual SPD based Community Impact Assessment) on people who share a protected characteristic. They are not considered to unlawfully discriminate against individuals or group or provide the grounds for such discrimination. It is considered that 'due regards' have been demonstrated in accordance with the Public Sector Equality Duty contained in Section 149 of the Equality Act 2010.

### **CORPORATE PARENTING IMPLICATIONS**

14. This report does not contain corporate parenting implications.

### **FINANCIAL IMPLICATIONS**

15. The work arising from the further preparation, adoption and distribution of documents recommended in this report will be undertaken within existing budgetary provisions.

### **LEGAL IMPLICATIONS**

16. The 2004 Planning and Compulsory Purchase Act made provision for the preparation of Supplementary Planning Documents (SPDs) to provide greater detail on specific policies within the Local Plan.

17. In addition the Town and Country Planning (Local Planning) (England) Regulations 2012 sets out the requirements for producing Supplementary Planning Documents SPDs). SPDs should not contain new policies and should not be contrary to the Local Development Plan or national policy.

18. The European Directive 2001/42/EC applied through the Environmental Assessment of Plans and Programmes Regulations (SI No.1633) requires a Screening Report for Strategic Environmental Assessment to be produced.

### **RISK ASSESSMENT**

19. This report is categorised as low to medium risk. Existing management systems and daily routine activities are sufficient to control and reduce risk.

### **WARDS AFFECTED AND CONSULTATION WITH WARD/COUNCILLORS**

The adoption of these documents affects all wards within the Borough. A drop-in session was held for all Ward Councillors to attend on 15<sup>th</sup> January 2020 to provide a briefing on the purpose of these documents and the public consultation.

### **BACKGROUND PAPERS**

Adopted Stockton on Tees Local Plan and Policies Map (January 2019)  
Supplementary Planning Documents – Update Report to Cabinet 12<sup>th</sup> September 2019

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