

AGENDA ITEM

REPORT TO CABINET

16 MARCH 2023

**REPORT OF CORPORATE
MANAGEMENT TEAM**

CABINET/COUNCIL/KEY DECISION

Regeneration and Housing - Lead Cabinet Member – Councillor Nigel Cooke

LOCAL DESIGN GUIDE 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.

This “Local Design Guide” SPD has been prepared as part of a suite of guidance documents that expand on policies within the adopted Local Plan (2019). The Local Design Guide SPD and accompanying technical appendices (**Appendices A – E**) is intended as a guide for the design of development sites, with an aim to improving the quality of design within development proposals.

The Local Design Guide SPD and accompanying technical appendices has been published for public consultation and the documents have been amended where appropriate based on the consultation comments received.

It is recommended to adopt the SPD to be used in the determination of planning applications from the point of adoption. If adopted this SPD would supersede and replace existing planning guidance.

REASONS FOR RECOMMENDATION(S)/DECISION(S)

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

RECOMMENDATIONS

1. Cabinet notes the contents of the report.
2. Cabinet note and consider comments of Planning Committee (to be tabled at meeting).
3. Cabinet adopts the Local Design Guide Supplementary Planning Document and its accompanying technical appendices.
4. Cabinet delegate the authority to approve non-material and minor alterations to the SPD and its accompanying technical appendices to the Cabinet Member for Regeneration and Housing, and the Director of Finance, Development and Regeneration, prior to publication.

5. Cabinet note that the Local Design SPD will apply to all planning applications submitted to the Council after the adoption date and the following Supplementary Planning Documents will be superseded:
 - Supplementary Planning Document 1: Sustainable Design Guide
 - Supplementary Planning Guidance: High Density Development: Flats and Apartments
 - Supplementary Planning Document: Shop Front Design and Advertisements
 - The following elements of Supplementary Planning Document: Open Space, Recreation and Landscaping:
 - 8) Landscaping on development sites
 - Appendix 2- Planting within Stockton-on-Tees
 - Appendix 3- Tree protection
 - Appendix 4: Tree planting specification for softscape areas

However, these Superseded SPDs will continue to be applied in the determination of any valid planning applications submitted on or before the date of adoption of the Local Design SPD.

DETAIL

1. 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 because 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.

The Local Design Guide

3. The Local Design Guide SPD (**Appendix A**) is intended as a guide for the design of development sites, with an aim to improve the quality of design proposals and improving the process of gaining planning approval. The guide sets out the design process in step-by-step stages, intended to guide developers and designers through the master planning of a site. A key aspect of the 'Design Process' is engagement and design review which is designed to assist in ensuring applications submitted have been shaped by all relevant stakeholders including the local planning authority.
4. The main document is accompanied by a series of technical appendices that provide further technical guidance and standards on Landscaping and Trees, Play Provision and Shop Front Design and Advertisements. (**Appendix B, C and D**). To accompany the main design guide document, a short overview document has also been developed (**Appendix E**) that summarises the 'Design Process'. This is intended as a quick reference guide for designers and developers.

Consultation

5. During the consultation period on the draft SPD (which took place between 21st November and 19th December 2022), a total of 13 responses were received on the contents of the draft SPD. These responses can be summarised as falling into three main categories:
 - Development Industry

- Local Residents
 - Organisations
6. The accompanying consultation statement (**Appendix F**) contains a schedule of the comments received and the council's response to them. In response to comments or views received and to provide additional clarity or to rectify any drafting errors, several minor changes to the SPD have been made.

Adoption and Next Steps

7. The SPD has been prepared in accordance with Government legislation and guidance and has 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 to E** are recommended for adoption.
8. 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 SPD 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

9. A community impact assessment has been completed, The CIA has not identified any potential for discrimination or adverse impact and all opportunities to promote equality have been taken.
10. The wide ranging evidential and consultation activities in the preparation and subsequent adoption of the parent policies in the Local Plan, the consultation and engagement in respect of the SPD, means that the Council do not consider that the SPD will unlawfully discriminate against any group or individual, or provide the grounds for such discrimination. Furthermore, it is considered that the Council has demonstrated 'due regards' across all protected characteristics.

CORPORATE PARENTING IMPLICATIONS

11. This report does not contain corporate parenting implications.

FINANCIAL IMPLICATIONS

12. 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

13. 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.
14. 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.

15. 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

16. This Supplementary Planning Document 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 this document affects all wards within the Borough. A Council members briefing session was held for all Ward Councillors to attend on 21st November 2022 to provide a briefing on the purpose of these documents and the public consultation. The amended SPD presented for adoption was taken to Planning Committee on 15th March 2023; comments received at Planning Committee are to be tabled alongside this report.

BACKGROUND PAPERS

The SPD and associated documents to be adopted are as follows:

- Appendix A - Stockton-on-Tees Local Design Guide Supplementary Planning Document
- Appendix B - Landscaping and trees- Technical Guidance and Standards
- Appendix C - Play areas- Technical Guidance and Standards
- Appendix D - Shop fronts and advertisements- Technical Guidance and Standards
- Appendix E - Design Process Overview

The remaining documents (below) were developed to support and inform the preparation of the SPD:

- Appendix F - Consultation Statement
- Appendix G - Strategic Environmental Assessment Consultation Screening Report
- Appendix H - Community Impact Assessment

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