

CABINET
25 JULY 2017

***PART 1 – PUBLIC DOCUMENT**

AGENDA ITEM No.

10

TITLE OF REPORT: REVIEW OF EXISTING NORTH HERTFORDSHIRE PLANNING GUIDANCE

REPORT OF THE STRATEGIC DIRECTOR OF PLANNING AND ENTERPRISE
EXECUTIVE MEMBER: COUNCILLOR DAVID LEVETT
COUNCIL PRIORITY: PROSPER AND PROTECT

1. EXECUTIVE SUMMARY

- 1.1 The Council is currently preparing a new Local Plan containing planning policies and site allocations, which will shape development in the District to 2031.
- 1.2 To provide additional detail on planning policies and sites, the Council can produce separate planning guidance documents to provide clarity to applicants and case officers when determining planning applications.
- 1.3 To support the current Saved Policies of the District Plan No.2 with Alterations, the Council already has a series of adopted planning guidance documents.
- 1.4 A review of these existing documents has been undertaken to identify whether they remain relevant in light of the Council's emerging Local Plan that was submitted for Examination on 9 June 2017, or require updating, consolidating or revoking.
- 1.5 This report contains recommendations for these existing planning guidance documents. The production of any new planning documents, as required, would be covered in future reports.

2. RECOMMENDATIONS

- 2.1 That Cabinet approve the revocation of the planning guidance set out in Table A at paragraph 8.8.
- 2.2 That Cabinet approve the review, and where appropriate the consolidation, of existing or new planning guidance documents set out in Table B at paragraph 8.11.

3. REASONS FOR RECOMMENDATIONS

- 3.1 The Council submitted its Local Plan to the Secretary of State on 9 June 2017 for Examination and an Inspector has been appointed. The review of the Council's existing planning guidance documents and the actions contained in this report will demonstrate to the Planning Inspector that the Council has a clear and up to date approach to the authority's planning guidance.

- 3.2 In relation to supplementary planning documents (SPDs), paragraph 153 of the National Planning Policy Framework (NPPF) sets out that SPDs should be used where they can help applicants make successful applications or aid infrastructure delivery, and should not be used to add unnecessarily to the financial burdens on development.
- 3.3 Planning Practice Guidance to the NPPF outlines that supplementary planning documents should build upon and provide more detailed advice or guidance on the policies in the Local Plan.
- 3.4 The Council currently has a large number of existing planning guidance documents, some of which are out of date, or require updating or consolidating with other planning documents.

4. ALTERNATIVE OPTIONS CONSIDERED

- 4.1 The alternative option is to continue with the Council's existing series of planning guidance documents. This has not been deemed a suitable approach given that many documents are now out of date, no longer necessary, or are superseded by emerging Local Plan or Neighbourhood Plan policies/ national policy and guidance, or by Building Regulations.

5. CONSULTATION WITH RELEVANT MEMBERS AND EXTERNAL ORGANISATIONS

- 5.1 The Executive Member for Planning and Enterprise has been kept informed on the matters set out above.
- 5.2 Revisions to any retained or consolidated planning guidance will be subject to Cabinet approval and consultation, in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012.

6. FORWARD PLAN

- 6.1 This report contains a recommendation on a key decision that was first notified to the public in the Forward Plan on the 5th May 2017.

7. BACKGROUND

- 7.1 To provide additional detail on planning policies and sites contained in the Local Plan, the Council is able to produce separate planning guidance documents.
- 7.2 The Council has a series of existing planning guidance documents, which include Supplementary Planning Guidance (SPGs), Supplementary Planning Documents (SPDs), Town Centre Strategies and Planning/ Development Briefs. These documents are available on the Planning Policy pages of the Council's website and provide guidance to the public, applicants and case officers when considering planning applications.
- 7.3 SPDs replaced SPGs in the new planning system introduced under the Planning and Compulsory Purchase Act 2004 and perform the same function. The Council has a number of SPGs, which remain material considerations when determining planning applications.

- 7.4 In the case of SPDs, these documents elaborate upon planning policies and provide more detailed information than can be contained in the policies themselves.
- 7.5 SPDs do not have the same status as the policies within the Development Plan (in North Hertfordshire's case, the Local Plan) and are not subject to an independent Examination. However, SPDs have to undergo public consultation (the requirements of which are stipulated in the Town and Country Planning (Local Planning) (England) Regulations 2012), and are taken into account as material considerations when determining planning applications.
- 7.6 The Council has Town Centre Strategies for the District's four main towns Hitchin, Letchworth Garden City, Baldock and Royston.
- 7.7 There are additionally three existing Planning/Development Briefs that set out in more detail about how sites should be developed. These include the Paynes Park Planning Brief, the Churchgate Planning Brief and the Royston Cross Development Brief.
- 7.8 It is worth noting that two of the Town Centre Strategies, for Letchworth Garden City and Royston, are additionally adopted as SPDs. The other two Town Centre Strategies for Hitchin and Baldock, as well as the Council's Planning/ Development Briefs, are not adopted as SPGs or SPDs and are adopted as the Council Statement of Policy and provide necessary guidance when considering planning applications.

8. RELEVANT CONSIDERATIONS

- 8.1 The Council submitted its Local Plan to the Secretary of State on 9 June 2017 for Examination and an Inspector has been appointed.
- 8.2 To demonstrate to the Local Plan Inspector that a holistic approach is being taken in relation to all of the Council's policies and supporting guidance, the planning policy team has undertaken a review of existing guidance. The review involved the input of the development management team.
- 8.3 The findings of the review indicated that whilst many of the documents were still valid and used frequently by development management officers, there were a number that had become obsolete and could be revoked, reviewed and/or consolidated with other policies or guidance.
- 8.4 It is worth noting that in all cases where officers have deemed a document to remain valid, a review will still be necessary to ensure the guidance is up-to-date and continues to meet the aims of both national policy and guidance and the emerging Local Plan.
- 8.5 Consolidating planning guidance where possible is also deemed beneficial to provide clarity to both case officers and applicants, which should therefore improve the efficiency of the planning application process and lead to higher quality developments across the District.
- 8.6 The following sections identify the proposed way forward for the Council's existing planning guidance.

Existing guidance to be revoked

- 8.7 The following documents have been identified to be revoked without direct replacement. These have been identified as they are now out of date, no longer required, or are superseded by emerging Local Plan or Neighbourhood Plan policies/national policy and guidance or by Building Regulations.
- 8.8 As shown below, some documents that were adopted as SPGs were produced by an external organisation. NHDC therefore has no particular remit to amend, update, consult upon or approve these documents. Responsibility for their review lies with other bodies. It is proposed that these documents are instead cross-referenced in the relevant NHDC planning document. This would allow these documents to be revoked as NHDC adopted supplementary guidance.

TABLE A

Title	Reason for revocation	Timescale
SPG1: Land North of Royston	Sites identified are largely developed out or are allocations in the emerging Local Plan.	Revoke with immediate effect
SPG4: Golf Courses and Facilities	No longer required. The guidance was produced in response to a large number of planning applications for golf courses in the early 1990s. This is no longer a significant issue for the Council warranting supplementary guidance.	Revoke with immediate effect
SPG6: Designing for Accessibility	Out of date. Covered by the Building Regulations and emerging Local Plan Policy HS5 Accessible and adaptable housing.	Revoke with immediate effect
SPG8: Urban Regeneration	Out of date. Conflicts with more recent national planning policy and guidance.	Revoke with immediate effect
SPG10: Nightingale Road, Hitchin (Site HS2)	Out of date. Refers to previous national planning policy PPG24 that no longer exists.	Revoke with immediate effect
SPG15: Shopping areas in town centres	Out of date. Refers to previous national planning policy PPG6 that no longer exists.	Revoke with immediate effect
SPG16: Environmental guidelines for the management of roads in the Chilterns AONB.	This document is an external document jointly published by the Chilterns Conservation Board, Bedfordshire County Council, Buckinghamshire County Council, Hertfordshire County Council and Oxfordshire County Council.	Revoke upon inclusion within, and adoption of, the updated Transport and Parking SPD.

	To ensure this guidance is referred to by applicants, a cross-reference to the latest guidance and any future updates will be included in the update of the Design SPD.	
SPG17:Chilterns buildings design guide	<p>This document is an external document produced by the Chilterns Conservation Board.</p> <p>To ensure this guidance is referred to by applicants, a cross-reference to the latest guidance and any future updates will be included in the update of the Design SPD.</p> <p>Emerging Local Plan Policy NE3 part e) additionally requires applicants to comply with the Chilterns Building Design Guide.</p>	Revoke upon inclusion within, and adoption of, the updated Design SPD, or the emerging Local Plan, depending on which document is adopted first.
SPG18: Ashwell village design statement	Anticipated this will be covered by proposed Neighbourhood Plan	Revoke upon adoption of any relevant Neighbourhood Plan should it contain an equal statement.
SPG20:Letchworth Design Guide	<p>This document is an external document produced by the Letchworth Garden City Heritage Foundation.</p> <p>To ensure this guidance is referred to by applicants, a cross-reference to the latest guidance and any future updates will be included in the update of the Design SPD.</p>	Revoke upon inclusion within, and adoption of, the updated Design SPD.
SPG21: Pirton Village Design Statement	Covered by emerging Neighbourhood Plan	Revoke upon adoption of the relevant Neighbourhood Plan should it contain an equal statement
SPG:Energy conservation requirements	Out of date. Covered by the Building Regulations.	Revoke with immediate effect
Paynes Park Planning Brief	Covered by emerging Local Plan policy HT12 which sets site specific criteria taken from the brief.	Revoke upon inclusion within, and adoption of, the updated Town Centre Strategies for Hitchin or the emerging Local Plan, depending on which document is adopted first.

Churchgate Brief	Planning	Covered by emerging Local Plan policy HT11 which sets site specific criteria taken from the brief.	Revoke upon inclusion within, and adoption of, the updated Town Centre Strategies for Hitchin or the emerging Local Plan, depending on which document is adopted first.
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Existing guidance to be retained

- 8.9 The following existing guidance has been identified to be retained, although possibly in a different format. The proposed way forward represents current officer thinking. The exact nature of the format and number of guidance documents going forward will be developed as the Local Plan and relevant strategies progress,
- 8.10 As set out below, the guidance to be retained will be reviewed to ensure it is up to date and is consistent with the emerging Local Plan as well as national policy and guidance.
- 8.11 Where the Council has identified planning guidance documents that would be beneficial to retain, the documents are proposed for consolidation where possible. This will ensure a more streamlined approach and will improve clarity for the public, case officers and applicants.

TABLE B

Title	Proposed way forward
SPG3: Access to Hitchin Industrial Areas This guidance refers to the upgrade of the Cadwell Lane junction.	Review and include in the Transport Strategy
SPD: Vehicle Parking at New Developments	Review upon adoption of the Local Plan and include in a Transport and Parking SPD to reflect coverage of wider transport issues.
SPG19: North Herts Towns Cycle Routes Network(part 1: introduction and Royston)	Review and consolidate where possible into a single document on sustainable transport
SPG19: North Herts Towns Cycle Routes Network (part 2: Baldock)	
SPG19: North Herts Towns Cycle Routes Network (part 3: Letchworth)	
SPG19: North Herts Towns Cycle Routes Network (part 4: Hitchin)	

SPD: Design Supplementary Planning Document	Review and consolidate into single revised Design SPD
SPG11: Design guide for a shopfront in Baldock	
SPG12: Design guide for a shopfront in Hitchin	
SPG13: Design guide for a shopfront in Letchworth	
SPG14: Design guide for a shopfront in Royston	
Baldock Town Centre Strategy	Review and consolidate into an overarching Town Centre Strategies SPD with sections for each town that can be individually reviewable. The guidance would be produced to provide a balance between high level principles and specific detail for each town.
Hitchin Town Centre Strategy	
Letchworth Garden City Town Centre Strategy	
Royston Town Centre Strategy	
Royston Cross Development Brief	
SPG: River Hiz Development Guidelines	
SPD: Guidance for Planning Obligations Supplementary Planning Document	Review document and title to be confirmed pending the Government's response to the CIL Review (please refer to paragraph 8.16 below)

Programme and next steps

- 8.12 Whilst the planning policy team's resources will be focused on the Local Plan Examination in the coming months, it is expected that reviews of the relevant guidance documents as set out above will commence in late 2017/early 2018. The reviews will be progressed as required, however, at this stage it is anticipated that the review of the following planning guidance documents will be prioritised:
- SPD: Vehicle Parking at New Developments to be revised and renamed 'Transport and Parking SPD'.
 - SPD: Design Supplementary Planning Document
 - SPD: Guidance for Planning Obligations Supplementary Planning Document (title to be confirmed pending the Government's response to the CIL Review (please refer to paragraph 8.16 below)).
- 8.13 It should additionally be acknowledged that the Examination process for the Local Plan and ongoing planning applications could identify other issues that would benefit from the creation of new planning guidance, or the inclusion within existing guidance.
- 8.14 Any new or revisions to existing guidance would be undertaken in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012, including the aspects relating to consultation procedures.
- 8.15 As referred to in paragraph 9.4, Supplementary Planning Guidance is not caught by the Town and Country Planning (Local Planning) (England) Regulations 2012, however it was considered by the planning policy team that a holistic approach be taken with regards to both saved policies and guidance.

- 8.16 It is worth noting that Government's approach following the Housing White Paper (February, 2017)¹ and the Community Infrastructure Levy (CIL) Review (February, 2017),² (as reported in the 22 November 2016, 19 December 2016 and 24 January 2017 Strategic Planning Matters reports), will also have a significant bearing on the future direction and content of planning guidance. Government has identified a number of proposed amendments in the White Paper, some of which require further consultation. The CIL Review proposes the introduction of a nationally determined tariff which could obviate the need for NHDC to formulate its own Levy.
- 8.17 Whilst the CIL Review findings were published at the same time as the Housing White Paper, a decision has yet to be made on the future operation of CIL and its interaction with Section 106. Government will respond to the independent review at Autumn Budget 2017.
- 8.18 The requirement scope of any planning obligations guidance will be determined once these outcomes are known.

9. LEGAL IMPLICATIONS

- 9.1 In terms of revocation, the Town and Country Planning (Local Planning) (England) Regulations 2012, Section 15(2) states that a local planning authority may revoke any supplementary planning document.
- 9.2 The preparation, adoption revocation or withdrawal of planning guidance, including SPDs are not reserved to Full Council.
- 9.3 Under the Terms of Reference for Cabinet paragraph 5.6.18 of the Constitution states that the Cabinet should exercise the Council's functions as Local Planning Authority except where functions are reserved by law to the responsibility of the Council or delegated to the Strategic Director of Planning, Housing and Enterprise.
- 9.4 SPGs are Local Development Documents (LDDs) for the purposes of plan-making, however, they are not Development Plan Documents (DPDs) and therefore are not subject to the same processes of consultation and adoption as set out in the Town and Country Planning (Local Planning) (England) Regulations 2012.

10. FINANCIAL IMPLICATIONS

- 10.1 An allowance has been made within the Local Plan budget for the preparation and review of planning guidance.
- 10.2 Longer term, streamlining the available planning guidance and providing enhanced clarity to both case officers and applicants has the potential to improve efficiency in the planning application process, thus reducing costs associated with officer time.

11. RISK IMPLICATIONS

- 11.1 Although the Local Plan itself is a top risk for the Council, as planning guidance clarifies policy, it is not deemed a high risk.

¹ Housing White Paper, Fixing our broken housing market, February 2017

² CIL Review, A new approach to developer contributions: a report by the CIL Review team, February 2017

- 11.2 Nonetheless, the risks associated with not undertaking the actions set out in this report include: lack of clarity and uncertainty to case officers and applicants when determining planning applications, potential to impede the Local Plan Examination process, and lack of consistency with the emerging Local Plan as well as national planning policy and guidance.

12. EQUALITIES IMPLICATIONS

- 12.1 In line with the Public Sector Equality Duty, public bodies must, in the exercise of their functions, give due regard to the need to eliminate discrimination, harassment, victimisation, to advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not.
- 12.2 An Equality Impact Assessment has been produced for the Council's Local Plan. This has been submitted as an evidence base document as part of the Local Plan Examination. The assessment has identified no negative impacts arising from the Local Plan. As planning guidance directly stems from the Local Plan policies, it can be inferred that there are no negative impacts arising from the proposed actions outlined in this report.

13. SOCIAL VALUE IMPLICATIONS

- 13.1 As the recommendations made in this report do not constitute a public service contract, the measurement of 'social value' as required by the Public Services (Social Value) Act 2012 need not be applied, although equalities implications and opportunities are identified in the relevant section at Section 12.

14. HUMAN RESOURCE IMPLICATIONS

- 14.1 The Strategic Planning team is a small team with one vacancy, a further recent resignation and in the future an officer going on maternity leave. These three posts have been advertised and a verbal update on resources will be given at the meeting.
- 14.2 As set out in Section 10 Financial Implications above, longer term, streamlining the available planning guidance and providing enhanced clarity to both case officers and applicants has the potential to improve efficiency in the planning application process, therefore minimising staff resources.

15. CONTACT OFFICERS

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16. BACKGROUND PAPERS

- 16.1 The Council's current supplementary guidance can be found on the Council's Planning Policy webpage at:
<https://www.north-herts.gov.uk/home/planning/planning-policy/local-plan/local-plan-current-policy>