

Name of meeting: Cabinet

Date: 22nd June 2021

Title of report: Adoption of quality places Supplementary Planning Documents and Biodiversity Net Gain Technical Advice Note June 2021 and revocation of related Supplementary Planning Guidance.

Purpose of report:

To request that Cabinet seek to adopt several Supplementary Planning Documents and a Technical Advice Note and revoke superseded Supplementary Planning Guidance.

Key Decision - Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?	Yes (this affects more than one electoral ward) Yes If yes give the reason why Affects all electoral wards
Key Decision - Is it in the <u>Council's Forward Plan (key decisions and private reports)</u>?	Key Decision – Yes
The Decision - Is it eligible for call in by Scrutiny?	Yes
Date signed off by <u>Strategic Director</u> & name Is it also signed off by the Service Director for Finance? Is it also signed off by the Service Director for Legal Governance and Commissioning?	David Shepherd (Strategic Director - Growth and Regeneration) 03/06/2021 Eamonn Croston (Service Director – Finance) 04/06/2021 Julie Muscroft (Service Director – Legal, Governance and Commissioning) 10/06/2021
Cabinet member <u>portfolio</u>	CLlr McBride

Electoral wards affected: All

Ward councillors consulted:

The following ward councillors have been consulted/briefed on this item:

- Cllr McBride, Cllr Khan, Cllr Mather, Cllr Davies and Cllr Simpson briefings
- Economy & Neighbourhood Scrutiny Panel (20th December 2019)
- Economy & Neighbourhood Scrutiny Panel (6th October 2020)
- Leadership Management Team (cabinet members) (1st March 2021)
- Planning Committee Chairs briefings: Cllr Lyons, Cllr Hall

Public or private: Public

Has GDPR been considered? Yes, there is no personal information contained in this report.

1. Summary

The purpose of this report is to seek approval for Cabinet to adopt several quality places Supplementary Planning Documents and a Biodiversity Net Gain Technical Advice Note. This will up-date and therefore replace existing Supplementary Planning Guidance documents which will be revoked.

2. Information required to take a decision

Background

The Local Plan, adopted on 27th February 2019, contains policies to be considered when determining planning applications. Supplementary Planning Documents (SPDs) are produced to provide guidance on the implementation of Local Plan policies to provide clarity for all parties in the planning process. The benefit to developers is that the suite of documents set out the expectations for new residential development in Kirklees alongside the already adopted SPDs. Once adopted by the Cabinet, these documents would become a material consideration in determining planning applications. The documents are:

- Housebuilder Design Guide SPD - aims to ensure future housing development is high quality, socially inclusive and built to high environmental standards.
- House Extensions and Alterations SPD - aims to help householders, developers, and architects planning extensions/alterations to an existing residential property.
- Open Space SPD - detailed guidance on the requirements for different types of open space, sports and recreation provision to serve new housing developments.
- Biodiversity Net Gain Technical Advice Note – applies to all major developments and provides clarity for applicants how to achieve biodiversity net gain through developments. This includes the introduction of 10% biodiversity net gain as a desirable outcome. Once the Environment Bill is passed and the appropriate legislation in place the council will seek to produce an SPD.

These documents were considered by LMT on 14th September 2020 in advance of public consultation. A presentation on the structure of the documents was taken to Economy and Neighbourhood Scrutiny Panel (6th October). Public consultation then took place for 8 weeks (Monday 19th October to Monday 14 December 2020)¹.

A summary of the main issues raised during the public consultation and how these issues have been addressed in the SPDs are set in the Statements of Consultation (Appendix 5-8). These include a full schedule of comments received during the consultation on each draft document and the council's proposed responses, including changes made to the documents as a result of consultation.

The council has previously produced several Supplementary Planning Guidance (SPG) notes to supplement planning policies contained in the Kirklees Unitary Development Plan (adopted 1st March 1999). Two of these documents include guidance relating to the design of house extensions and alterations:

- Design Guidance for Local Distinctiveness: Erection of Domestic Extensions
- Householders Guide to Dormer and Other Roof Extensions

These documents relate to the former Kirklees Unitary Development Plan which is no longer relevant and as a consequence the guidance has become out-of-date. These SPGs will be

¹ <https://www.kirklees.gov.uk/beta/planning-policy/quality-places-consultation.aspx>

revoked and replaced by new guidance set out in the House Extensions and Alterations Supplementary Planning Document which seeks to implement current Local Plan policy.

The revoked Supplementary Planning Guidance documents will be deleted from the council's website and no longer used for decision making purposes.

Options

The council has now reached the adoption stage of the preparation of the Supplementary Planning Documents and Biodiversity Net Gain Technical Advice Note. The alternative option would be not to adopt these guidance documents but this would restrict the Council's ability to influence well-designed future housing development in implementing policies set out in the adopted Local Plan.

Expected outcomes

The main implications for the council in producing the Supplementary Planning Documents and guidance are the promotion of greater clarity, consistency and improved certainty in relation to the implementation of Local Plan open space, design and biodiversity policies. This should enable more effective decision making through the planning application process, from pre-app to determination.

3. Implications for the Council

- **Working with People**

The SPDs and Biodiversity Net Gain Technical Advice Note will enable communities to understand the council's expectations regarding the delivery of well-designed housing developments. The council has undertaken public consultation in accordance with the Statement of Community Involvement (SCI).

- **Working with Partners**

The SPDs will enable housebuilders, developers, agents and external partners, such as statutory consultees, and the public to understand the council's expectations regarding the delivery of well-designed housing developments. The council consulted statutory consultees on the draft documents, who were broadly supportive of the content. These comments are included in the appendices.

- **Place Based Working**

The SPDs and Biodiversity Net Gain Technical Advice Note form part of the 'quality places' agenda by setting out what the Council considers to be good residential design, clarity relating to open spaces and the approach to biodiversity net gain. This is to ensure future developments (particularly housing) achieve the required high quality and socially inclusive design necessary to deliver quality places which are attractive, sustainable, safe and accessible.

- **Climate Change and Air Quality**

The suite of Quality Places SPDs and Biodiversity Net Gain Technical Advice Note (TAN) aim to improve the quality of residential development in Kirklees through good design, including responding to the climate change emergency.

An Integrated Impact Assessment has been produced for each of the documents. These have been updated following public consultation on the draft SPDs and TAN and can be viewed at <https://www.kirklees.gov.uk/beta/delivering-services/integrated-impact-assessments.aspx>

The SPDs and Biodiversity Net Gain Technical Advice Note seek to clarify the implementation of policy already set out in the adopted Kirklees Local Plan. In doing so they have the following links to climate change:

- Open Space SPD - provides clarity relating to the types of open spaces required from new developments, including design guidance to help increase resilience to climate change through the delivery of open space provision.
- Housebuilder Design Guide – clarifies the importance of considering issues such as active travel, renewable energy, energy efficiency, using local materials, green/blue infrastructure, future proofing, considering density.
- Household Extensions and Alterations SPD - refers to the importance of considering energy efficiency in house extensions, considering overshadowing, suitable construction methods and low emissions build standards where possible.
- The Biodiversity Net Gain Technical Advice Note focuses on ensuring 10% biodiversity net gain to ensure species and habitats are enhanced in Kirklees.

- **Improving outcomes for children**

The SPDs form part of the 'quality places' agenda by setting out what the Council considers to be good residential design, clarity relating to open spaces and the approach to biodiversity net gain. This is to ensure future developments (particularly housing) achieve the required high quality and socially inclusive design necessary to deliver quality places which are attractive, sustainable, safe and accessible. The Open Space SPD will help improve outcomes for children through the delivery of new and improved opportunities for play and recreation.

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- **Other (Financial, HR, Communications issues (including value for money))**

- **Legal** - The requirements for producing SPD's are set out in the Town and Country Planning (Local Planning) (England) Regulations 2012 and the Town and Country Planning (Local Planning) (England) (Amendment) Regulations 2017.
- **Financial** - This guidance provides further clarity in relation to the implementation of Local Plan policies LP24 (Design), LP63 (New Open Space) and LP30 (Biodiversity and Geodiversity). In doing so it provides detailed guidance for quality places allowing developers to factor these requirements into early development appraisals. The work is included in the Local Development Scheme (LDS) and has therefore been undertaken within existing budgets.
- **Human resources** - The proposal for these Supplementary Planning Documents is identified in the Local Development Scheme (Planning Policy documents timetable) as approved by Cabinet and as such existing staff resources are being used for the project. Once adopted, the documents will be used as part of the existing Development Management process to help determine planning applications.

- **Communications:**

The council undertook the formal public consultation from Monday 19th October to Monday 14 December 2020. This is set out in the Statements of Consultation for each SPD document (Appendix 5-8). This included a press release in the Huddersfield Examiner on 23rd October 2020 and the Dewsbury Reporter on 22nd October 2020. A Key Decision Notice was issued on 17th May 2021.

- **Do you need an Integrated Impact Assessment (IIA)?**

An Integrated Impact Assessment (Stage 1) has been undertaken in relation to the SPDs and Biodiversity Net Gain Technical Advice Note. These showed that a Stage 2 assessment was not required. The Integrated Impact Assessments can be viewed at: <https://www.kirklees.gov.uk/beta/delivering-services/integrated-impact-assessments.aspx>

4. Consultees and their opinions

- External - A Strategic Environmental Assessment (SEA) Screening has been undertaken by the council, which concluded that a full SEA is not required. The three statutory consultees (Environment Agency, Natural England and Historic England) agreed with this conclusion and this is set out in the SEA Determination Statements published on the council's website. Sport England comments on the Open Space SPD are set out in the Open Space SPD Statement of Consultation. The Appendices to the Statements of Consultation set out the consultation comments received and the council's response including appropriate changes to the documents.
- Internal (officers) - Consultation has taken place internally with council officers who input into planning applications, e.g., Housing Growth, Kirklees Neighbourhood Housing, Landscape Architects, Public Health, the Sports & Physical Activity Manager, Development Management, Highways Development Management, Designing Out Crime Officer, Major Projects, Flood Management and Drainage, and Cultural Development. Officers who determine planning applications in Development Management were also consulted as part of the process.
- Internal (members) - Since the formal public consultation, the following briefing has occurred:
 - Cllr McBride, Cllr Mather and Cllr Davies were briefed on 22nd February 2021 and Leadership Management Team (cabinet members) were briefed on 1st March 2021 on the outcomes of the consultation and proposal to seek a Cabinet decision to adopt the SPDs and biodiversity guidance note.

5. Next steps and timelines

Once the SPDs are adopted by Cabinet and the Biodiversity Net Gain Technical Advice Note approved by Cabinet these will be published on the Council's website and used to determine planning applications. These will replace two existing Supplementary Planning Guidance notes which will be removed from the council's website and no longer available.

Following adoption, legislation allows for a three-month period to lodge a legal challenge against the Council's decision to adopt. An application can be submitted to the High Court for permission to apply for judicial review of the decision to adopt the SPDs.

6. Officer recommendations and reasons

It is recommended that Cabinet:

- 1) Adopts the quality places Supplementary Planning Documents and approves the Biodiversity Net Gain Technical Advice Note covered in this report. Once adopted/approved these will be published on the council's website.

Reason: The proposed documents listed will provide improved clarity for the community, officers, elected members and developers in determining planning applications in accordance with the Local Plan. These documents have been appropriately amended following public consultation in October 2020.

- 2) Revoke related Supplementary Planning Guidance ('Design Guidance for Local Distinctiveness: Erection of Domestic Extensions' and 'Householders Guide to Dormer and Other Roof Extensions') which will be replaced by the House Extensions and Alterations Supplementary Planning Document. These will be removed from the council's website.

Reason: The adopted SPDs will replace existing Supplementary Planning Guidance notes which are now out of date.

- 3) Delegate authority to the Strategic Director for Growth & Regeneration to make any further minor modifications to the documents that relate exclusively to factual updates, grammatical and formatting corrections for the purposes of publishing the documents.

Reason: To ensure that the council has up-to-date supplementary planning documents and guidance that are as accurate as possible.

7. Cabinet Portfolio Holder's recommendations

Cllr McBride was briefed on 22nd February 2021 and Cllr McBride supports the officer recommendation that the Cabinet should seek to adopt the SPDs and Biodiversity Net Gain Technical Advice Note.

8. Contact officer

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9. Background Papers and History of Decisions

Appendices to this report:

- Appendix 1 Housebuilders Design Guide Supplementary Planning Document
- Appendix 2 House Extensions and Alterations Supplementary Planning Document
- Appendix 3 Open Space Supplementary Planning Document
- Appendix 4 Biodiversity Net Gain Technical Advice Note
- Appendix 5 Housebuilders Design Guide SPD Consultation Statement
- Appendix 6 House Extensions and Alterations SPD Consultation Statement
- Appendix 7 Open Space SPD Consultation Statement
- Appendix 8 Biodiversity Net Gain Technical Advice Note Consultation Statement

Council website links:

- Integrated Impact Assessments
- <https://www.kirklees.gov.uk/beta/delivering-services/integrated-impact-assessments.aspx>
- Supplementary Planning Guidance
 - Design Guidance for Local Distinctiveness: Erection of Domestic Extensions - <https://www.kirklees.gov.uk/beta/planning-applications/pdf/domestic-extensions.pdf>
 - Householders Guide to Dormer and Other Roof Extensions - <https://www.kirklees.gov.uk/beta/planning-applications/pdf/dormer-extensions.pdf#:~:text=HOUSEHOLDERS%20GUIDE%20TO%20DORMER%20AND%20>

[OTHER%20ROOF%20EXTENSIONS,which%20will%20be%20used%20to%20decide%20your%20application.](#)

10. **Service Director responsible**

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