

Cheltenham Borough Council

Cabinet – 19 April 2011

Programme of Supplementary Planning Document Preparation

Accountable member	Leader, Councillor Jordan
Accountable officer	Spatial Planning Manager – Cheltenham & Tewkesbury, Tracey Crews
Accountable scrutiny committee	Environment
Ward(s) affected	All
Key Decision	No
Executive summary	<p>This report considers the demands for preparation of Supplementary Planning Documents to support Cheltenham's Local Development Framework.</p> <p>Following consultation with Members and Officers all requests have been considered and priorities identified. This is set out in appendix A.</p> <p>Taking into account priorities in policy development together with the capacity to deliver in-house; 5 Supplementary Planning Documents are recommended for preparation; these include</p> <ul style="list-style-type: none">• Affordable housing• Flood/water management• Planning obligations• Housing space standards• Royal Well development brief
Recommendations	<p>I recommend that Cabinet;</p> <ol style="list-style-type: none">1. Agree the priorities for the preparation of Supplementary Planning Documents as set out in Appendix A.2. Delegate authority to the Director of Commissioning – in consultation with the Leader to agree timescales for the preparation of Supplementary Planning Documents within the context of resources and changes in planning policy as set out in section 3 of this report.

Financial implications	None if the work is undertaken in-house within existing resources. Previous projects of this nature have resulted in additional expenditure if undertaken by external consultants (paragraph 5.1 refers) Contact officer: Chief Finance Officer, andrew.powers@cheltenham.gov.uk, 01242 264121
Legal implications	As set out in the report. Contact officer: Solicitor, jonathan.noel@tewkesbury.gov.uk,
HR implications (including learning and organisational development)	None. Contact officer: HR Operations Manager, Julie.mccarthy@cheltenham.gov.uk, 01242 264355
Key risks	It is important that Cheltenham has a Local Development Framework in place which provides the appropriate level of guidance for Planning Committee and its officers; and developers - to bring forward development which is appropriate in respect of both the national and local planning context.
Corporate and community plan Implications	None arising from this report. However, individual SPD will have corporate and community plan implications.
Environmental and climate change implications	None arising from this report. However, individual SPD will have environmental and climate change implications.

1. Background

- 1.1 The service delivery plan 2010/11 for the Council's strategic land use team identifies an action to agree a programme of Supplementary Planning Document (SPD) preparation. This report therefore brings before Members a schedule of proposed SPDs for consideration.

2. The role of Supplementary Planning Documents

- 2.1 SPDs are intended to expand upon policy or provide further detail to policies in Development Plan Documents (DPDs). For Cheltenham the relevant DPD comprises the saved policies of Cheltenham Borough Local Plan, until replaced by the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy. SPD cannot in itself establish planning policy; it must be consistent with either national or local planning policies. Its purpose is to expand on the detail and guidelines within which planning policy is delivered.
- 2.2 SPDs are not subject to independent examination and are not part of the statutory Development Plan, unlike DPDs. However, SPD does form part of the Local Development Framework (LDF), and is therefore an important consideration in determining planning applications.
- 2.3 SPDs can cover a range of issues and may be thematic or site specific. For example, a SPD can be a design guide, development brief or a topic or issue based document. These will help to guide people when applying for planning permission such as designing extensions and conservatories. SPDs must be consistent with national and regional planning policies as well as the DPDs in the LDF.
- 2.4 Prior to 2009 any SPD prepared was required to have been informed by a sustainability appraisal – assessing the environmental effects of policies and proposals. This requirement was removed by the Town and Country Planning (Local Development) (England) (Amendment) Regulations 2009. However, for area based documents, which could have significant environmental effects such as a development brief - sustainability appraisal would still be required under the SEA Directive. This has implications on the time required to prepare such documents, which together with in-house officer support also requires consultation with statutory stakeholders of Natural England, Environment Agency and English Heritage. A period of 5 weeks is required to undertake this statutory consultation.

3. Programme of Supplementary Planning Document Preparation

- 3.1 Cheltenham has a broad range of both adopted supplementary planning guidance (SPG) and SPD, some of which is outdated and in general need of review; both to reflect changes in the local environment, local plan policies and changes in policy at the national level.
- 3.2 As set out in paragraph 2.1 above; SPD can only expand upon planning policies set out at the national level or contained within Cheltenham's Development Plan Documents (via saved local plan policies or the emerging Joint Core Strategy). Preparation of SPD is therefore not a statutory requirement; but a decision for each planning authority based upon demands for further information to assist in helping to deliver good planning.
- 3.3 The ability to review and prepare SPD must however be considered within the context of wider priorities; changes in legislation, planning policies at the national level and the availability of resources.
- 3.4 In January and February 2011, Members and officers were contacted via email to submit requests for the future preparation of SPD. Both Members and officers were asked to discuss amongst their contact networks the issues which may be appropriate to be developed as SPD to help guide sustainable development across the Borough. A positive response was received and all requests are listed in appendix A.

- 3.5** Resources are a key factor in the ability to deliver SPD. In order to bring forward SPD the following inputs are required;
- Drafting of SPD based upon appropriate evidence
 - Screening of SPD against SEA Directive
 - Consultation with Members
 - Approval of draft SPD by Cabinet
 - Public consultation in line with the requirements of the statutory framework
 - Production of a response report
 - Approval of final SPD by Council
 - Publication of SPD in line with the requirements of the statutory framework
- 3.6** During 2011/12 the priority of the strategic land use team is to deliver the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy and any redirection of resources away from the JCS will have detrimental impacts on the delivery timetable for the production and consultation of this key document.
- 3.7** Wider service areas support the strategic land use team delivering SPD; in particular urban design and development management. In consultation with the service managers of these areas and the Director of Built Environment there is very limited capacity to take on additional projects.
- 3.8** In light of the demands upon resources key areas for SPD preparation have been identified; these are highlighted in appendix A.
- 3.9** Alongside resources available, Cheltenham's LDF is in a process of transition; in due course some of the saved policies of Cheltenham Borough Local Plan will be replaced by the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy. In addition the Government is currently preparing a National Planning Framework – this will replace the extensive suite of planning policy guidance notes and planning policy statements. Clarification around the wider planning policy framework will be available during 2012; any further decisions around the preparation of SPD should therefore be made within this context.

4. Reasons for recommendations

- 4.1** To agree a list of Supplementary Planning Documents for preparation, agreement of this list will help guide work plan priorities and resourcing of the strategic land use team and other relevant service areas.

5. Alternative options considered

- 5.1** Options for the preparation of SPD by consultants have been investigated, however this is not considered viable in the current financial climate. Even if SPD was commissioned externally, this would still require in-house officer support to manage the contract, provide local information and ensure the requirements of the regulatory framework are met. To provide an example of costs, in 2009 SPD 'Development on garden land and infill sites' was adopted. This SPD was prepared by Consultants Baker Associates at a cost of £42,000. However, it is estimated that officer resource equivalent to at least 30% of this figure (£12,600) was required to oversee the contract, support Strategic Environmental Assessment and assist with associated consultation processes.

6. Consultation and feedback

6.1 Consultation with Members and officers across the Council.

7. Performance management –monitoring and review

7.1 The priorities for SPD preparation and capacity to deliver will be reviewed annually.

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Appendices	A. Schedule of requests for SPD preparation and identification of priorities
Background information	None.