



<b>SIGNED OFF BY</b>	Head of Planning
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<b>TO</b>	Executive
<b>DATE</b>	Thursday, 25 June 2020
<b>EXECUTIVE MEMBER</b>	Portfolio Holder for Planning Policy

<b>KEY DECISION REQUIRED</b>	Y
<b>WARDS AFFECTED</b>	(All Wards);

<b>SUBJECT</b>	<p><b>Adoption of the following Supplementary Planning Documents (SPDs):</b></p> <ul style="list-style-type: none"> <li><b>a. Affordable Housing SPD</b></li> <li><b>b. Barn and Farm Conversions SPD</b></li> <li><b>c. Historic Parks and Gardens SPD</b></li> <li><b>d. Reigate Shop Front Design SPD</b></li> </ul>
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<b>RECOMMENDATIONS</b>
<p><b>RECOMMENDATIONS:</b></p> <ul style="list-style-type: none"> <li>a) The Executive adopt the revised Affordable Housing SPD, Barn and Farm Conversions SPD, Historic Parks and Gardens SPD and Reigate Town Centre Shop Front Design SPD</li> </ul>

- b) The Executive revoke the current Affordable Housing Supplementary Planning Documents (SPD) (2014), the Appropriate Uses for Historic Barns Supplementary Planning Guidance (SPG) (1994), the Historic Parks and Gardens SPG (2001) and the Reigate Shop Front Design Guide SPG (1999)

## **REASONS FOR RECOMMENDATIONS**

Following the adoption of the Development Management Plan (DMP) in September 2019, four of the Council's SPDs/ SPGs have been revised to reflect changes in national and local planning policy.

## **EXECUTIVE SUMMARY**

Following the adoption of the DMP in September 2019, four of the Council's SPDs/ SPGs have been revised to reflect changes in national and local planning policy.

The Executive are therefore being asked in accordance with Planning Act 2008, Planning and Compulsory Purchase Act 2004 (as amended) and the associated Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) to:

- Approve the amended Affordable Housing SPD, Barn and Farm Conversions SPD, Historic Parks and Gardens SPD and Reigate Town Centre Shop Front Design SPD for adoption
- Revoke the existing Affordable Housing SPD, the Appropriate Uses for Historic Barns SPG, the Historic Parks and Gardens SPG and the Reigate Shop Front Design Guide SPG
- This recommendation follows public consultation on the draft SPDs between 6<sup>th</sup> January 2020 and 8<sup>th</sup> February, for which approval was given by the Executive on 5<sup>th</sup> December 2019. Comments received during the public consultation of these documents were reviewed by the Local Development Framework Scrutiny Panel in February 2020 and have been taken into consideration in the preparation of the final documents and are summarised in the Consultation Statements provided as annexed to this report.

Executive has authority to approve the recommendations.

## **STATUTORY POWERS**

1. The Council has no statutory obligation to produce SPDs but has powers under planning legislation to consult on and adopt SPDs as appropriate. The Planning Act 2008, Planning and Compulsory Purchase Act 2004 (as amended) and the associated Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended), set out the requirements for the preparation and revocation of SPDs.
2. The relevant Regulations require Consultation Statements to be prepared to summarise who has been informed in the preparation of SPDs. These are provided as supporting documents.
3. A screening process has been undertaken to assess whether or not the SPDs require a Strategic Environmental Assessment (SEA). The screening opinions are annexed to this report and conclude that the SPDs do not require SEA, a view that was confirmed by the three statutory consultation bodies.
4. The SPDs are compliant with the Human Rights Act 1998.

## **BACKGROUND**

5. SPDs (and older style SPGs) are documents which provide guidance to assist in implementing development plan policies. They may be used to provide guidance for particular issues such as design, environmental social and economic issues they wish to encourage. SPDs are material considerations in planning decisions.
6. Regulation 8(3) of the Town and Country Planning (Local Planning) (England) Regulations 2012 require policies in SPDs not to conflict with the adopted development plan. Therefore, with the adoption of the Council's DMP in September 2019, the existing Affordable Housing SPD, the Appropriate Uses for Historic Barns SPG, Historic Parks and Gardens SPG and the Reigate Shop Front Design Guide SPG have been revised to reflect changes in both national and local planning policy.
7. Much of the content of the SPDs is already common practice in planning determinations and upon adoption they will become material considerations in the determination of planning applications.

### **Affordable Housing**

8. The revised Affordable Housing SPD provides detail, guidance and greater clarity for developers, registered providers, development management and others on the Council's requirements for affordable housing. It provides greater detail on how the Council will apply DMP Policy DES6 "Affordable Housing" which:
- Requires all allocated greenfield urban extension sites to provide 35% affordable housing; and all other developments providing 11 or more homes to provide 30% affordable housing.
  - States that in exceptional circumstances, where it can be robustly justified, should the Council consider it would not be suitable or practical to provide affordable housing on site, that the Council may accept affordable housing to be provided on an alternative site or as a payment in lieu.
9. The SPD also provides guidance on how the Council will apply the following policies in relation to affordable housing:
- DMP Policy DES4 "Housing Mix"
  - DMP Policy DES7 "Specialist Accommodation"

### **Barns and Farm Conversions**

10. The revised Barn and Farm Conversions SPD provides guidance on the principles of converting barns and other farm buildings in both rural and urban areas in a manner which would benefit and help to enhance the character and local distinctiveness of the surrounding natural and built environment. The guidance is in accordance with the following policies:
- Core Strategy Policy CS4 "Valued townscapes and the historic environment"
  - Core Strategy Policy CS10 "Sustainable Development"
  - DMP Policy DES1 "Design of new development"
  - DMP Policy NHE9 "Heritage Assets"
  - DMP Policy NHE6 "Reuse and Adaptation of Buildings in the Green Belt and in the Rural Surrounds of Horley"
  - DMP Policy EMP4 "Safeguarding Employment Land and Premises".

### **Historic Parks and Gardens**

11. Historic Parks and Gardens are important heritage assets that add substantial value to both the landscape and environmental quality within the borough. It is therefore important that such heritage assets are protected and that they are treated in accordance with the character and significance of their grading. Historic England maintains a list of nationally significant Historic Parks and Gardens and the Council additionally maintains its own lists of Historic Parks and Gardens of Special Borough Interest. As the Council can designate new local non-statutory heritage assets of borough importance at any time, the existing List of Historic Parks and Gardens Supplementary Planning Guidance no longer provides an up-to-date list of Historic Parks and Gardens in the Borough, as some have been designated since the adoption of the 2001 SPG. The revised SPD provides an up-to-date list and identifies characteristics for identifying new Historic Parks and Gardens.
12. The guidance within this document is in accordance with the following policies:
- Core Strategy Policy CS4 “Valued townscapes and the historic environment”
  - DMP Policy NHE9” Heritage assets”
13. As part of the consultation on the draft Historic Parks and Gardens SPD the Council also consulted on amendments to the boundaries of Kingswood Warren and Banstead Place Historic Park and Garden Historic Parks and Gardens of Special Borough Interest. In response to consultation on the draft SPD, the Surrey Gardens Trust recommended that amendments are made to the Former Netherne Hospital Historic Park and Garden to reflect recent development. Following adoption of this revised SPD, the amended boundaries to the three Historic Parks and Gardens of Special Borough Interest will be taken to Planning Committee for approval for amendments to the Council’s Local List.

### **Reigate Town Centre Shop Front Design**

14. The revised Reigate Town Centre Shop Front Design SPD provides detailed guidance on the design of shop fronts, including their advertisement signs, located within the Reigate Town Centre Conservation Area, with a view to preserving and enhancing its historic character.
15. The guidance within the document is in accordance with the following policies:
- Core Strategy Policy CS4 “Valued townscapes and the historic environment”

- DMP Policy DES10 “Advertisements and shop front design”

16. DMP Policy NHE9 “Heritage assets”

## OPTIONS

17. **Recommendation 1:** The Executive adopt the revised Affordable Housing SPD, Barn and Farm Conversions SPD, Historic Parks and Gardens SPD and Reigate Town Centre Shop Front Design SPD

- a. Option 1: Adopt the revised SPDs. This option is recommended as it would enable the Council to have up-to-date guidance to provide clarity and certainty for developers, registered providers, development management and others.
- b. Option 2: Do not approve the revised SPDs. This option is not recommended as legislation<sup>1</sup> requires that SPDs/ SPGs must not conflict with the adopted development plan.

18. **Recommendation 2:** That the Executive revoke the current Affordable Housing SPD 2014, the Appropriate Uses for Historic Barns SPG, the Historic Parks and Gardens SPG and the Reigate Shop Front Design Guide SPG.

- a. Option 1: Agree to revoke the current SPDs/ SPGs. This option is recommended as the current SPDs/ SPGs conflict with the adopted development plan.
19. Option 2: Do not agree to revoke the current SPDs/ SPGs. This option is not recommended as legislation<sup>2</sup> requires that SPDs/ SPGs must not conflict with the adopted development plan.

## LEGAL IMPLICATIONS

20. The amended SPDs will come into effect on adoption and will be a material consideration in planning determinations where relevant.

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<sup>1</sup> Regulation 8(3) Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended)

<sup>2</sup> Regulation 8(3) Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended)

21. The current SPGs / SPDs, which in places conflict with the more recently adopted development plan and national planning policy, will be formally revoked.
22. As required by the Environmental Assessment of Plans and Programmes Regulations 2004 and the Conservation of Habitats and Species Regulations 2017, the Council undertook Strategic Environmental Assessment (SEA) and Habitats Regulations Assessment (HRA) screening to determine whether the proposed SPDs should be subject to SEA and HRA Appropriate Assessment. This screening statement is appended to this report. It concluded that there is not a need for SEA or a full Appropriate Assessment under the HRA.

### **FINANCIAL IMPLICATIONS**

23. As outlined above, the Affordable Housing SPD explains how new affordable housing policy will be implemented. This includes financial contributions in exceptional circumstances where it can be justified, should the Council consider it would not be suitable or practical to provide affordable housing on site. The SPD provides guidance on how these contributions will be spent. The Council will monitor the collection and expenditure of contributions through its [annual Housing Monitor](#).

### **EQUALITIES IMPLICATIONS**

24. These SPDs provide the guidance for DMP policies. To inform the DMP:
- An Equalities Impact Assessment (EqIA) screening was undertaken in respect of the submission DMP. This identified no negative equalities impacts, and identifies positive equalities in relation to older people, younger people and children, disability, pregnancy and maternity, racial and ethnic groups (Romany Gypsies and Irish Travellers).
  - An updated EqIA was then prepared in respect of the adoption version of the DMP, taking into account the Main Modifications proposed by the Inspector. This similarly identified no negative equalities and, furthermore, is considered likely to result in a more positive impact in respect of ethnic groups, specifically Romany Gypsies and Irish Travellers, as the modifications provided additional land to provide pitches to meet their

identified accommodation needs compared to the submission version of the plan.

25. Given that no negative equalities impacts were identified for the DMP, a full EqIA was not required. No full EqIA is therefore also not required for the SPDs as they provide guidance for the DMP Policies.

- More specifically, the Affordable Housing SPD is considered to have a positive equalities impact as it is providing the guidance to implement policies to provide affordable housing for those who otherwise may be unable to access housing.

### **COMMUNICATION IMPLICATIONS**

26. No communication implications have been identified. Should the Executive be mindful to approve the revised SPDs and revoke the current SPDs/ SPGs, the Planning Policy team will:

- Notify those on our database of such actions

27. Make available the revised documents and the supporting documents at the borough's libraries and the Council's town hall

### **RISK MANAGEMENT CONSIDERATIONS**

28. No risk management considerations have been identified.

### **OTHER IMPLICATIONS**

29. No further implications have been identified.

### **CONSULTATION**

30. The preparation of the draft revised SPDs was informed by discussion with the Council's Housing Services Team, Development Management Team, Senior Conservation Officer, Registered Providers of Affordable Housing and Surrey Gardens Trust, as summarised in the Initial Consultation Statements that accompanied the draft SPDs at statutory consultation.



31. In accordance with Regulation 12(b) of the Town and Country Planning (Local Planning) (England) Regulations 2012, the draft SPDs were also subject to a period of statutory consultation. During the consultation we invited comments by:

- Emailing and writing to interested parties<sup>3</sup>
- Making the documents available on the Council website
- Making the documents available in paper format at the Town Hall and the six libraries in the borough.

32. Comments received during both the informal stakeholder consultation in preparing the draft SPDs and the formal consultation have been taken into consideration in the preparation of the final SPDs following review by the Local Development Framework Scrutiny Panel. Summary of the main issues raised in the consultation are detailed in the Consultation Statements annexed to this report.

- Should the Executive be minded to approve the revised SPDs and revoke the current SPDs and SPGs, in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended), the Planning Policy team will notify those who responded to the consultation and notify those who have indicated that they wish to be kept up-to-date on planning policy matters and will make the adopted SPDs, supporting documents and the Adoption / Revocation Statements available on the Council's website and in the Town Hall and borough libraries as required.

## **POLICY FRAMEWORK**

33. SPDs are optional for the Council to produce. The revision of these four SPDs will provide guidance to assist in the implementation of Core Strategy and DMP policies. It is however not new policy, and not part of the Council's Policy Framework under the Council's Constitution.

## **BACKGROUND PAPERS**

1. [Planning and Compulsory Purchase Act 2004 \(as amended\)](#)
2. [Planning Act 2008 \(as amended\)](#)

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<sup>3</sup> Specific and general consultees, prescribed bodies for the Duty to Co-Operate and other individuals and organisations registered on the Planning Policy database for such purpose.

3. [Town and Country Planning \(Local Planning\) \(England\) Regulations 2012 \(as amended\)](#)

Annex 1: Affordable Housing SPD

Annex 2: Affordable Housing Consultation Statement

Annex 3: Strategic Environmental Assessment (SEA) and Habitats Regulations Assessment (HRA) Screening Statement for the draft Affordable Housing SPD

Annex 4: Historic Parks and Gardens SPD

Annex 5: Historic Parks and Gardens Consultation Statement

Annex 6: Reigate Town Centre Shop Front Design SPD

Annex 7: Reigate Town Centre Shop Front Design Consultation Statement

Annex 8: Barn and Farm Conversions SPD

Annex 9: Barn and Farm Conversions Consultation Statement

Annex 10: Strategic Environmental Assessment (SEA) and Habitats Regulations Assessment (HRA) Screening Statement for the Historic Parks and Gardens SPD, Reigate Town Centre Shop Front Design SPD, Barn and Farm Conversion SPD

Annex 11: Adoption and Revocation Statement

## **BACKGROUND PAPERS**

1. Corporate Plan 2015-20 - [http://www.reigate-banstead.gov.uk/council\\_and\\_democracy/about\\_the\\_council/plans\\_and\\_policies/corporate\\_plan/index.asp](http://www.reigate-banstead.gov.uk/council_and_democracy/about_the_council/plans_and_policies/corporate_plan/index.asp)