

# Sustainable Design SPD Appendix A Update

Report of the Cabinet Member for Economic Growth, Environment & Development Services:  
Councillor I. Pritchard



Date: 19 March 2019  
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Key Decision? YES  
Local Ward Members ALL

Economic Growth,  
Environment and  
Development (Overview  
and Scrutiny)  
Committee

## 1. Executive Summary

- 1.1 The Council undertook consultation on a draft revision of Appendix A of the Sustainable Design Supplementary Planning Document (SPD) entitled 'Space about Dwellings and Amenity Standards for all Development' in accordance with the Council's adopted Statement of Community Involvement, between the 2nd January and 1st February 2019. Attached at **APPENDIX B** to this report is a summary of the representations received and any actions proposed in light of the comments made.

## 2. Recommendations

- 2.1 That the Committee notes the contents of this report and recommends to Cabinet that the revised Appendix A of the Sustainable Design SPD – 'Space about Dwellings and Amenity Standards for all Development' (**APPENDIX A**) be formally adopted by the Council.

## 3. Background

- 3.1 The purpose of this report is to seek authorisation from the Committee to recommend to the Cabinet that the updated Appendix A of the Sustainable Design SPD be formally adopted by the Council.
- 3.2 Members will recall, as set out in the Economic Growth, Environment and Development Overview and Scrutiny Report of the 12<sup>th</sup> November 2019, that Sustainable Design Supplementary Planning Document (SPD) supplements the design and sustainability policies of the Local Plan Strategy in the determination of planning applications, and to assist in advising pre-application enquiries. Appendix A of the SPD to which this report relates, sets out 'Space about Dwellings and Amenity Standards for all Development' for both new buildings and domestic extensions. It is considered that given that these guidelines have been applied in the determination of planning applications and responding to pre application enquiries since adoption in 2015, that Appendix A now requires amendment and additional clarification, to assist in a consistent interpretation of the guidelines.
- 3.3 The existing Appendix was reviewed and it was considered that additional explanatory diagrams and expanded clarification text would be required to provide customers with clarity on the guidelines that are to be applied to development proposals, so that appropriate forms of development come forward that do not harm amenity. The alterations included:
- incorporation of the previous BRE 45° and 25° daylight amenity guidance within the appendix;

- addition of explanatory diagrams within the privacy and outlook, and daylight and sunlight sections;
- further clarification and explanatory text within all sections; and
- the addition of a note on the relationship between planning legislation and Right to Light legislation.

### *Consultation Process*

3.4 A consultation on the draft update to Appendix A of the Sustainable Development 'Space about Dwellings and amenity standards for all developments' ran from the 2<sup>nd</sup> January 2019 until the 1<sup>st</sup> February 2019. The consultation was advertised on the Councils website and local planning consultation system, as well as an email being sent to all those registered on the consultations system which included all statutory consultees.

### *Consultation Responses*

3.5 The consultation resulted in 6 representations being received. The main points raised can be summarised as follows:

- the changes and update to the appendix are welcome;
- the reference to extending older properties is welcome;
- it is considered that the privacy / outlook / private amenity / garden space guidelines are too prescriptive and would hinder efficient use of land and innovative design
- there should be a guideline relating to space between gable walls; and
- there should be greater flexibility added to the document to address different contexts.
- Representations were also received which relate to topic areas that are not covered by the appendix which was consulted upon e.g. trees, ecology and Appendix B 'Sustainability Checklist'.

3.6 Members should note that, as raised in a number of consultation responses, Appendix B of the SPD was included in the consultation document on the Council's consultation portal. Only approval to consult on an updated Appendix A was sought at the Economic Growth, Environment and Development (Overview and Scrutiny) Committee in November 2018. It was not the intention nor approval secured for consultation regarding this section of the SPD. All comments received regarding this section should as such be disregarded.

3.7 Following review of the representations received, an additional note regarding front to front separation flexibility which reflects the local context has been added. Notwithstanding this, no material amendments to the draft SPD Appendix A update are proposed.

3.8 A copy of the post consultation draft updated SPD Appendix A is attached to this report (**APPENDIX A**). Once adopted it will replace the existing Appendix A of the SPD with associated repagination for the subsequent already adopted parts of the SPD. The existing adopted version of the SPD Appendix is included at **APPENDIX C** for comparison.

Alternative Options	<ol style="list-style-type: none"> <li>1. It is not decided to approve adoption of the updates to Appendix A of the SPD. This is not recommended because it could give rise to inconsistency in interpretation of guidelines to the detriment of residential amenity and inconsistent planning decisions.</li> </ol>
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Consultation	<ol style="list-style-type: none"> <li>1. Consulted with the Overview &amp; Scrutiny Committee prior to the formal Public Consultation</li> <li>2. No further public consultation is required.</li> <li>3. A summary of representations received from the public consultation are at Appendix B</li> </ol>
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Financial Implications	<ol style="list-style-type: none"> <li>1. There are no further financial implications involved in adopting this document.</li> </ol>
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Contribution to the Delivery of the Strategic Plan	<ol style="list-style-type: none"> <li>1. Will assist in implementing the Local Plan Strategy which will ensure the controlled and balanced growth of the district.</li> </ol>
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Equality, Diversity and Human Rights Implications	<ol style="list-style-type: none"> <li>1. An Equality Impact Assessment accompanies the Sustainable Design SPD updated Appendix A (Appendix D of this report)</li> </ol>
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Crime & Safety Issues	<ol style="list-style-type: none"> <li>1. None</li> </ol>
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GDPR/Privacy Impact Assessment	<ol style="list-style-type: none"> <li>1. No privacy impact assessment undertaken.</li> </ol>
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	Risk Description	How We Manage It	Severity of Risk (RYG)
A	Clarity is not provided and the guidelines continue to be open to wide interpretation.	Officers would continue to interpret guidelines which may differ from the interpretation of customers, developers and others.	Yellow

Background documents Adopted Sustainable Design SPD (December 2015)
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Relevant web link: <a href="https://www.lichfielddc.gov.uk/Council/Planning/The-local-plan-and-planning-policy/Supplementary-planning-documents/Downloads/Sustainable-design-SPD/Sustainable-Design-SPD-without-appendix.pdf">https://www.lichfielddc.gov.uk/Council/Planning/The-local-plan-and-planning-policy/Supplementary-planning-documents/Downloads/Sustainable-design-SPD/Sustainable-Design-SPD-without-appendix.pdf</a>
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