

# Sustainable Design SPD Appendix A Update

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



Date: 9 April 2019  
Agenda Item: 5  
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Key Decision? YES  
Local Ward ALL  
Members

**CABINET**

## 1. Executive Summary

- 1.1 At the meeting of the Cabinet on the 9<sup>th</sup> December 2018, it was recommended that the Council undertake 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, consultation took place 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.
- 1.2 No material objections were received to the draft revision following the consultation. This Cabinet report requests that a recommendation is made to the Council to adopt this revised guidance.

## 2. Recommendations

- 2.1 That the Cabinet notes the contents of this report and recommends to Council that the revised Appendix A of the Sustainable Design SPD –'Space about Dwellings and Amenity Standards for all Development' (**APPENDIX A**) with additional wording identified following public consultation, be formally adopted.

## 3. Background

- 3.1 The purpose of this report is to seek authorisation from the Cabinet to recommend to the Council that the updated Appendix A of the Sustainable Design SPD be formally adopted.
- 3.2 The 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 Council's 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 two of the 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 from the Cabinet. It was not the intention nor approval secured, for consultation regarding this section of the SPD. As such, all comments received regarding this section cannot be considered at this time. Appendix B of the adopted SPD relates to the future adoption of a sustainability checklist for new development. This appendix will need to be reviewed following the adoption of any new Local Plan as part of the wider review of the supplementary planning documents. However the nature of the comments received are such that they can be considered as part of a future wider review.

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. A comment was also made about there being no specific reference to gable walls. However, such a reference was considered to be too prescriptive/ unreasonable given the wide scope of permitted development rights. In addition, the relationship of development to adjacent gables would be assessed via the Privacy / Outline guidelines if openings existed on these walls, as set out within this updated Appendix.

3.8 A comment was also received regarding size standards for doors and other openings, and disability standards. These issues are covered by other non-planning legislation e.g. Building Regulations or the Disability Discrimination Act and are not within the scope of this Appendix. Overall, it should be remembered that this is an amenity guideline appendix not a design appendix. Following the consultation an additional note has been added to the SPD for clarity identifying that the appendix is

guidance, and any planning applications to which this document applies are assessed on their own merits. Notwithstanding the above, no material amendments to the specific guidelines within the draft SPD Appendix A update, following the public consultation, are proposed.

- 3.9 It should be remembered that the updated appendix is only guidance and forms part of a wider guideline document. This is explained within the Executive Summary of the main SPD Document. It states at Para 1.1 that ‘Essentially SPDs are intended to provide helpful guidance for developers, applicants and other parties involved in the development process and to supplement the policies and proposals of the Development Plan.’ The Sustainable Design SPD as a whole forms guidance which sets out the principles of sustainable development. The updated Appendix A embraces this, but now includes references to how the ‘Space about Dwelling and Amenity Standards should be applied flexibly depending on the context of the development, and other material planning considerations, to allow for forward thinking by developers. As such, as identified throughout the wider document and updated Appendix, the document is guidance and standards contained therein should not be prescriptively applied.
- 3.10 The update was discussed by the Economic Growth, Development and Environment (Overview and Scrutiny) Committee on the 19<sup>th</sup> March 2019 who recommended to Cabinet that the update be formally adopted by the Council.
- 3.11 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 previously adopted parts of the SPD. The existing adopted version of the SPD Appendix is included at **APPENDIX C** for comparison.

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| Alternative Options                                | <ol style="list-style-type: none"> <li>1. Status Quo - If it is not decided to approve adoption of the update to Appendix A of the SPD, it could give rise to inconsistency in interpretation of guidelines to the detriment of residential amenity and could lead to inconsistent planning decisions.</li> <li>2. Partial amendment - If it is decided to adopt a partially amended updated Appendix A of the SPD, it could give rise to inconsistency in interpretation of guidelines to the detriment of residential amenity and could lead to inconsistent planning decisions.</li> </ol> |
| 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>  |
| Financial Implications                             | <ol style="list-style-type: none"> <li>1. There are no further financial implications involved in adopting this document.</li> </ol>  |
| 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>  |
| 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>  |
| Crime & Safety                                     | <ol style="list-style-type: none"> <li>1. None</li> </ol>   |

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| Issues |  |
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| GDPR/Privacy Impact Assessment | 1. No privacy impact assessment undertaken. |
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|   | Risk Description  | How We Manage It  | Severity of Risk (RYG) |
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| A | Clarity is not provided and the guidelines continue to be open to wide interpretation, resulting in a lengthy amendment process following planning application submission, in order to make development acceptable to the LPA – an inefficient use of officer time. | Officers would continue to interpret guidelines which may differ from the interpretation of customers, developers and others. | Yellow                 |

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| <b>Background documents</b><br>Adopted Sustainable Design SPD (December 2015) |
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| <b>Relevant web link:</b><br><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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