

REG 17 Supplementary Planning Documents

Making Places SPD Appendix I

LDF0001122

Countryside Properties PLC

Agent - Andrew Martin Associates

SPD/USG/LDF0001122/40

All

Comment

Comments

Guidance - the role of the SPD as guidance should be stressed.

Rigidity - the SPD should be flexible and should avoid being interpreted as a 'pattern book'

Prescription - where the SPD is process-led, specific outcomes should be avoided

We support the process-led approach to determining design solutions and attractive townscape. Context is key to the preparation of Design and Access statements and there is a consistent approach with national planning principles. The SPD advocates a context based, design-led approach to determining density and site capacity which is preferable to the rigid approach of the UPS. However it is apparent in certain references that 'guidance' is replaced by 'strict advocacy' of preferred outcomes. Where the document is process-led and concerned with successful outcomes (page 5), then this is inconsistent.

The incorporation of tables such as that at pages 9 and 11 is informative, but these should be subject to caveat. Tables rationalise information, but also give the impression of rigid adherence to pre-determined circumstances or outcomes. The key to successful design is avoiding prescription and letting process, diligence, skills and imagination create an attractive outcome. For example the numerical standards for public and private space contained at appendix 1.2 are clearly prefaced as a guide and the SPD states that 'quality is more important than quantity'. This is welcomed. At page 33 it is stated that in relation to density and intensity a 'strategy for managing development density' is being used. This apparent rigidity goes against the spirit and intent of the SPD as 'process led' and the flexible approach outlined by the table on page 9. In the case of larger scale land releases it is impossible to pre-determine rigid outcomes or typologies until analysis has taken place. The table on page 34 should therefore be heavily caveated especially in the light of changes to PPS 3 between the draft and final stages.

CBC Response

PARTIALLY ACCEPTED

Text added to 'Purpose of this guidance' confirming the document is guidance, is not a pattern book nor intended to suppress creativity. TEXT ADDED.

Table on p9 simply identifies types of location bearing in mind access to public transport and local facilities. Caveates are not felt to assist the clarity of the document therefore NO CHANGE MADE.

Caveate added to table on p11 that the types of sites cover most (but not necessarily all) types of site. TEXT ADDED.

Caveates for table on p34 already included (p33). NO CHANGE.

Document already acknowledges in 'Introduction' that guidance will have limited relevance to major land allocations etc. NO CHANGE.

SPD/USG/LDF0001122/39

All

Comment

Comments

Status - the relationship with the Urban Place Supplement prepared by Essex County Council needs to be explained.

The SPD comes at a time when the County Council have advanced the Essex Design Initiative and Urban Place Supplement. Whilst the document states that it will be the primary source of guidance for Chelmsford, the Borough Council needs to clarify the status of the SPD over the UPS. This is particularly important where there is a plethora of design guidance available at different levels.

CBC Response

ACCEPTED - text added.

Relationship of UPS and USG clarified in 'Wider policy context' to confirm that although the documents are not part of the Council's LDF, the UPS is a useful reference document that is included in the Council's LDF evidence base.

SPD/USG/LDF0001122/41

All 49 Comment

Comments

There is an issue of rigidity - the SPD should be flexible and should avoid being interpreted as a 'pattern book'.

Rigidity is all too apparent at page 49 where in the table it states that certain matters of roofline are "only appropriate" in certain circumstances. More flexible guidance on this topic would be welcomed especially in areas that might experience wide scale change and intensification.

CBC Response

ACCEPTED - text altered

General issue of rigidity/flexibility and interpretation dealt with in additional commentary in 'Purpose of this guidance'.

Rigidity of table 49 played down with more advisory/flexible wording.

SPD/USG/LDF0001122/42

All 52 Comment

Comments

ISSUE: Internally consistency - The SPD should be checked for consistency, not just in terms of content, but also in terms of "style".

At page 52 it states 'The Council wants high quality contemporary design . . .' (This can be contrasted with the reference on page 53 to commonly found materials in Essex). This expression is not only fettering the Council's position, but also demonstrates internal inconsistency within the document and a fixed focus on certain outcomes prior to analysis. It would be better for this to read 'will support' or 'seeks'.

CBC Response

PARTIALLY ACCEPTED

Document proof read for consistency. Minor adjustments made for clarity and consistency.

Document considered consistent with specific reference to p52/53. Page 52 talks of 'High quality contemporary design that has evolved from an understanding of local context'. Text on p53 identifies local materials, a source of reference for traditional application should a designer choose to use them in that way but also indicates that such materials can also be used in different ways in modern buildings - to give a contemporary character that is nevertheless informed by context.

SPD/USG/LDF0001122/43

Page Number 30 Comment

Comments

Particular care is required in relation to the integration of affordable housing since by its very definition this is 'affordable'. Informal dialogue is welcomed (page 30) and we would register our interest in continued dialogue.

CBC Response

Noted - NO CHANGE REQUIRED

SPD/USG/LDF0001122/44

Page Number 43 Support

Comments

We support the Council's position in endorsing private management of open space (p63) though each situation can be looked at individually.

CBC Response

Noted.

SPD/USG/LDF0001122/45

All 61 Comment

Comments

We would desist from the continued claim for 1% of the development budget being a basis for public art.

We would nonetheless support a scheme for the appointment of artists to work on specific commissions.

CBC Response

It is considered useful to advise that public art provision should be related to development value. Reference to 1% of development budget for public art originally contained simply for guidance, not intended as a rigid requirement. TEXT AMENDED to make reference to 1% for art only in the context of the Council's Arts Strategy.

Noted.

SPD/USG/LDF0001122/46

Chapter / Section Number 4 Comment

Comments

Section 4: Accomodating the car (p66-69)

Car parking approaches (page 66-69) require very careful consideration. The Council's reference to 'the practicalities of the various types of provision in any particular circumstance will depend on site charactersitics and the context" is particularly welcomed. Remote car parking 'silos' do not sound particularly attractive and their incorporation needs a very careful approach. There is no mention of integral parking which can be a useful option, however this does feature in one of the examples. Undercroft car parking is to be used 'sparingly'. The design of car parking facilities is not so much about 'what type' or 'how much', but of the care taken in addressing wider issues of cost and sound and safe urban design.

CBC Response

Noted and point partially accepted - Reference to parking 'silos' omitted. Commentary on integrating multi storey car parks added.

SPD/USG/LDF0001122/38

All Support

Comments

Generally, there is qualified support for the SPD.

We welcome the simplicity of the document and what appears as a broadly common sense approach.

The scope of the guidance is clearly laid out; it does not apply to building extensions or rural development outside uefined settlements. It is clearly targeted at urban development. This is welcomed. The document also states that major land allocations will be subject to masterplans and design codes which will be informed by the guidance and that the document will complement site specific briefing for complex sites. We support this approach which will allow developers and the local authority to adopt an integrated view of development and regeneration in the borough, avoid a "pattern book" approach to development and make the most of key sites.

CBC Response

Noted

LDF0003535**Mr Adrian Cannard****East of England Regional Assembly****SPD/USG/LDF0003535/47**

All Comment

Comments

The three Supplementary Planning Documents do not contain new policies but provide detailed guidance to support policies in either the Core Strategy or the AAP. They do not raise any specific regional issues.

CBC Response

Noted

LDF0003875**Mr Paul Cronk****The Home Builders Federation (Eastern and Midlands Regions)**

SPD/USG/LDF0003875/18

Appendix Number 1.5 Comment

Comments

Appendix 1.5 – Lifetime homes and wheelchair homes

The lifetime homes standard has no status as far as town and country planning legislation is concerned. PPS1: Delivering Sustainable Development states in paragraph 30 that "...planning policies should not replicate, cut across, or detrimentally affect matters within the scope of other legislative requirements, such as those set out in Building Regulations for energy efficiency". PPS12: Local Development Frameworks states in paragraph 1.8 that "...planning policies should not replicate, cut across, or detrimentally affect matters within the scope of other legislative requirements..".

The HBF considers that this is largely a matter already dealt with by way of Part M of the building regulations. Developers must, as a matter of law comply with the Building Regulations and they are subject to frequent change and update unlike local plans. The purpose of these references in the two Planning Policy Statements is to avoid confusion and potentially conflicting advice being given by different regulating authorities.

Thus whilst it may be appropriate for planning authorities to seek to negotiate with developers for a proportion of dwellings to be built to lifetime homes standards, it is considered excessive and unwarranted to require all dwellings to be built to such standards.

I would draw your attention to an appeal decision concerning a reference to the provision of lifetime homes on land at former RAF Quedgeley, Gloucester. In paragraph 27 of the decision notice (see attached copy) the Secretary of State said that "it is not appropriate to include this matter, for the reason that the internal layout of buildings is not normally material to the consideration of planning permission. PPG3 gives advice about the assessment of need for housing for specific groups including the elderly and disabled".

I would also bring to your attention the recent Local Plan Inquiry Inspector's Report in relation to the City of Nottingham Plan where the Inspector recommended the deletion of the proposed lifetime homes policy for the reasons that I have already mentioned:

EXTRACT FROM NOTTINGHAM LOCAL PLAN INQUIRY INSPECTOR'S REPORT

(NB – the paragraph numbers are different from those in the actual Inspector's report)

Whether there should be an additional policy for Lifetime Homes.

3.1.1 This matter is dealt with under policy H3.

3.1.2 As I conclude at paragraph 9.4.5 it seems to me that whilst Lifetime Homes would benefit a large sector of the community, in the absence of any legislative requirement, it would not be reasonable to require higher standards of design in Nottingham City than is generally required elsewhere in the country. Moreover, for a variety of reasons a number of sites would not be suitable or "appropriate" for persons with long term disability or long term limiting illness.

CBC Response

Rep relates primarily to DC policy 38 - the submission version of which required all dwellings to meet Lifetime Homes Standards.

SPD text AMENDED in line with minor changes to policy wording that are being promoted.

SPD/USG/LDF0003875/17

All Comment

Comments

Appendix 1 – Numerical standards

It is stated that such standards apply to all residential and mixed-use development.

The HBF considers that many of the standards are unnecessary, whilst others are too technically precise and specific to describe as 'requirements'. The text should be amended accordingly.

CBC Response

NO CHANGE: Standards already described as guidance not requirements. Standards not altered.

SPD/USG/LDF0003875/16

Page Number 66 Comment

Comments

P.66 – Underground car parking

Reference is made to underground, under deck, and under-croft parking. It is stated that underground car parking should be provided within all town centre residential and mixed-use development on sites of 0.4 hectares or over unless it is proven to be impractical and/or renders a scheme unviable.

This is likely to be extremely expensive to implement, as would the requirement for the provision of lifts. Furthermore, the removal of very large amounts of soil will require significant additional lorry movements. This would not be sustainable. Technical considerations and site-specific abnormalities will also have an impact on the achievability of such a limiting design solution. Furthermore, it would seemingly present very serious crime and safety issues, which would be likely to deter many potential home purchasers. Whilst underground parking will be appropriate in some circumstances, the document must be far more flexible in relation to this matter. It only represents one possible design solution.

CBC Response

ACCEPTED

Requirement for underground parking on all town centre sites over 0.4ha removed for consistency with UPS and in recognition of practical difficulties in Chelmsford town centre..

Text added to explain that whilst it is not an absolute requirement it should always be considered on town centre sites as it is most efficient way of accommodating car parking.

The document already offers guidance on different ways of accomodating car parking.

SPD/USG/LDF0003875/15

Page Number 5 Comment

Comments

P.5 –Using this guide

It is stated that the SPD sets out the Council's requirements for new urban development in Chelmsford Borough. The HBF considers that some of the text is too technically precise and specific to describe as a 'requirement'. The text should be amended accordingly.

CBC Response

ACCEPTED: Text in using this guide changed from 'setting out Council requirements' to 'setting out what the Council wants to see'.

SPD/USG/LDF0003875/19

Page Number 92 Oppose

Comments

P.92 – Supporting information

The government has introduced planning and design statements, and stated an intention to move to a single set of planning application forms that will apply nationally. Therefore, the HBF is opposed to local authorities requiring the submission of numerous and lengthy documentation to accompany the submission of planning applications, particularly where it covers subject matter that will be covered by other regulatory regimes such as Building Regulations, or the Code for Sustainable Homes.

The Federation is very concerned by the statement on P.92 that “applications that are not complete for any reason will not be registered until all necessary information has been received”. It is aware from its Members that many local authorities are taking ever longer time-spans in order to register planning applications, and using a lack of information of one sort or another as an excuse, in order seemingly to improve their planning performance figures.

CBC Response

NO CHANGE

Supporting information required to enable proper consideration to be given to proposals. Requirements not considered excessive -

SPD/USG/LDF0003875/14

All

Oppose

Comments

Document Status

The whole purpose of Supplementary Planning Documents is to amplify and expand upon the content of saved policies in an Adopted Local Plan or Development Plan Document. Therefore, it's content has to fully accord with the specific policies in the adopted statutory Plan to which it relates. The document has to clearly show in full the individual adopted policies to which its content relates. This needs to be done in order for local authorities to adopt the document. Furthermore, they can only seek to adopt the document as a SPD (Supplementary Planning Document) if it has been listed in their adopted LDS (Local Development Scheme).

The Council's Core Strategy and Development Control Policies DPD has only reached the submission stage, and is yet to reach proper scrutiny at a Public Examination. Therefore, the Council will clearly not be in a position to adopt this draft document as SPD until the aforementioned document to which it relates is finally adopted. The final DPD document could of course be quite different. Therefore, it seems premature to publish a draft SPD relating to the content of policies whose final wording is not yet known.

Alternatively, the Council could produce Interim Policy guidance, which expresses its position on a subject matter, but will obviously only have the very limited weight of a document of such status.

Please find a copy of a letter attached dated 8 September 2006 from GO-East is attached in relation to the Cambridge City LDS. It states that: '...If the intention of any non-statutory planning guidance note is to help applicants understand the practical application of policy then clearly this may be helpful. However, where such guidance goes beyond this approach and starts including requirements or prescription that go beyond the scope of the relevant plan policy, and so seeks to alter the policy, then clearly this would be inappropriate. The same principles apply to SPD...'

Please also find a copy of a letter attached dated 17 November 2006 from GO-East is attached in relation to the (Essex) Urban Place Supplement Draft SPD. It makes a number of important points:

7. "...It is not clear from the draft SPD whether the approach required will vary depending on whether the site is allocated in the Development Plan or is a windfall site. It would be expected that where a site is allocated that the principle of use or mix of uses will have been established as might density/yield along with development briefs and/or Masterplans possibly also having been produced; if this were the case then it is not clear how the UPS approach should be applied and we consider that clarification should be included in the final SPD before it is adopted.

8. Also, whilst we recognise that matters such as the density of development, accessibility, the mix of uses and open space all influence design, the decision about the location of development and related policies on density and uses is something that should be established principally through the spatial strategy and allocations policies in the Development Plan and in the context of testing of alternatives and options through the application of Sustainability Appraisal incorporating Strategic Environmental Assessment. Such an approach allows for the proper testing of spatial approaches relative to the specific characteristics and needs of particular communities.

9. Additionally, a rigid use of the UPS at the application stage may either pre-empt the proper consideration of policy issues through the Development Plan (refer to representations on 'consistency with plan policies' and 'prescription and flexibility') or lead to unnecessary duplication of work already carried out. Whilst we note that it is indicated that 'Much of the information necessary to complete this work is readily available from local authorities, agencies..', we consider that there needs to be further consideration as to how the UPS should be applied relative to the issues outlined above. The final SPD should be amended to include a clear statement/s about how the UPS should be applied relative to whether the sites are allocated or otherwise and policies related to those allocations and whether other 'design documents' have been produced for the site i.e. site development briefs. Where there are existing policies or documents relating to design then the approach set out in the final SPD should seek to avoid requiring unnecessary duplicative work on the part of an applicant.

15. Planning Policy Statement 12 (PPS12) indicates that a Supplementary Planning Document (SPD) must be consistent with policies

in the development plan documents or 'saved' Local Plan (paragraph 2.43) and that whilst SPDs may contain policies which expand or supplement those policies, that SPDs should not include policies that should be subjected to proper independent scrutiny in accordance with statutory procedures (paragraph 2.44).

17. Additionally, an 'up-front' statement should be included that in the instance of a conflict arising between a current policy in the Development Plan and the SPD, that the policy in the Development Plan prevails.

19. Paragraph 30 in PPS1 – Delivering Sustainable Development indicates that 'planning policies should not replicate, cut across, or detrimentally affect matters within the scope of other legislative requirements' giving the example of Building Regulations in the context of energy efficiency.

25. Moreover, an inflexible application of standards across the urban areas of Essex is likely to inhibit responsive design to the local context. The draft SPD, in seeking to apply the above standards rigidly may result in a lack of innovation in design through inhibiting the ability to respond to particular issues such as car parking or outside space on a site by site basis.

27. We therefore request that in the final SPD, it is made clear that standards are not applied in a prescriptive manner but rather that the standards constitute an possible design solution that can be used as a basis for negotiating the design of a scheme and that appropriate (in design terms) innovative alternative solutions are encouraged. This will also allow for the negotiation of high quality proposals whilst allowing other issues that might affect delivery of a scheme to be taken into account.

31. Whilst SPDs are not subject to independent examination, paragraph 4.39 in PPS12 – Local Development Frameworks states that the underlying principles of soundness remain applicable which includes that the content of the SPD should be appropriate, having considered relevant alternatives, and be founded upon a robust and credible evidence base.

32. There is no apparent evidence and testing of relevant options in relation to the draft SPD..”.

However, the Federation considers that any such document (regardless of its status) should not include content more appropriately covered by other things that have, or are happening nationally. These include various Government initiatives relating to the Sustainable Communities including the Code for Sustainable Homes.

The HBF is concerned that the financial impact of the proposals has in some instances seemingly been ignored, as have the technical limitations of many of the proposals. The Federation favours the identification of aims and possible solutions, rather than the setting of rigid requirements.

The Federation is further concerned that given the inflexible nature of some of the proposals (particularly in respect of rigid technical specifications), and their potentially very high costs, the document could be used as a means of stopping, rather than enabling, new housing development in the borough.

It is interesting that the need for design flexibility has been very recently acknowledged by one Essex Local Authority. The Southend on Sea Submission Core Strategy DPD (August 2006) states in paragraph 6.21 that: Detailed guidance in relation to these matters is provided in the Southend Design and Townscape Guide SPD. Southend Borough Council recognises that good urban design requires a 'partnership' approach between the planning authority and applicants for the benefit of the physical and built environment, the public and the local economy. This design guidance does not, therefore, prescribe specific solutions or set rigid or empirical design standards, but instead indicates options which emphasise and illustrate design objectives or principles....'. The HBF fully supports such a partnership approach that offers flexibility, rather than the rigid and overly prescriptive approach currently being promoted within the Urban Place Supplement.

CBC Response

PARTIAL ACCEPTANCE - some alterations made to document.

Within policy context of documents a list of Core/DC policies that the SPD supplements is already set out - this will be updated in the final version of the document. POLICY REFERENCES UPDATED.

Regarding prematurity: The timetable for the roll-out of SPD relative to other LDF documents is contained in the LDS which has been agreed by GO-EAST. PPS12 encourages concurrency. The SPD will not be fully adopted until after the examination into the DPD policed that the SPD supplements. NO CHANGE.

Much of this rep relates to the County's Urban Place Supplement which is not being adopted in Chelmsford.

The document already explains the instances where it will/will not be applied (Section 1: Introduction). NO CHANGE.

As this guidance in part of Chelmsford's LDF and complements other DPDs/SPDs it does not fall foul of the criticisms Go-East levelled at the UPS (paras 8,9, 15 and 17 of their letter) about the UPS overstepping the role of SPD or leading to eronious duplication of work. NO CHANGE.

The point about an SPD not duplicating other legaslitive requirements is acknowledged - the example of building regulations and energy efficiency is however irrelevant as that is not within the scope of the Urban Site Guidance. NO CHANGE.

Criticisms regarding the UPS and its lack of flexibility leading to design that is not responsive to local context do not apply to USG which has been developed specifically for Chelmsford. TEXT ADDED to introduction to clarify that the guide is not intended to surpress design innovation.

The evidence base of the document is considered sound. The USG is considered more flexible and less prescriptive than the UPS - concerns about a lack of consideration of financial and technical considerations is therefore less of an issue (ie. the USG is not suggesting a mandatory one size-fits all design solution). NO CHANGE.

TEXT ADDED in 'The design process' to recognise that design is a collaborative process and that the best results are achieved when all parties work together to solve problems and identify solutions.

LDF0006502 Mr N J Carradice

SPD/USG/LDF0006502/1

3 Oppose

Comments

We have made two applications (one to approval) to build an additional private dwelling behind our large house. All have been rejected but I have gained a lot of knowledge concerning backland development . We will be applying again the Spring. Our plot is 3/4 acre and has a gap to one side of 4 metres and 8 the other. A map and photographs of backland sites is in our appeal submission - you will find this useful.

The Government and local authority strategy is to utilise brownfield sites but few are used as the detail hinders this. The words in the 2001 draft deposit local plan were very clear and a major step forward from the 1997 plan. These words are confusing and probably a step backwards.

I would suggest you do not quote gateway/driveway widths and possibly put a 'wish list' for new but be more accomodating with existing sites. The current limiting factors are access by a fire engine and turn around on site. The fire specifications are a drive width of 3.7m but a gateway width of 3.1m. The fire officer agreed to 3.1m down the side of the house and 3.7m for the drive. The extra width is to lift the fire engine side access panels. It is important not to get carried away with unnecessary specifications. Horne Row outside our property is a single track unmade road les than 3 metres wide. Daily oil tankers, 6 wheel skip loaders and furniture vans use it. A ford modeo is 1.9 metres wide. If an unnecessarily wide and often lond (sic) track is made it is a real waste of space and required extensive maintenance. Most backland drives in Danbury could not meet your specifications.

CBC Response

Guidance considered useful - RETAINED BUT REFINED TO BE MORE COMPREHENSIVE.

2001 draft deposit local plan policy contained a number of criteria picked up elsewhere in current DC policies/guidance. Useful criteria not covered elsewhere already incorporated into this section of guidance. NO CHANGES.

Reference to available widths for access are considered useful. TEXT REFINED in light of comments made to be more specific and comprehensive.

LDF0008485 Mr Patrick Connell Essex County Council

SPD/USG/LDF0008485/27

All Comment

Comments

COMMENTS RELATE TO ACCOMPANYING SUSTAINABILITY APPRAISAL

Under section 2, sub section B.

In the second column the text should read: There are 990 listed buildings (2003) at grade I and 2, 2013 archaeological sites, 19 Scheduled Monuments and 6 registered parks and gardens.

In the final column the wording should be altered to Policy requires applicants to follow guidance in PPG 15 and 16 in the production of impact assessments and archaeological evaluations. There may be conflict over Heritage matters if these are not factored in at an early stage.

CBC Response

Comments relate to accompanying sustainability appraisal - NO CHANGE TO SPD DOCUMENT REQUIRED.

SPD/USG/LDF0008485/28

Page Number 18 Comment

Comments

Within section 3 Site Features (p18) the historic environment and archaeology specifically needs to be mentioned.

It is recommended that within the third sub section it is recommended that Archaeological deposits are identified as one of the bullet points and that the purpose text is altered to read;

'Indicates natural, built and historic features within the site and ecological and archaeological interest that may constrain the choice of development'

CBC Response

ACCEPTED - References to archaeology added to Site features section of 'Site and context analysis checklist'.

SPD/USG/LDF0008485/29

97 Comment

Comments

Within the Bibliography / Further reading it is recommended the addition of the Historic Characterisation Report commissioned by the Borough is added. This will provide anybody reading the document with the background to the important historic environment of the Borough.

CBC Response

ACCEPTED - Reference to historic characterisation report added to 'Further reading'.

SPD/USG/LDF0008485/30

Chapter / Section Number 3 Comment

Comments

Section 3 p22: Building in historic contexts

Under objective it is recommended the wording is altered to read:

Objective: The Council is committed to retaining the Borough's built and historic environment and will preserve and enhance the character and appearance of conservation areas, settings of listed buildings and archaeological deposits. A comprehensive site and context analysis is critical where development is being contemplated within conservation areas, setting of listed buildings and on archaeological sites
....

Where the Council considers that an existing building or potential development site comprises a number of phases of building or complex disparate historic elements a detailed historic building analysis and/or an archaeological evaluation will be required at an early stage as part of the site analysis to inform options and proposals in accordance with PPG 15 and 16. Any demolition must be fully justified . . .

If the above changes are made PPG 16 will need to be added to the definitions.

These changes allow all of the historic environment to be included within this section rather than just the historic built environment as it is at present.

CBC Response

ACCEPTED: Objective and text altered to include references to archaeology and archaeological evaluation. Section now covers the broad historic environment.

PPG16 already referenced in further reading.

LDF0008557**Persimmon Homes (Essex) LTD and Taylor Woodrow Developments**

Agent - Pegasus Planning Group

SPD/USG/LDF0008557/13

Page Number 30 Comment

Comments

Integrating affordable housing p30

The above chapter states that affordable housing should be pepper-potted across development sites. The pepper potting of affordable housing is supported however consideration should be given to management practicalities.

The chapter also goes on to say that the same qualitative and quantitative standards should apply to private and affordable proposals. However it is considered that car parking and garden standards for affordable housing may be less than for market housing. This is because purchasers of market housing pay for garages and larger gardens above the acceptable minimum standard.

CBC Response

PARTIALLY ACCEPTED:

Reference now made to instances where management/maintenance issues potentially affecting pepperpotting.

Standards not changed. The standards always allow a range of provision (ie they are either maximum or minimum) - and therefore give the flexibility for market housing to be designed for customers needs whilst ensuring that all housing achieves a basic standard.

LDF0008565**Mr John Hammond****Essex County Council****SPD/USG/LDF0008565/3**

All 73/74 Comment

Comments

P 73/74 Making connections - It should be added in this section that early discussion with the bus operator should take place if the need for new or improved bus services is identified.

CBC Response

ACCEPTED - Reference to discussions with bus operator added p74.

Bus operator details added to contacts p97.

SPD/USG/LDF0008565/2

All 13 Comment

Comments

PI3 Researching the site - The table should include a row on transport and accessibility, referring to bus service and cycle networks.

CBC Response

ACCEPTED - New accessibility row added to table on p12/13.

SPD/USG/LDF0008565/4

All 75 Comment

Comments

P75 Locating access points - It should be added in this section that early discussion with the highway authority will aid the process of access selection.

CBC Response

ACCEPTED - reference to ECC Highways added p75.

SPD/USG/LDF0008688/5

All

Support

Comments

Natural England strongly supports the production of this SPD. We find it clear and well structured and like the inclusion of checklists.

Welcome points made in the 'Working with site features' section on retaining natural features and ensuring protected species are considered.

Support the points made in 'Locating public open space' section on the importance of accessible green space, the need to avoid fragmentation, and the use of SUDS.

CBC Response

Noted

SPD/USG/LDF0008688/12

Page Number

73

Comment

Comments

Making connections (p.73): This section recognises that brownfield land has the potential to enhance public routes and access. We feel it should also be pointed out somewhere in this SPD that, if used appropriately, brownfield land can also serve amenity and nature conservation functions.

CBC Response

ACCEPTED - Nature conservation potential of brownfield land referenced in 'Designing for the public realm' table.

SPD/USG/LDF0008688/11

Page Number

58

Comment

Comments

Designing the public realm (p.58): We suggest that the scope for designing in additional biodiversity (rather than just using existing natural features) is emphasized more in this section, with cross-references to additional reference sources such as 'Biodiversity by Design' and 'Integrating Biodiversity and Development'. It may be worth making the general point that existing public open space is often too simple in design and too intensively and uniformly managed to have much nature conservation value. But more imagination at the design stage and some consideration of ecological principles could improve things significantly.

CBC Response

ACCEPTED

Guidance in 'Spaces that last' section of 'Designing the public realm' expanded in relation to biodiversity.

Biodiversity by design added to bibliography.

Integrating biodiversity and development already referenced in document.

Text on designing open space for biodiversity added to table.

SPD/USG/LDF0008688/10

Page Number

17

Comment

Comments

Understanding site and context: In the checklist, under 'Connections/function' (p.17) we suggest you consider including "Sites designated for nature conservation" because the presence of such sites within 0.5 km, particularly those designated at national or international level, could definitely affect how the site can be developed.

CBC Response

Need for appreciation of sites designated for nature conservation in or near site accepted but it is considered this sits better in 'Researching the site' - incorporated as part of new topography section. TEXT ADDED.

SPD/USG/LDF0008688/9

13

Comments

Researching the site: In the checklist, under Flora and Fauna (p.13), we recommend updating the link “For information on protected species visit english-nature.org.uk” to “For information on protected species and nationally or internationally designated sites visit naturalengland.org.uk”, because though both the English Nature and Natural England websites are currently available the former may not remain so for the lifetime of this SPD. A further link could be added such as “For additional data on biodiversity in Essex, including locally designated sites, contact the Essex Wildlife Sites Project (EWSP) and the Biological Records Initiative for Essex (BRIE).” However you will need to contact those projects to decide what contact details to include (website, e-mail address, contact person etc).

CBC Response

ACCEPTED

English Nature contact changed to Natural England.

Reference to Essex Wildlife Sites Project / Essex Wildlife Trust added p13.

Biological Records Initiative for Essex referenced in bibliography/contacts p97.

SPD/USG/LDF0008688/8

All

Comment

Comments

We recommend including a clear, generalised explanation of the sequential approach to environmental protection advocated in PPS9, which can be summarised as ‘avoidance, mitigation, compensation’. That is:

- avoid harm to the environment wherever possible (if necessary by choosing an alternative location);
- minimise unavoidable harm by mitigation measures (for example, carry out work at the least damaging time of year, or fence off adjacent wildlife habitat during construction);
- offset residual harm that cannot be mitigated by compensation measures (for example create an area of new habitat for wildlife at least equivalent to that lost).

CBC Response

PPS9 referenced in Further reading section

SPD/USG/LDF0008688/7

All

Comment

Comments

The Urban Site Guidance SPD's inter-relationship with the forthcoming Landscape Character SPD should be emphasised.

CBC Response

ACCEPTED

Reference to Landscape Characer SPD added in Researching the site (p12) and Further reading (p97).

SPD/USG/LDF0008688/6

All

Comment

Comments

We realise that there is overlap between the subject areas of the Sustainable Design and Construction SPD and the Urban Site Design SPD, and that you have confined guidance on some of the areas of overlap to one or other SPD in order to avoid excessive duplication. This is a sensible approach however we recommend that the SDC and USG drafts are checked carefully to ensure that the advice to read the two in conjunction is sufficiently stressed in the introductory sections of both and that, wherever necessary, cross-references are made in the text of the subsequent sections. Quite a few such cross-references are already included but some more need to be added. It is crucial to stress to the reader that though guidance on designing biodiversity into new development is largely confined to the Sustainable Design and Construction SPD, it is very important when considering urban site design. Also, in places where there is overlap in the guidance provided in both SPDs, this needs to be checked carefully for consistency.

Cross references to SDC SPD should be made in:

Working with site features (p24)

Locating public open space (p28) - particularly for guidance and references on building biodiversity into new development

Designing the public realm (p58) - cross reference specifically to sec 3.2 of SDC SPD on biodiversity.

CBC Response

ACCEPTED

Advice to read USG SPD alongside SDC SPD reinforced (p4).

SDC SPD cross referenced p24.

Reference to biodiversity. SDC SPD not made on p28 as better fits into p60 (reference added).

Specific ref to para 3.2 of SDC SPD not made on p58 as para no of SDC may change. General reference to SDC SPD already made in footnote to table p59. Importance of biodiversity in urban site design stressed on p59 (note under table)

LDF0008838**Crest Nicholson (Eastern) Limited**

Agent - Barton Willmore

SPD/USG/LDF0008838/34

Chapter / Section Number 4 Oppose

Comments

Issue: Public Art

OBJECTION

The SPD states that the Council will encourage developers to dedicate 1% of the development budget to a public art commission. The merit of public art, where appropriate and beneficial, should not be determined in relation to the construction cost of development. This is not a material planning consideration.

The SPD goes on to state that a possible S106 obligation may include a requirement for an artist to be given residency during the course of the development. In our view this is wholly onerous and contrary to the provisions of Circular 05/05 Planning Obligations.

CBC Response

PARTIALLY ACCEPTED

1% figure contained for guidance as it is a useful ready reckoner and relates the budget for art to the quantum of development being proposed. It was never included as a definite requirement. TEXT AMENDED to refer to 1% requirement only in the context of the Council's Public Art Strategy.

The guidance identifies a range of ways in which public art may be secured by planning obligation - there is no requirement for an artist to be given residency during the course of the development. NO CHANGE.

SPD/USG/LDF0008838/33

All 34 Oppose

Comments

Issue: Linking Site Location and the Form and Intensity of Development

OBJECTION

The Table sets out inter alia appropriate residential density having regard to the location of development. In this respect the SPD is intended to supplement and provide further guidance as to the operation of the Council's emerging policies, including DC3 Managing Development Density in Different Locations. This policy will be subject to examination and is the subject of outstanding substantive objections on the grounds that the policy as drafted will not result in the most efficient use of land and maximise the provision of much needed housing. Whilst the Council will no doubt argue that they wish to bring forward the SPD in tandem with the emerging policy context to ensure consistency in the debate, there is a danger that a fundamental change or wording of the policies will render the SPD obsolete.

Given that the SPD ought to be parasitic upon the core strategy and relevant development control policies, we consider its publication now is premature and certainly it should be afforded no weight in the negotiation of housing schemes.

CBC Response

The timetable for the roll-out of SPD relative to other LDF documents is contained in the LDS which has been agreed by GO-EAST. PPS12 encourages concurrency. The SPD will not be fully adopted until after the examination into the DPD policed that the SPD supplements.

The SPD does not set policy, the policy basis is provided by the Core Strategy and DC policies document.

NO CHANGE.

SPD/USG/LDF0008838/35

Appendix Number 1.2 Oppose

Comments

Appendix: 1.2 Gardens and Balconies

OBJECTION

The appendix sets out space standards for residential development. We object to the application of prescriptive amenity space standards. The level and nature of amenity space provision should be determined on a site-by-site basis having regard to other scheme requirements, child yield and proximity to other areas of provision. The standards should therefore be deleted.

CBC Response

PARTIALLY ACCEPTED

Text already recognises that quality of external space is more important than quantity. Commentary already explains that the garden standards are to be used as a guide - a number of special cases are also identified. Standards are flexible and sensitive to location and type of accommodation. STANDARDS RETAINED.

Some of the detailed standards have been relaxed slightly based on design exercises. Instances where exceptions to policy may be accepted have been broadened. SOME REFINEMENT OF STANDARDS AND COMMENTARY.

SPD/USG/LDF0008838/36

Appendix Number 1.3 Oppose

Comments

Appendix: 1.3 Privacy, Proximity, Outlook and Daylight Standards

OBJECTION

The appendix sets out standards for overlooking distances in residential development. We would highlight that the impact of loss of privacy should be considered on a site by site basis having regard to the existing position.

As to daylight and sunlight, in our view the tests set out in the SPD are overly simplistic, where the level of daylight and sunlight is an issue an appropriate assessment should be submitted that has regard to site specific issues and existing conditions.

CBC Response

ACCEPTED

Commentary to privacy standards refined and instances where variation from standards will be considered expanded. Standards retained however.

Simple rules of thumb for daylight/sunlight considered useful in the context of new development. Commentary regarding the need for more detailed assessment in some instances added.

SPD/USG/LDF0008838/37

Appendix Number 1.5 Oppose

Comments

Appendix: 1.5 Lifetime Homes and Wheelchair Homes

OBJECTION

The above appendix states that all houses should be built to Lifetime Homes Standards and that a minimum of 3% of new dwellings on schemes of 30 units or more should be built to full wheelchair standards.

In this respect the SPD is intended to supplement and provide further guidance as to the operation of the Council's emerging policies, specifically DC38 Accessible and Adaptable Developments. This policy will be subject to examination and is the subject of outstanding substantive objections. Whilst the Council will no doubt argue that they wish to bring forward the SPD in tandem with the emerging policy context to ensure consistency in the debate, there is a danger that a fundamental change or wording of the policies will render the SPD obsolete.

Given that the SPD ought to be parasitic upon the core strategy and relevant development control policies, we consider its publication now is premature and certainly it should be afforded no weight in the negotiation of housing schemes.

Whilst Crest Nicholson support the provision of housing to meet all the needs of the community, we object to the requirement to build 3% of units to full wheelchair standards. In our view this policy aspiration could be met through a policy drafting to require that 3% of units are built to or easily adaptable to be accessible to wheelchair users.

CBC Response

Rep relates principally to policy DC38.

The standards supplement the policy and will not be fully adopted until the corresponding policy is examined, accepted by an Inspector and adopted. The guidance will be altered should the policy change significantly.

Requiring a percentage of properties to be accessible (or built so they can be adapted to be accessible) by wheelchair users will not meet the need for housing that is capable of immediate occupation by a wheelchair user.

Wheelchair homes element of policy DC30 not changed, therefore SPD NOT CHANGED.

SPD/USG/LDF0008838/31

All Oppose

Comments

General Comment

OBJECTION

It is noted from the Council's approved Local Development Scheme that there is an intention to Adopt the County Council prepared Urban Place Supplement as a Supplementary Planning Document (SPD).

In our view and having regard to the Planning and Compulsory Purchase Act 2004, the County Council has no remit to prepare planning policy documents beyond a Minerals and Waste Development Framework. In addition, the Urban Place Supplement fails to satisfy the provisions of PPS12 on the basis that it does not have a clear line of conformity with the provisions of the Adopted Local Plan or DPD and also raises policy issues that should first be tested through independent scrutiny in accordance with statutory procedures.

Notwithstanding the above, we should be grateful for clarity as to how the Urban Place Supplement and the Council's draft Urban Site SPD will be applied due to the duplication and inconsistencies between their provisions, specifically in respect of Appendices 1.2 and 1.3.

CBC Response

PARTIALLY ACCEPTED

Rep relates primarily to the status of the County's Urban Place Supplement.

Confirmation of the fact that the Urban Place Supplement has no formal status in Chelmsford Borough, and that design guidance for the Borough is contained in USG and SDC SPDs added in 'Wider Policy Context'

SPD/USG/LDF0008838/32

Chapter / Section Number 3 Oppose

Comments

Issue: Integrating Affordable Housing

OBJECTION

The SPD sets out requirements for the 'pepper-potting' of affordable housing to prevent affordable units being clustered together.

The location on affordable housing in a scheme will be a reflection of a range of matters, including RSL requirements, funding regimes, viability, scheme design and layout. The objective must be to secure a viable, well designed deliverable scheme. The arbitrary prescription of the location or division of affordable housing units is therefore unjustified and without foundation.

We would highlight that in our experience, many RSL's require affordable units to be clustered together and access from the same core to reduce service charges and keep to requirements for low rents to meet affordability criteria. The approach of the Council in this respect may prevent this.

CBC Response

PARTIALLY ACCEPTED

Guidance on pepperpotting drafted as just that - guidance it is not considered either arbitrary or prescriptive. Slight alteration to wording to reflect instances where management/ maintenance issues potentially affecting pepperpotting. TEXT ADDED.

The fact that legitimate RSL management/ maintenance issues may result in pepper-potting other than in full accordance with the guidance is not recognised in text. TEXT ADDED.

LDF0008875

Miss Lindsay Hinchliffe

Environment Agency

SPD/USG/LDF0008875/23

All Support

Comments

This document provides a comprehensive guide to development of urban areas.

CBC Response

Noted.

SPD/USG/LDF0008875/24

Chapter / Section Number 2 Comment

Comments

The table in section 'researching the site' covers all main topics to be covered when assessing new developments. We recommend that the link for English Nature be changes to www.naturalengland.co.uk as they have now evolved to form part of Natural England.

CBC Response

Noted. References changed.

SPD/USG/LDF0008875/25

Page Number 3 Comment

Comments

Referring to page 28/29, 'Location of Open space': Open space can provide a valuable asset to a new development, incorporating many positive features into its design. We recommend that this document highlight the opportunities to combine sustainable drainage features and habitat creation within areas of open space. Reference should also be given to the need to create green links between areas of open space to create wildlife corridors.

CBC Response

POINT ACCEPTED - Suitable text added (p30, 31 and 64). Document refers reader to Sustainable Planning SPD for further guidance.

SPD/USG/LDF0008875/26

All 3 Comment

Comments

The document makes good reference to SuDS, however it should be noted that drainage features cannot always be located at the 'central' point of a site. The location of drainage features must take into account topography and hydrology of the site, both pre and post development.

CBC Response

ACCEPTED: References to topography and hydrology affecting the location of drainage features added.

LDF9001033 **Mr I Leeje**

SPD/USG/LDF9001033/21

Chapter / Section Number 3 Comment

Comments

Section 3 - A greater emphasis is needed on micro-generation opportunities for local development.

CBC Response

PARTIALLY ACCEPTED - Micro-generation dealt with in SDC SPD. Text added into materials/detailing covering the impact of such features on elevations etc and cross reference to SDC SPD added.

SPD/USG/LDF9001033/20

All 2 Comment

Comments

1. CBC needs to identify a baseline figure for energy consumption and a carbon footprint for the town.
2. General - CBC must act to address community concerns that planning policies are not being implemented effectively.

CBC Response

1. Comment aimed at Core/DC policies document and its evidence base. Consideration outside the scope of the Urban Site Guidance SPD. NO CHANGE.
 2. Urban Site Guidance devised specifically to assist the implementation of policy. NO CHANGE.
-

SPD/USG/LDF9001033/22

All 2 Comment

Comments

Appendix 2 - The policies require that 1% of development costs must be channelled towards public art. A similar requirement should be made for energy-saving and environmental awareness work with the new residents of the Borough.

CBC Response

NO CHANGE. Comment better directed at Core/DC Policies document and/or Planning Obligations SPD. Outside the scope of the Urban Site Guidance.
