

Report of	Meeting	Date
Director of Development and Regeneration	Development Control Committee	13 th February 2007

HOUSEHOLDER DESIGN GUIDANCE SUPPLEMENTARY PLANNING DOCUMENT

PURPOSE OF REPORT

- The purpose of this report is to outline to Members the responses received in relation to the public consultation carried out in respect of the draft Householder Design Guidance document; to propose an amended version and to seek endorsement of the recommendation to adopt the document as amended.

CORPORATE PRIORITIES

- The adoption of guidance about design is directly relevant to the Council's vision to make Chorley the place of choice for living, working and investing and to the Council's Strategic Objective of developing the character and feel of Chorley as a good place to live.

RISK ISSUES

- The issue raised and recommendations made in this report involve risk considerations in the following categories:

Strategy		Information	√
Reputation	√	Regulatory/Legal	√
Financial		Operational	√
People		Other	

- Local Authorities are encouraged to become more pro-active in producing design guidance for householders in order to promote high quality development and assist consistency in decision making. A failure to prepare and adopt design guidance is likely to have adverse implications for the Council's reputation as a local planning authority, both in terms of the information it provides and the development control function it performs. Similarly, there could be adverse regulatory/legal implications.

BACKGROUND

- Chorley Borough Council adopted House Extension Design Guidelines in June 1998, as supplementary planning guidance. The guidelines provided advice and outlined considerations that are taken into account when a planning application is assessed.

6. The new Householder Design Guidance is intended to provide more positive and comprehensive guidance. It is to replace the earlier guidelines and, as a Supplementary Planning Document, will form part of the new Local Development Framework for Chorley.
7. Prior to publication of the document for formal consultation, the Council had consulted informally with a range of stakeholders and it was decided that responses to that informal consultation would be considered alongside any representations made in response to the document being placed on formal deposit.
8. A draft version of the document was then placed on deposit for a period of public consultation from September 29th to November 10th 2006. During this period, a consultation workshop was held for agents who regularly submit householder level planning applications to the Council. Comments made at this informal session were recorded and have been added to individual representations received.

REPRESENTATIONS AND RESPONSE

9. During the consultation, nine formal representations were received, in addition to three received during the earlier, informal, consultation that had been deferred for consideration at this stage. All the representations generally seek minor changes and clarification and suggest some additional matters that might be included within the document. The individual representations are summarised in Appendix A to this report, along with a note of the proposed response, and Appendix B lists the names of respondents. Appendix C summarises comments made at the agents' workshop, which have also been considered as representations, again with a note of the proposed response, and Appendix D, in the same format, outlines earlier responses to informal consultation.
10. Textual changes are proposed in response to the representations made, as outlined in the appendices, along with some editorial amendment and reordering to make the document more comprehensible and hence enhance its effectiveness. A revised version of the document can be found at Appendix E.

COMMENTS OF THE DIRECTOR OF FINANCE

11. There are no financial implications associated with this report.

COMMENTS OF THE DIRECTOR OF HUMAN RESOURCES

12. There are no HR implications to this report.

CONCLUSION

13. Although the community involvement consultation resulted in only a few comments on relatively minor issues, most were helpful and have prompted improvements in the final draft. It is anticipated that the guidelines will help to improve the quality of the built environment across the District by encouraging good design and by providing a clear basis for negotiation and consistent decision making.

RECOMMENDATION

14. That the Executive Cabinet endorse the adoption of the Supplementary Planning Document as presented in Appendix D, with any minor textual amendments delegated to the Director of Development and Regeneration, to provide design guidance for those

contemplating residential alterations and extensions and to assist with the consistent determination of planning applications.

REASONS FOR DECISION

15. To conclude preparation of the supplementary planning document and thereby put in place positive guidance to promote high quality design.

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

16. The only other alternatives would be to delay adoption for further consultation or to withdraw the document. However, these options are unwarranted because the document can be adopted with appropriate amendments.

JANE E MEEK
DIRECTOR OF DEVELOPMENT AND REGENERATION

Background Papers			
Document	Date	File	Place of Inspection
House Extension Design Guidelines	June 1998	SPG	Planning Policy

Report Author	Ext	Date	Doc ID
Rachael Hulme & Mary Clemence	5295 & 5286	17 th January 2007	ADMINREP/REPORT

APPENDIX A – TABLE SUMMARISING REPRESENTATIONS RECEIVED & PROPOSED COUNCIL RESPONSE

Reference Number	Comments received	Response
H001/01	We object to the reduction in the percentage of volume to 50% from 75%, as many rural homes are small and if they cannot be extended more than 50% residents will be forced to move out of the Parish. We would like the figure to remain at 75%	The current Householder Design Guidance states that extensions to dwellings within the Green Belt should not exceed between 50-70% of the volume of the original dwelling. This is not only very lenient, allowing very large extensions in the countryside, but is also ambivalent because it uses a range as a maximum. It is considered that the proposed maximum of 50% provides sufficient flexibility. It is also more generous than figures used by many other authorities. No change proposed.
H002/01	No Comments	Noted
H003/01	The Parish Council feel there should be reference made to Trees in relation to development within this document to cross reference to other documents available on the subject. It would be useful to include distances development can take place in relation to trees by species.	The Council has separate guidance on Trees and Development. Add cross-reference to direct readers to the full document.
H004/01	There does not appear to be any clear guidelines on what needs to be submitted if one wishes to convert an existing building to domestic use.	The Council has separate guidance for the conversion of buildings. Add cross reference within the Householder SPD to direct readers to the full document.
H004/02	There is no mention of a need to keep photographic evidence of features in a listed building to ensure that these are not lost in a development.	Accepted. Amend document to include this.
H005/01	There appears to be an error in paragraph 7.6. The text refers to the fact that two storey and first floor extensions should not project more than 5 metres beyond a 45-degree line.	There is no mention of 5-metres in para 7.6. However, the text should be clarified. Textual change.
H006/01	There doesn't seem to be any reference to protected species issues associated with householder developments - bats, swallows, swifts, house martins, starlings, house sparrow etc, will this be included in a different SPD? If so, can it be cross-referenced?	There is no supplementary guidance on protected species in the current LDF programme. Protected species are covered by Policy EP4 of the Adopted Chorley Borough Local Plan Review and Planning Policy Statement 9: Biodiversity and Geological Conservation. Add cross reference within the Householder SPD.
H007/01	No comments	Noted
H008/01	Although Paragraph 1.12 refers to other relevant policies, it would be helpful to include reference to any specific policies relating to landscape or townscape character and any relating to protected species.	The protected species issue will be taken into account as with comment H006/01
H008/02	We ask that bullet point 6 be expanded	Accepted. Amend the document to

	to include reference to birds, as well as bats and newts.	include reference to birds, bats and newts.
H008/03	<p>We welcome the references to the need to consider the impact on the streetscene, landscape and character of the area.</p> <p>We are keen to promote sustainable design and construction and are pleased that guidance is given on the siting and appropriateness of domestic wind turbines and solar panels in section 12 of the SPD.</p>	Support noted.
H009/01	<p>This paragraph identifies a number of planning matters that householders would need to consider when planning to undertake extensions or alterations to their property. We have concerns with the wording of the following issue;</p> <p>* Impact on trees and other landscape features such as ponds or hedgerows.</p> <p>While we fully support the aim of making householders aware of environmental factors that could constrain their development proposals, we feel that this particular issue should be amended to include watercourses. PPS9 and PPG25 identify watercourses and their habitat as a planning constraint on flood risk and conservation grounds, and as such we recommend that this issue be amended to reflect their significance;</p> <p>*Impact on trees and other landscape features such as watercourses, ponds or hedgerows.</p>	Accepted. The protected species issue will be taken into account, in the same way as for comment H006/01. PPS9 Biodiversity and Conservation also contains information regarding watercourses. So similar cross reference will be inserted and reference to watercourses will be added to the relevant paragraph in the document.
H009/02	<p>This paragraph identifies a range of physical features that may surround a property would need to be considered when considering an extension or alteration. Again, we have concerns with the wording of the following issue;</p> <p>*Any landscaping/other features, e.g. trees and hedges</p> <p>Like paragraph 2.7, we support the principle of identifying such physical constraints, but we feel that watercourses should again be included as they represent physical features that will constrain development. We would also suggest that culverted watercourses are mentioned at this stage, as they are also physical barriers; development above culverts is not considered good practice for a number of reasons. Householders should be aware of the fact that a culvert to their property could restrict their development aspirations. We recommend that this issue is therefore amended as follows:</p>	Accepted. Amend to include reference to watercourses and culverts in the relevant paragraph.

	*Any landscaping/other features, e.g. trees and hedges, or watercourses and culverts.	
H009/03	<p>Householders living adjacent to watercourses and/or culverted watercourses should be aware of their riparian responsibilities, and that such features may significantly constrain any developments they more propose. Culverting of a watercourse for long-gain purposes would not be an acceptable method of facilitating extensions or alterations to a dwelling, and development over culverts would also be considered unacceptable. It is important to raise these issues at this stage and also expect them to be taken into account in future documents.</p> <p>We also note that the SPD does not consider what precautions would be required in a flood zone. You may consider that adding flood risk as a potential planning constraint. Physical constraint in chapter 2 may be an appropriate amendment.</p>	Accepted. Amend the document to include reference to flood risk.

APPENDIX B – RESPONDENTS

Ref	Title	Surname	Organisation
H001	Mrs	Cross	Charnock Richard Parish Council
H002	Mr	Harkness	Houghton Parish Council
H003	Mrs	Turner	Whittle-Le-Woods Parish Council
H004	Mrs	Price	Anderton Parish Council
H005	Mrs	Woodrow	Heath Charnock Parish Council
H006	Mr	Dunlop	The Wildlife Trust for Lancashire, Manchester and North Merseyside
H007	Mr	Ellis	Lancashire County Council
H008	Mr	Headley	Natural England
H009	Mr	Carter	Environment Agency

APPENDIX C – TABLE SUMMARISING COMMENTS FROM WORKSHOP & PROPOSED COUNCIL RESPONSE

**Draft Householder Design Guidance Workshop
The Elm Room, Woodlands**

Attendance List

Mary Clemence	Chorley Borough Council
Helen Lowe	Chorley Borough Council
Rachael Hulme	Chorley Borough Council
Tony Lang	RT Design
Robin Rowles	RT Design
Michael Foster	P Wilson and Co
Lawrence Hayhurst	Lea Hough & Co
Richard Prest	Lea Hough & Co
Graham Margerison	Lea Hough & Co
Sam Whitehead	Lea Hough & Co

Key Issues Identified	Response
Permitted Development rights; the SPD rules them out almost, especially in terms of conservation areas. Something more substantial should be made of PD in the SPD so people are aware they may not need planning permission. A flow diagram at the start of the document may be useful in identifying this.	The document already refers to this issue in para 2.1ff. Amend text throughout to clarify/highlight.
Tree's aren't included in the SPD, applicants and agents need to be made aware of trees and other constraints, maybe by including distances from trees required by the British Standard within the document.	The Council has separate guidance on Trees and Development. Cross reference to direct readers to this incorporated and some general comment added.
Paragraphs 9.1 and 9.4 on rural areas are confusing and need to be simplified, is it referring to the original house as built or as extended, this is not clear enough.	Accepted. Textual change to clarify.
There is no mention in the document of whether roof lights need permission or not, as in many cases they don't but the document implies they do.	Accepted. Textual change to clarify.
Balconies and Terraces – this section is very open and if the general public looked at this they wouldn't be able to understand clearly if they are acceptable or not.	Accepted. Textual change to clarify.

<p>The document need to stress it is only guidance and not set in stone as if people were to design there own extensions using the SPD, this alone does not make it acceptable and there are cases where certain things stated in the SPD may not be acceptable in all cases.</p>	<p>Accepted. The Householder SPD is a guidance document and planning applications cannot be determined on this guidance alone, however the introduction to the document states that this is guidance and its aim is to promote good design guidance.</p>
<p>The term 'rural areas' needs explaining as people are used to the term 'green belt' but they also do not consider themselves to be in a rural area if they are anything but green belt.</p>	<p>Accepted. Textual change to underline the status and purpose of the guidelines</p>
<p>Paragraphs 9.8 – 9.11 are unclear as there is no mention of PD so do they need permission or not, this is confusing for 'none planners'</p>	<p>The document already covers this point but further textual change to clarify</p>
<p>Chapter 10 on conservatories seems to be in the wrong place and also there is no mention of PD.</p>	<p>Accepted. Section 10 relocated to improve structure of document.</p>
<p>Chapter 12 – do we need separate guidance for existing and new builds?</p>	<p>This guidance is primarily for householders rather than developers. No change proposed.</p>
<p>Paragraph 16.2 need to stipulate that you need permission only if it is a classified road.</p>	<p>Accepted. Textual change to clarify.</p>
<p>Chapter 18 – it may be useful to identify which areas have article 4 directions on and any other areas where there are no PD rights.</p>	<p>This is a complex matter with a risk of misunderstanding. Additionally, constraints on permitted development may change over time. Enlarge reference to permitted development but maintain generalisation.</p>

APPENDIX D – TABLE SUMMARISING RESPONSE TO INFORMAL CONSULTATION & PROPOSED COUNCIL RESPONSE

Three substantive responses were received following the informal consultation in May 2006.

Respondents

The Environment Agency
P Wilson and Company, Chartered Surveyors
Lancashire County Council

Comments	Response
Support for the inclusion of guidance on renewable energy systems.	Support noted.
The need for reference to potential environmental issues, such as flood risk.	Accepted. Add flood risk to environmental issues referenced in the SPD.
The need for reference to the Environment Agency in the list of agencies from whom other consents may be required.	Accepted. Add Environment Agency.
Concern about the prescriptive nature of the proposed upper limit on the scale of extensions on rural areas and the Green Belt.	The current Householder Design Guidance states that extensions to dwellings within the Green Belt should not exceed between 50-70% of the volume of the original dwelling. This is not only very lenient, allowing very large extensions in the countryside, but is also ambivalent because it uses a range as a maximum. It is considered that the proposed maximum of 50% provides sufficient flexibility. It is also more generous than figures used by many other authorities. No change proposed.
The need for an elaboration of comment about the replacement of policies in the Joint Lancashire Structure Plan by those contained in the Regional Spatial Strategy (RSS). This replacement will only apply once the RSS is adopted (as indicated in the draft HEDG) but also provided that Policy W3 of the draft RSS is amended and a new policy for Gypsies and Travellers is introduced.	Accepted. Amend to include further information on this point.

APPENDIX E – HOUSEHOLDER SPD - ATTACHED