

Report of	Meeting	Date
Corporate Director (Business)	Development Control Committee	5 February 2008

## HOUSEHOLDER DESIGN GUIDANCE SUPPLEMENTARY PLANNING DOCUMENT

### PURPOSE OF REPORT

1. To inform members about the responses received in relation to the public consultation carried out on the further draft of the Householder Design Guidance Supplementary Planning Document (SPD), and to seek endorsement of the recommendation to adopt the document as amended in Appendix B.

### RECOMMENDATION(S)

2. That the Executive Cabinet endorse the adoption of the Householder Design Guidance Supplementary Planning Document with any minor textural amendments delegated to the Corporate Director (Business).

### EXECUTIVE SUMMARY OF REPORT

3. The community involvement consultation resulted in some comments. Most of these were helpful and have prompted improvements to the document proposed for adoption. 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 improving a clear basis for negotiation and consistent decision making.

### REASONS FOR RECOMMENDATION(S)

#### (If the recommendations are accepted)

4. To adopt the supplementary planning document and thereby put in place positive guidance to promote high quality design.

### ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

5. 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.

### CORPORATE PRIORITIES

6. This report relates to the following Strategic Objectives:

Put Chorley at the heart of regional	
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Develop local solutions to climate
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economic development in the central Lancashire sub region		change	
Improving equality of opportunity and life chances		Develop the character and feel of Chorley as a good place to live	√
Involving People in their Communities	√	Ensure Chorley is a performing Organisation	√

## BACKGROUND

7. The Householder Design Guidance Supplementary Planning Guidance will replace the existing House Extensions Guidelines adopted in June 1998. The new guidance is intended to provide more positive and comprehensive guidance and will form part of the Local Development Framework for Chorley.
8. The Council has:
- Consulted informally with a range of stakeholders in May 2006;
  - Published a draft version of the SPD and Sustainability Appraisal Report for public consultation for 6 weeks between 29 September and 10 November 2006;
  - Held a consultation workshop for agents who regularly submit householder type planning applications in November 2006;
  - Formally consulted under Regulation 17 of the Town and Country Planning (Local Development) (England) Regulations 2004 for 4 weeks between 7 November and 5 December 2007 following further modifications to the document approved by Executive Cabinet on 26 June 2007.
9. As part of the consultation your Officers prepared a Habitats Regulation Assessment Screening Report to determine whether the SPD would have a significant effect upon European sites in neighbouring authority areas. There are no sites of European importance for habitats and species known as Special Areas of Conservation (SCA) and Special Protection Areas (SPA) in Chorley. The Habitat Regulations Assessment Screening Report gave screening information for three European sites within 15km of the Borough's boundaries - Martin Mere SPA and Ramsar sites, Ribble and Alt Estuaries SPA and Ramsar site and Sefton Coast SAC. It concluded that the SPD is not likely to have a significant effect on any of the European sites, alone or in combination with other plans or projects.

## REPRESENTATIONS AND RESPONSE

10. During the 4-week consultation between 7 November and 5 December 2007, 11 formal representations were received. Of these 2 had no comments to make, 2 supported the document; the North West Regional Assembly confirmed the SPD is in general conformity with the adopted Regional Spatial Strategy (March 2003) and Natural England confirmed they are satisfied with the Habitats Regulations Assessment Screening Report Assessment and conclusion.
11. Most of the representations generally seek minor changes and clarification, while others suggest some additional matters that might be included within the document. Textual changes are proposed in response to the representations along with some editorial amendments to make the document more comprehensible and to enhance its effectiveness. The individual representations and proposed responses are summarised in Appendix A.
12. Insertions to the SPD are shown in bold and underlined text in Appendix B. Deletions are shown as strikethroughs. The main changes are:
- Information and guidance to explain the Council have a Duty to have regard to the conservation of biodiversity in exercising their function and the key principles of

Planning Policy Statement 9: Biodiversity and Geological Conservation. (paras 1.16 - 1.22 of the SPD)

- Information and guidance on Protected Species (paras 1.20 – 1.22)
- Information on the Habitats Regulations Assessment Screening Report and conclusion (paras 1.23-1.25);
- Add amendment to para 6.12 to indicate if 1 metre gap cannot be achieved for two storey side extensions a reduction may be considered where a substantial set back from the front elevation is provided (minimum of 2 metres). Also add an insert at 3<sup>rd</sup> key bullit point; this addition gives greater flexibility to householders trying to incorporate a side extension with limited space to the side boundary. Stepping it back to this extent will still retain a visual separation between the dwellings.

13 The Sustainability Appraisal Report that will accompany the SPD will also be amended to reflect minor changes required by Natural England (see response at Appendix A).

### IMPLICATIONS OF REPORT

14 This report has no implications.

Finance		Customer Services	
Human Resources		Equality and Diversity	
Legal		No significant implications in this area	√

**JANE E MEEK**  
**CORPORATE DIRECTOR (BUSINESS)**

<b>Background Papers</b>			
<b>Document</b>	<b>Date</b>	<b>File</b>	<b>Place of Inspection</b>
Householder Design Guidance Supplementary Planning Document	22 February 2007		Civic Offices, Union Street
Householder Design Guidance Supplementary Planning Guidance	26 June 2007		Civic Offices, Union Street

<b>Report Author</b>	<b>Ext</b>	<b>Date</b>	<b>Doc ID</b>
Alison Marland	5281	11 January 2008	***

## Representations Received and Proposed Council Response

Name	Comments Received	Council Response
North West Regional Assembly	The SPD is in general conformity with the adopted Regional Spatial Strategy (March 2003)	Noted
Natural England	Overall satisfied with the Habitats Regulations Screening Document assessment. Conclude the proposed SPD is not likely to have a significant effect on any of the European sites, alone or in combination with other plans or projects	Noted
Natural England	<p>Biodiversity is a new duty for Local Authorities and would expect to see a reference to it in the Sustainability Appraisal Report and SPD and how the Duty is applied to this SPD. Disappointed that the draft SPD does not explore and exploit more opportunities to conserve and enhance biodiversity through design.</p> <p>Concerned that there is no reference to the possible presence of protected species such as bats and nesting birds (all species of bats are protected under the Conservation (Natural Habitats, &amp;c.) Regulations 1994, birds are protected under the Wildlife and Countryside Act 1981 (as amended)). The SPD should include a reference to the likely presence of these species, together with guidance on their protection and a statement of the legal requirements. Very concerned that did not include the standard paragraph concerning protected species as suggested in their letter dated 7 November 2006. Require suitable text to be included in the SPD to highlight the law concerning protected species, and to draw attention to householders that these species commonly inhabit dwellings. Welcome cross-referencing, but appropriate text must be included, along with inclusion of EP4 in the list of Local Plan Policies in Appendix 1.</p> <p><u>Sustainability Appraisal Objectives</u>: References to 'endangered species' have not been omitted in favour of 'Protected Species'.</p> <p>Appendix 5, Consider that there is a link between Objective 11 and the guidance in this SPD.</p> <p>Baseline: There is no data included for species</p> <p>SA Framework: Landscape (and townscape) indicators are still lacking.</p> <p>References to founder bodies have still not been replaced with 'Natural England'.</p> <p>Do not consider that any of their previous comments made concerning the Sustainability Appraisal have been considered.</p>	<p>Comments are noted. Insert text and guidance on Biodiversity Duty, Planning Policy Statement 9, and Protected Species (paras 1.16-1-1.22). Cross-reference protected species to para 2.7. Insert reference to Policy EP4 at para 1.13 and in list of Policies at Appendix 1 of the document.</p> <p>Amend Sustainability Appraisal Report to omit "endangered species" in preference for "Protected Species". Insert reference that there is a link between Objective 11 and the guidance in the SPD. Include data for species. Insert landscape (and townscape) indicators in Sustainability Appraisal Framework. Refer to "Natural England" where relevant in the text.</p>
Brindle Parish Council	No Comments	Noted
Hoghton Parish Council	No Comments	Noted

Name	Comments Received	Council Response
Government Office for North West	It appears previous representations by English Nature have been overlooked. These comments include, but are not limited to, the requirement for a standard paragraph concerning protected species and a clear reference to the provisions of Planning Policy Statement 9: Biodiversity and Geological Conservation	Noted and insert text on Planning Policy Statement 9: Biodiversity and Geological Conservation (paras 1.16 – 1.19). Insert text and guidance on Protected Species (paras 1.20- 1.22).
Tony Lang	Supports para 4.7 regarding the removal of the 50% increase in volume limit. This is a forward thinking move, as the limitation gave no consideration to the original volume of the property. To treat each application on its' merit makes common sense.	Support is noted.
Environment Agency	Support the emphasis on sustainability within the document. However, section 2.11 lists a number of matters assisting in the site appraisal. One of these is flood risk but no information is given in the document to assist the developer to do this. Point developers to the website: <a href="http://www.environment-gency.gov.uk">www.environment-gency.gov.uk</a> or to flood risk standing advice at <a href="http://www.pipernetworking.com">www.pipernetworking.com</a> .	Support is noted. Insert Environment Agency websites in para 2.11.
Roger Latham	Objects to para 6.12 regarding the requirement to leave a 1m gap between a single storey side extension & the side boundary as this effectively rules out garages to semi-detached properties built without garages (typically 1930s semis) with average distance of 2.4m to the side boundary. Any garage (or extension) constructed would be of inadequate width to be usable. Proposes that single storey side extensions should be permitted constructed up to the side boundary subject to suitable heights & roof detailing to limit over bearing or massing. Agrees with the guidance on two storey side extensions and supports all other requirements/guidance given in the SPD	Amendment to wording of para 1.2 so that the one metre gap expressly relates to two storey extensions.  Support for guidance on two storey side extensions and other requirements/ guidance in the SPD is noted.  Note amendment to para 6.12 to indicate if 1 metre gap cannot be achieved for a two storey side extension a reduction may be considered where a substantial set back from the front elevation is provided (minimum of 2 metres). Add also to 3 <sup>rd</sup> key point.

<b>Name</b>	<b>Comments Received</b>	<b>Council Response</b>
Lancashire County Council	<p>Provide further guidance in addition to para 2.7 in respect of protected species and the implications of determining planning applications and cross-refer elsewhere for further details.</p> <p>Current guidance on Natural Heritage and Diversity including protected species is provided in the adopted Landscape and Heritage SPG accompanying Policy 21 of the joint Lancashire Structure Plan.</p> <p>Householders should be made aware there are different levels of protection for species and the implications should be outlined e.g. bats and newts and that certain information will be needed to accompany a planning application. Other species may be appropriately covered by planning conditions or obligations; further information should be provided.</p> <p>Expansion of the SPD to provide further information over the implications of protected species will increase the value of the SPD for users.</p> <p>Habitat Regulations Assessment Screening Report – the SPD will not have a significant impact upon any sites of European importance i.e. SPAs or SACs in the neighbouring districts. However it is non-the less that the SPD is deficient in dealing with this matter.</p>	<p>Insert text on Biodiversity Duty, Planning Policy Statement 9, and Protected Species (paras 1.16 – 1.22).</p> <p>Insert text on Habitat Regulations Assessment Screening Report information (paras 1.23-1.25). Conclude the proposed SPD is not likely to have a significant effect on any of the European sites, alone or in combination with other plans or projects.</p>
English Heritage	<p>Welcomes the SPD and supports the First Principles (Section 2) which, emphasises the importance of context when designing alterations and extensions to residential property. Welcome Section 3 on Listed Buildings and Conservation Areas. There may also be occasions where dwellings are located in or close to Registered Parks and Gardens or Scheduled Monuments and suggest referred to in Section 3. Add Listed Building Consent and Scheduled Monument Consent to the other consents and regulations in Section 1.</p>	<p>Add Listed Building Consent and Scheduled Monument Consent to para 1.6 and cross-reference with Section 3. Add reference to Registered Parks and Gardens' and Scheduled Monuments in Section 3</p>