



STATUTORY NOTICE

**ADOPTION STATEMENT (January 2020)
FOR DURHAM COUNTY COUNCIL LOCAL DEVELOPMENT
DOCUMENTS**

**COUNTY DURHAM RESIDENTIAL AMENITY STANDARDS
SUPPLEMENTARY PLANNING DOCUMENT (SPD)**

**Planning and Compulsory Purchase Act 2004 Town and Country Planning (Local Development)
(England) Regulations 2012**

Regulation 14 – Adoption of Supplementary Planning Documents

The County Durham Residential Amenity Standards Supplementary Planning Document (SPD) was adopted by the County Council and came into effect on 24 January 2020. The appendix to this statement sets out the modifications made to the SPD on account of representations received during consultation and other relevant matters.

The SPD document provides guidance on residential extensions and other domestic developments. It also sets down guidance on external space/amenity standards for new buildings. While it does not introduce any new policies, it is a material consideration in the determination of planning applications.

Any person with sufficient interest in the decision to adopt the SPD may apply to the High Court for permission to apply for judicial review of that decision. Such an application must be made promptly, and in any event, no later than 3 months after the date on which the SPD was adopted.

The SPD, Adoption Statement and Consultation Statement, summarising the main issues raised during the formal consultation periods (and how these have been addressed), can be viewed on the Council's website at: www.durham.gov.uk/cdp.

Copies will also be available for 3 months following adoption at:

- County Hall, Durham County Council

- Customer Access Points (<http://www.durham.gov.uk/customeraccesspoints>)
- Libraries (<http://www.durham.gov.uk/libraries>)

If you require any further information on the documents, please contact the Spatial Policy Team:

Telephone: 03000 260000

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Schedule of changes to the County Durham Residential Amenity Standards Supplementary Planning Document

Page	Paragraph (2019 Second Draft unless otherwise stated)	Details	Reason for Change
2	1.3	Reference to National Design Guide added. Text added to ensure SPD links to existing district Local Plans until County Durham Plan in adopted. Minor text amendments to paragraph.	To improve clarity and ensure references are up to date. To ensure policy context for the SPD in anticipation of the formalisation of the County Durham Plan.
2	1.4 – 1.9	Text reworked to reflect completion of consultation stages.	To improve clarity.
2	1.4 (2020 Adopted Version)	Reference added to 2012 Regulations.	To improve clarity.
3	1.11	Minor text amendments to paragraph.	To improve clarity.
3	1.11	Note moved to follow ' <i>General Design Principles</i> ' section.	To improve flow and clarity of document.
3	<i>General Design Principles</i> section	Paragraph numbering removed.	To improve clarity.
3	<i>General Design Principles</i> section (2.1)	The term 'streetscape' removed from first principle.	Superfluous terminology.
3	General Design Principles section (2.1)	The issue of 'subordinacy' separated out to form an additional design principle.	To improve clarity of this section of the document and ensure adequate emphasise for this matter.
3	General Design Principles section (2.3)	The term 'proportion' added to the considerations when considering new window openings.	To ensure this matter is considered when designing new window openings as it is important for ensuring successful integration of extensions with the existing dwelling.
3	General Design Principles section (2.6)	Minor text amendments and paragraph separated from ' <i>General Design Principles</i> ' section.	To improve flow and clarity of document.
4	2.8	Minor text amendment to end of paragraph.	To improve clarity.
5	2.13	Minor corrections to punctuation.	To clarify that all the bullet points apply when

			considering a front extension.
6	2.15	Minor text amendments.	To improve accuracy and to reflect that side extensions needn't always be highly visible in the streetscene.
6	2.17 – 2.23	Paragraph numbering removed and some minor text amendments.	To improve clarity and consistency of presentation.
7	2.25	New text inserted: ' <i>or another opaque material</i> ' to end of third sentence.	To improve accuracy of document - reflecting that other materials may be suitable for boundary treatments.
7	2.26	Minor text amendments to paragraph.	To improve clarity.
8	2.29	Minor text amendments to paragraph.	To improve clarity.
8	2.32	Text amended to reflect that where a garage is to be accessed directly from the road it should provide a minimum drive length of 6 metres (rather than 5.5m as set down in the 2019 drafts).	To ensure consistency with DCC parking standards.
8	2.33	Minor text amendments.	To improve clarity.
9	2.37	Minor text amendments.	To improve clarity.
9	3.1	New section inserted.	To improve flow and clarity of document.
9	3.2	The word 'all' removed from this sentence.	In response to consultation feedback and to reflect that there may be instances where the standards do not apply (subject to sufficient justification and ensuring amenity).
11	3.6	Text amendment: 'undesigned' changed to 'non-designated'.	To ensure consistency with national terminology.
11	3.7	Text amendment: 'diminished' changed to 'compromised'.	To ensure clarity and consistency within the document.
11	Footnote iii	New text inserted: ' <i>or for the reasons set out in paragraphs 3.5 – 3.7</i> '.	To improve clarity and consistency.



**COUNTY DURHAM RESIDENTIAL AMENITY STANDARDS SUPPLEMENTARY
PLANNING DOCUMENT (SPD)**

CONSULTATION STATEMENT

January 2020

Introduction

This Consultation Statement sets out details of the consultation Durham County Council has undertaken in the preparation of the County Durham Residential Amenity Standards Supplementary Planning Document (SPD).

Consultation Requirements

This statement has been prepared in accordance with the requirements of the Town and Country Planning (Local Plan) (England) Regulations 2012. Regulation 12 requires the council to prepare a consultation statement setting out the persons consulted when preparing an SPD, a summary of the main issues raised by those persons, and, how these have been addressed in the SPD. Key council officers and members were consulted in the preparation of the SPD and as part of the public consultation process.

Consultation on the draft SPD

For both rounds of consultation copies of the SPD were made available at all libraries and customer access points including main council buildings throughout the County. The SPD was also published on the council's website. Statutory consultees were consulted in accordance with regulation 35 of the Act. All general consultees on the council's database were also informed, via letter or email.

Consultation on the first draft SPD took place between 25 January to 8 March 2019. The second consultation ran from 5 July to 16 August 2019. The SPD was adopted by the council on 24 January 2020.

Responses

The consultation process yielded 2 comments in total. Tables (1 & 2) below show the comments received and the council's response to them.

This Consultation Statement should be read alongside the Adoption Statement which summarises the amendments made to the document during its preparation.

Table 1: Comments received in response to first round of public consultation on the draft SPD

Respondent	Comment	DCC Response
None		

Table 2: Comments received in response to second round of public consultation on the draft SPD

Respondent	Comment	DCC Response
Natural England (Carla Wright)	<p>Thank you for your consultation on the above dated 28 June 2019, which was received by Natural England on 28 June 2019.</p> <p>Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.</p> <p>Our remit includes protected sites and landscapes, biodiversity, geodiversity, soils, protected species, landscape character, green infrastructure and access to and enjoyment of nature.</p> <p>Whilst we welcome this opportunity to give our views, the topic of the Supplementary Planning Document does not appear to relate to our interests to any significant extent. We therefore do not wish to comment.</p> <p>Should the plan be amended in a way which significantly affects its impact on the natural environment, then, please consult Natural England again.</p> <p>Strategic Environmental Assessment/Habitats Regulations Assessment A SPD requires a Strategic Environmental Assessment only in exceptional circumstances as set out in the Planning Practice Guidance. While SPDs are unlikely to give rise to likely significant effects on European Sites, they should</p>	Comments noted.

	<p>be considered as a plan under the Habitats Regulations in the same way as any other plan or project. If your SPD requires a Strategic Environmental Assessment or Habitats Regulation Assessment, you are required to consult us at certain stages as set out in the Planning Practice Guidance.</p>	
<p>Raby Estates/Brookhouse Group (Submitted by Neil Westwick of Lichfields (Agent))</p>	<p>Inconsistency with other Design Guidance</p> <p>Building for Life 12 (BfL12) is a design tool for creating well-designed homes and neighbourhoods – used by an increasing number of home builders, local authorities and community groups. BfL was created in 2012 to support the Government’s commitment to building better designed homes and neighbourhoods and is cited within the NPPF.</p> <p>Section 7 (Creating well define streets and spaces) recommends: ‘Using a pattern of road types to create a hierarchy of streets and consider their enclosure, keeping to the well-proportioned height to width ratios relative to the type of street’.</p> <p>Alongside this recommendation, BfL makes reference to the MfS guidance on provision of various maximum and minimum street widths for guidance purposes, stating between 1:1 and 1:3 height to width ratios. Assuming a 2-storey street of say 5.5m to eaves then the maximum street width would be 16.5m. Additionally, BfL specifically recommends avoiding streets which lack successful enclosure through exceeding recommended height-to-width ratios.</p> <p>The privacy distance of 21m stated on page 10 has not been informed by the guidance within MfS and as such the proposed privacy distances contradict Durham’s Building for Life SPD. Assessment criteria stated in the County Durham Building for Life SPD, states that issues to consider when scoring applications compliance with the BfL principle ‘Creating Well Defined Streets and Spaces’ include assessing ‘Are height-to-width ratios proportionate to the type of street?’ and ‘Do buildings and landscaping create enclosed streets and spaces?’.</p>	<p>Manual for Streets (MfS) provides a useful reference point for informing the design and layout of new developments. It provides guidance in relation to street design, including the integration of vehicles and street users’ needs.</p> <p>A range of street widths are supported through the guidance in MfS. It states that “there are no fixed rules but account should be taken of the variety of activities taking place in the street and of the scale of the buildings on either side.”</p> <p>Streets should include sufficient space to support adequate pathways, roadways, off street parking, gardens, to accommodate permitted development rights in relation to rear extensions and provide room for adequate privacy and amenity. These standards are currently in operation through many of the former district local plans.</p> <p>Nevertheless the Residential Amenity Standards SPD is sufficiently flexible to allow narrower street widths, as explained in paragraphs 3.5 – 3.7. Distances may be relaxed where impacts on privacy can be reduced, or to allow a variation in layout where this adds interest and helps to create a sense of place. The SPD notes that some deviation from the prescribed distances may be</p>

	<p>It is considered that the proposed privacy distances are in conflict with Paragraph 126 of the NPPF, which states that supplementary planning documents' degree of prescription should be tailored to the circumstances in each place. Whilst the flexibility outlined in the supporting text does partially allow this, in some circumstances there will inevitably be applications for housing where design quality is the key-focus or where design decisions are taken to enhance the development. It is believed that the privacy distances currently restrict this and would confine the potential for high-quality residential development.</p> <p>Justification for the stated Privacy Distances</p> <p>We also wish to raise concern regarding the justification of the proposed privacy distances. The draft SPD sets out a Minimum Privacy distance of "21m between main facing elevations containing windows serving a habitable room".</p> <p>At present, it is considered that there is not sufficient justification or evidence to suggest that the guidance should deviate from the guidance stated within the Manual for Streets, especially given its contradiction with achieving criteria of Building for Life 12 Principle 7 (Creating well-defined streets). The framework provides successful and consistent design guidance, with recognition of this demonstrated by Durham County Council's adoption of the 'County Durham Building for Life SPD'.</p> <p>Whilst we appreciate that the Residential Amenity Standards SPD aims to safeguard amenity, this should not sacrifice good-design and the benefits that a variation in street sizes can bring.</p> <p>It is recommended that guidance provided by MfS is acknowledged and that the privacy distances within the draft SPD do not restrict design options. MfS states clear guidance on how to achieve well-designed streets and spaces, updating the link between planning policy and residential street design.</p>	<p>required depending on the existing context. For example, within higher density urban settings narrower streets may be appropriate, while suburban/rural layouts may be more spacious and require greater separation distances. The prevailing characteristics of existing dwellings and buildings will impact upon these considerations, however the SPD stresses the importance of ensuring that amenity is preserved as far as possible.</p> <p>Given the level of flexibility which is set down within the SPD there is no need to amend the minimum privacy distances as they provide a consistent standard and support a range of design options where this can be justified. However, minor changes have been made to the SPD (paragraph 3.2 and Footnote (iii)) to reflect that there may be instances where minimum standards will not apply.</p>
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MfS states that width between streets typically range from 12m to 18m, however the guidance also states recognition on that there are examples of widths less than this working well, and that account should be taken of the scale of the buildings on either side. Currently the privacy standards would limit the potential to variate street design, a key feature within the design guidance. The Draft SPD's 21m prescription is beyond the upper limit within the MfS guidance and would conflict with guidance which informs the BfL12 principles.

MfS also states in Paragraph 5.7.1 that when designing streets as social spaces: "The public realm should be designed to encourage the activities intended to take place within it. Streets should be designed to accommodate a range of users, create visual interest and amenity, and encourage social interaction. The place function of streets may equal or outweigh the movement function, as described in Chapter 2. This can be satisfied by providing a mix of streets of various dimensions, squares and courtyards, with associated 'pocket parks', play spaces, resting places and shelter. The key is to think carefully about the range of desirable activities for the environment being created, and to vary designs to suit each place in the network."

The guidance within the MfS has been prepared with the purpose of advising on how street design can help create better places - places with local distinctiveness and identity, placing well-designed streets at the heart of sustainable communities. These values are directly consistent with both the Building for Life principles and National Planning Policy framework.

To summarise, MfS aims to assist in the creation of streets that:

- help to build and strengthen the communities they serve;
- meet the needs of all users, by embodying the principles of inclusive design;
- form part of a well-connected network;
- are attractive and have their own distinctive identity;
- are cost-effective to construct and maintain; and
- are safe.

	<p>These points are consistent with policy direction of the NPPF which is underpinned by a social objective to support strong, vibrant and healthy communities fostered by a well-designed and safe built-environment.</p> <ul style="list-style-type: none">• Section 8 (Promoting healthy and safe communities) states that Planning Policy should aim to achieve healthy, inclusive and safe places which promote social interaction and which are accessible.• Section 9 (Promoting sustainable transport) states that transport issues should be considered from the earliest stages so that patterns of movements, streets, parking and other transport considerations are integral to the design of schemes, and contribute to making high quality places.• Section 12 (Achieving well-designed places) states that the creation of high quality places is fundamental to what the planning process should achieve, and that good design is a key aspect of sustainable development. Being clear about design expectations, and how these will be tested, is essential for achieving this, including effective engagement between applicants, communities, local planning authorities and other interests throughout the process.• Paragraph 126 states that to provide maximum clarity about design expectations at an early stage, plans or supplementary planning documents should use visual tools such as design guides and codes to provide a framework for creating distinctive places, with a consistent, high quality standard of design. However their level of detail and degree of prescription should be tailored to the circumstances in each place, and should allow a suitable degree of variety where this would be justified.• Paragraph 127 (d) states that a strong sense of place should be established using the arrangement of streets. <p>Given the clear parallels of the BfS with National Planning Policy's aim to promote healthy, inclusive and safe places that promote social interaction, it is considered that the Draft SPD should seek to acknowledge the contribution that a mix of street dimensions can make in achieving well-designed, inclusive and sustainable places.</p> <p>Suggested changes:</p>	
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	<p>It is suggested that the Minimum Privacy distances within the Draft SPD are reconsidered to allow for greater variation of street widths and to encourage the creation of well-defined streets and space, as required by the Building for Life Principles. Whilst the SPD attempts to account for flexibility in their prescription, it is considered that developers will be cautious in their design of streets and seek to avoid set-backs caused by uncertainty.</p> <p>There is currently no evidence provided which indicates the stated minimum distance are required for privacy purposes, as such they should be amended to maintain opportunity for developers to create well-designed places and to remove conflict between the County Durham Building for Life SPD.</p>	
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