

REVIEW OF THE OUTLOOK, AMENITY AND DAYLIGHT SUPPLEMENTARY PLANNING DOCUMENT (SPD)

Executive Summary

The Outlook, Amenity and Daylight Supplementary Planning Document (SPD) provides guidance on achieving suitable and appropriate outlook, amenity, daylight and sunlight in new residential development, whilst safeguarding the distinctive attributes of adjoining residential areas.

The existing SPD is out of date and is due for a review. The draft revised SPD was approved by the Executive for a six weeks consultation period at its meeting on 9 September 2021. The consultation period was between 27 September 2021 and 8 November 2021. The report outlines the various responses to the consultation and requests the Executive to recommend to Council to adopt the SPD for the purposes of ensuring high quality design of development in the Borough. A total of 5 individuals and organisations made representations. A summary of the representations and how they have been taken into account is in Appendix 1. Where Officers have proposed modifications, they are incorporated in the revised SPD, which is attached as Appendix 2. Overall, the proposed modifications are of minor nature and do not change the general thrust of the Draft SPD that was approved by the Executive for consultation.

The report was considered by the LDF Working Group at its meeting on 16 December 2021. The Minute of the meeting is attached as Appendix 4. The Working Group has proposed some minor modifications to the SPD. These are incorporated in the SPD and/or the report.

Recommendations

The Executive is requested to:

RECOMMEND TO COUNCIL That

- (i) the various representations to the Outlook, Amenity and Daylight Supplementary Planning Document (SPD) consultation together with Officer's responses and recommendations as set out in Appendix 1 to the report be noted;**
- (ii) the revised Outlook, Amenity and Daylight SPD included in Appendix 2 to the report be adopted as Supplementary Planning Document for the purposes of managing development across the borough and other planning decisions;**
- (iii) Appendix 2 of the SPD which relates to examples of separation distances of other local authorities be deleted; and**
- (iv) the requirements of the SPD should apply from the date of adoption, in this case 10 February 2022.**

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Reasons for Decision

Reason: To ensure that there is up to date guidance on achieving suitable and appropriate outlook, amenity, daylight and sunlight in new residential development.

The items above will need to be dealt with by way of a recommendation to Council.

Background Papers: None.

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1.0 Introduction

- 1.1 The report outlines the various responses to the consultation on the Outlook, Amenity and Daylight Supplementary Planning Document (SPD) and requests the Executive to recommend to Council to adopt the SPD for the purposes of ensuring high quality design of development in the Borough. The draft SPD was considered by the Working Group on 22 July 2021 and approved by the Executive for a six weeks consultation period at its meeting on 9 September 2021. The consultation period was between 27 September 2021 and 8 November 2021. A total of 5 individuals and organisations made representations. A summary of the representations and how they have been taken into account is in Appendix 1. Where Officers have proposed modifications, they are incorporated in the revised SPD, which is attached as Appendix 2. Overall, the proposed modifications are of minor nature and do not change the general thrust of the Draft SPD that was approved by the Executive for consultation.
- 1.2 The adoption of the Outlook, Amenity and Daylight SPD will be significant to the sustainable delivery of the Core Strategy and the Site Allocations DPD. It would provide detailed guidance on achieving suitable and appropriate outlook, privacy, daylight and sunlight in new residential development, whilst safeguarding the distinctive attributes of adjoining residential areas.
- 1.3 The Council expects the design of development to be of high quality, inclusive and comprehensive, not only looking at aesthetic quality, but also how the development brings various elements together to improve the quality of life of its users, and enhance the character of the area. This includes how development ensures satisfactory outlook, amenity, privacy and daylight in development. The Council is in the process of preparing a Masterplan for the Town Centre where most new development will be accommodated. The SPD will complement the delivery of the Masterplan.
- 1.4 The Core Strategy and the Development Management Policies Development Plan Document (DPD) includes robust policies to ensure high quality design of development, in particular, Policies CS21 and CS24 of the Core Strategy and DM7, DM10, DM11 and DM17 of the Development Management Policies DPD. The Outlook, Amenity and Daylight SPD provides detailed guidance on how the above policies would apply to the determination of day to day planning applications.
- 1.5 Given its significance as set out above, Members of the Executive are requested to recommend to Council to adopt the SPD. In adopting the SPD, the Council is also responding to concerns expressed by some members of the general public and Members to ensure that development that comes forward is sustainable and of good quality design.
- 1.6 The SPD will be used by:
 - Planning Officers as guidance against which to assess the design quality of development proposals when determining applications and offering pre-application advice;
 - Council Members when assessing development proposals in advance of and at Planning Committee meetings; and
 - applicants and developers when preparing their development schemes, as guidance to indicate ways in which high quality and exceptional design can be achieved.
- 1.7 Officers are satisfied that the contents of the revised SPD including the proposed amendments are sufficiently robust and at the same time allow scope for flexibility to apply its key principles to the merits of individual applications and should therefore be supported for adoption. Overall, it will guide improvements in the standard of design of development expected across the Borough.

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2.0 Nature and analysis of representations

2.1 A total of 5 individuals and organisations responded to the consultation with representations covering a wide range of issues such as:

- There should be an SPD to control operations/air quality at ‘builders yards’;
- There is no possible justification for allowing closer spacing between buildings. We should avoid moving towards slum development;
- The SPD should be updated to highlight the significance of tall buildings as part of the Council’s housing strategy;
- Development should not just seek to respect existing character if the existing character is undesirable;
- There should be greater effort to make planning information more accessible to all sections of the population;
- There is no evidence to show that Community Infrastructure Levy (CIL) money is being fairly spent in certain areas. There should be an Officer to ensure the fair distribution of CIL money.

2.2 The range of issues summarised above are by no means exhaustive. A full summary of the representations received and Officer’s response with recommendations is included in Appendix 1. Members are encouraged to read this in full.

3.0 Summary of the draft Outlook, Amenity and Daylight SPD

3.1 Members are assured that the structure of the revised SPD has not changed from the draft that was approved by the Executive before it was published for consultation. Proposed modifications as a result of consideration of the representations are highlighted. However, for the avoidance of doubt, the key topics covered in the SPD are summarised below. The SPD is structured into five parts as follows:

- **Outlook:** it ensure that residential development is considered in its rightful context. It ensures that the close proximity of another building (or other controlled works) does not adversely affect accommodation by diminishing the visual enjoyment of a dwellings immediate setting.
- **Amenity:** it ensures that the setting of development is appropriate. It ensures the provision of landscaped space or other high quality outdoor amenity surrounding dwellings usually forming; private amenity space (private realm), and the landscaped frontage to the development (public realm).
- **Privacy:** it ensures the protection of habitable rooms and intimate areas of private outdoor amenity from being directly overlooked. It ensures that people can live in comfort in their private space at home.
- **Daylight:** it ensures an appropriate amount of natural daylight required to illuminate internal rooms. Reference is also made to providing access to sunlight, and the safeguarding of access to sunlight for solar energy generation.
- **An Appendix** (Appendix 1), which recommends a number of dimensions to achieve the minimum level of outlook, amenity, daylight and sunlight in residential layouts.

4.0 Next stages of the process

4.1 Subject to the recommendations of the Executive it is expected that the report will be considered by Council for adoption at its meeting on 10 February 2022. When adopted, the SPD will take immediate effect from the date of adoption.

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5.0 Corporate Strategy

- 5.1 The SPD will make a meaningful contribution to the delivery of the Corporate Plan. It will help create an enterprising, vibrant and sustainable borough by ensuring that development is on high quality design and of an acceptable standard, including appropriate provision for achieving suitable outlook, amenity, daylight and sunlight in residential development. The SPD will complement the delivery of the emerging Town Centre Masterplan.

6.0 Implications

Finance and Risk

- 6.1 The Core Strategy was adopted in October 2012 and reviewed in October 2018. The Site Allocations DPD has just been adopted (October 2021). Planning applications continue to be submitted to deliver their requirements. It is important that the revised Outlook, Amenity and Daylight SPD is adopted and in reasonable time to provide the necessary framework to ensure good quality design of the development coming forward. Failure to support the recommendations of the report could further delay the adoption of the SPD.

- 6.2 There are no additional financial implications for preparing the SPD. The preparation of the SPD has been done in-house, and the cost has been met from the existing Planning Policy Service budget.

Equalities and Human Resources

- 6.3 There are no equalities or human resources implications for preparing the SPD.

Legal

- 6.4 The SPD should be prepared to be in general conformity with the development plan for the area, in particular, the Core Strategy. Officers have ensured that this requirement is met to avoid the risk of legal challenge.

7.0 Engagement and Consultation

- 7.1 The revised SPD has been prepared with the active involvement of the relevant sections of the Council. In particular, the Development Management Team. The draft SPD had been scrutinised by the Working Group and the Executive before it was published for public consultation. The community had been given six weeks to comment of the draft and their comments have been taken into account in finalising the SPD. The revised SPD was considered by the Working Group on 16 December 2021 and will be considered for adoption by Council on 10 February 2022.

8.0 Conclusions

- 8.1 The importance of good quality design to the sustainable development of the Borough has clearly been established by the Core Strategy. There is no doubt that the Borough, in particular the Town Centre, is undergoing significant change through development. This can only be sustainable and acceptable if the development is of good quality design. The SPD will provide a useful framework for this to be achieved.
- 8.2 Community involvement is critical for measuring the weight to be accorded to the SPD for the purposes of managing development. The representations received have led to minor modifications of the SPD, which Officers believe are an improvement on the original draft. Officers are satisfied that the SPD provides useful guidance to ensure good quality design of development in the area.

REPORT ENDS