

<b>Item No.</b> 11.	<b>Classification:</b> Open	<b>Date:</b> 22 March 2011	<b>Meeting Name:</b> Cabinet
<b>Report title:</b>		Update to the Residential Design Standards - Supplementary Planning Document	
<b>Ward(s) or groups affected:</b>		All	
<b>Cabinet Member:</b>		Councillor Fiona Colley, Regeneration and Corporate Strategy	

## **FOREWORD – COUNCILLOR FIONA COLLEY, CABINET MEMBER FOR REGENERATION AND CORPORATE STRATEGY**

1. The regeneration of Southwark continues to deliver high quality new housing including a high proportion of affordable housing much needed by the community. Clear planning guidance setting demanding standards for developers has been one of the council's most important tools to achieve this. A Residential Design Standards Supplementary Planning Document (SPD) was adopted by the council in 2008.
2. The SPD needs to be revised to ensure that it maintains the high standards that we demand, in particular to reflect the improved internal room sizes that we are now requiring in new developments. As referred to in the report on the Core Strategy, we have been prevented from including these standards among our strategic policies by the examination inspector so we must take them forward in other documents.
3. Some other amendments are needed to accommodate changes resulting from the outcome of the Core Strategy examination and the revised SPD will be published for consultation.

## **RECOMMENDATIONS**

That Cabinet

4. Consider and agree for consultation:
  - The update to the Residential Design Standards Supplementary Planning Document (appendix A) including comments from Planning Committee
  - The consultation plan (appendix B)
  - The Equalities Impact Assessment (appendix C)
  - Note the comments from Planning Committee (TBC)

## **BACKGROUND INFORMATION**

5. Our existing Residential Design Standards supplementary planning document was adopted by the then Executive in September 2008.
6. Within section 2.3 of the SPD there is a table of minimum room sizes to ensure an adequate amount of space is provided in residential development. This update will introduce additional standards for minimum dwelling sizes within the SPD.

7. The amendments will remove the word 'local' from section 4.3 when considering appropriate student providers to be consistent with core strategy changes required by the Mayor.
8. We are also updating references to policies to reflect the new core strategy and saved Southwark Plan policies. The text summarising our approach to residential density and dwelling mix has also been updated to reflect Core Strategy and area action plan changes. This includes transferring appendix 2 from the Southwark Plan to the SPD to provide guidance on how density is calculated.
9. The update will be incorporated into the 2008 adopted SPD and will become part of the Local Development Framework and will be a material consideration in planning application decisions.

## **CONSULTATION**

10. The Planning and Compulsory Purchase Act 2004 (as amended by the Planning Act 2008) and our Statement of Community Involvement 2007 requires consultation to be ongoing and informal to guide the overall approach to consultation planning policy documents.
11. The consultation plan (appendix B) sets out the consultation that will be carried out on the update to the SPD. This is in accordance with the adopted Statement of Community Involvement.
12. The council will consult for a period of 12 weeks from 11 March to 2 June 2011.
13. Note the comments from Planning Committee (TBC)

## **KEY ISSUES FOR CONSIDERATION**

14. Once adopted, the update will provide further guidance to Policy 4.2 (Quality of residential accommodation) of the Southwark Plan (2007) and Strategic Policy 7 (Family homes) of the Core Strategy (April 2011)
15. The Core Strategy sought to prescribe minimum flat sizes in order to drive up the quality and standard of residential development. However, the inspector deleted the minimum dwelling sizes, stating that the approach made no allowance for levels of intended occupancy within different dwelling types. The inspector also stated that floor space standards could be placed reasonably in a supporting development plan document. The inspector's binding report inserts new wording into the Core Strategy to say that we intend to identify the standards we will require within a subsequent planning document and that in the interim we will expect development to follow the standards within the Residential Design Standards SPD. We are therefore proposing this update to the Residential Design Standards SPD to set out the standard we expect development to meet or exceed. The new table makes an allowance for the intended occupancy within different dwelling types. The dwelling sizes relate dwelling sizes to occupancy levels, which is consistent with the London Plan.
16. The updated standards will ensure that all new development is built to a high quality of design with good living conditions. They will help to ensure that an adequate amount of space is provided to create pleasant and healthy living environments. It will ensure that there is sufficient space for everyone in the home

to have space to play, work and study, and for privacy and quiet whilst also having sufficient space for storage and circulation within the home.

17. The requirement for a local student providers to provide evidence of interest in section 4.3 is being opened up to all student providers. This is required for consistency with the Core Strategy due to a change required by the Mayor to provide a more strategic approach.

### **Community impact statement**

18. The purpose of the Core Strategy is to facilitate regeneration and deliver the vision of Southwark 2016 in a sustainable manner ensuring that community impacts are taken into account. The update to the Residential Design Standards SPD will help to facilitate this.
19. An equalities impact assessment scoping report (appendix C) has been carried out alongside the preparation of the update to the SPD to assess the impact the update to the SPD will have on the different equality target groups.
20. We have tested the sustainability impacts of the minimum room sizes as part of the Core Strategy sustainability appraisal. The proposed change to the SPD will provide further guidance to the Core Strategy policy 7. In addition the standards used are in line with those in the draft replacement London Plan, which itself was subject to a sustainability appraisal. As such a further sustainability appraisal of the proposed SPD amendment is not required.

### **SUPPLEMENTARY ADVICE FROM OTHER OFFICERS**

#### **Strategic Director of Communities, Law and Governance**

21. This report is being brought before Members' of the Cabinet under Part 3C of the Southwark Constitution 2010/11. The decision to adopt SPDs for consultation is normally reserved to Individual Members under part 3D, paragraph 18. However, officer consider that there are cross-cutting issues affecting Housing, the Environment and Regeneration and it was therefore considered more appropriate for this SPD to be adopted for consultation by full Cabinet.
22. The updated Residential Design Standards SPD is now at consultation stage, accordingly, Members' of Planning Committee are requested to consider the documents set out in section 2 of this report and to comment on the updated Residential Design Standards SPD to Cabinet.
23. SPDs are local development documents under the new legislative framework established under the Planning and Compulsory Purchase Act 2004 and will form part of the planning framework for the borough. They may cover a range of issues, both thematic and site specific which expand upon policy or provide further detail to policies in development plan documents. They must not be used to allocate land. SPDs do not have development plan status and as such the presumption in favour of the development plan in section 38(6) of the 2004 Act does not apply to SPDs. This draft SPD complies with these principles.
24. SPDs have replaced supplementary planning guidance (SPGs) which were formerly adopted under PPG12 as informal non statutory guidance which set out more detailed guidance on the way development plan policies will be applied in particular circumstances. If consistent with the development plan and prepared in consultation with the public whose views are taken into account before the SPG

was finalised, PPG12 advised that substantial weight could be placed on an SPG as a material consideration.

### **Procedural Requirements**

25. Under the new system, a detailed procedure for the adoption of SPDs is set out in Part 5 of The Town and Country Planning (Local Development) (England) Regulations 2004. Until an SPD has been adopted to replace an existing SPG, the SPG and guidance in PPG12 continues to apply. PPS12, the successor to PPG12, does not state how much weight should be given to new SPDs but it is likely that given their preparation under the new procedures involves proper public consultation, once adopted substantial weight may be placed on SPDs as a material consideration, in the determination of planning applications where relevant.
26. SPDs will not be subject to independent examination; however the legislation requires that they should be subjected to rigorous procedures of community involvement. PPS12 set out the criteria an SPD must conform with:
  1. It must be consistent with national and regional planning policies as well as the policies set out in the development plan documents contained in the local development framework;
  2. It must be clearly cross-referenced to the relevant development plan document policy which it supplements (or, before a relevant development plan document has been adopted, a saved policy);
  3. It must be reviewed on a regular basis alongside reviews of the development plan document policies to which it relates; and
  4. The process by which it has been prepared must be made clear and a statement of conformity with the statement of community involvement must be published with it.
27. All the matters covered in SPDs must relate to and set out the further detail of policies in a development plan document or a saved policy in a development plan. They must therefore conform to the relevant development plan document (or saved policies), and thereby be consistent with national planning policy and generally conform, in London, with the spatial development strategy.
28. This SPD has been prepared in accordance with the Southwark Plan 2007, which is the adopted development plan for Southwark and which has been prepared so that it is in general conformity with the London Plan – the Mayor’s spatial development strategy. At present, the Southwark Plan as the most recent adopted development plan document prevails in accordance with S38(5) of the Planning and Compulsory Purchase Act 2004. Southwark’s Core Strategy was considered by an independent Inspector during an Examination in Public held in July 2010. The Inspector has issued his binding report and deemed the Core Strategy to be sound. His report was received on 28 January 2011 and it is likely that Southwark will adopt the Core Strategy.
29. Now the Inspector’s binding report has been received, the Core Strategy, together with the suggested changes by the Inspector carries considerable weight. In the period before the Core Strategy is formally adopted, whilst the Southwark Plan remains the relevant statutory development plan, where the Core Strategy suggests a different approach when determining a planning application, the Core Strategy is a significant material consideration that should be taken into account.

30. Local planning authorities must comply with European Union Directive 2001/42/EC which requires formal strategic environmental assessment of certain plans and programmes which are likely to have significant effects on the environment. The directive applies to local development documents where formal preparation began after July 21 2004. It will also apply to all local development documents, as well as local plans/unitary development plans continuing under transitional arrangements whose preparation began before that date and, which are not adopted by July 21 2006. The directive has been incorporated into English law by virtue of the Strategic Environmental Assessment Regulations 2004. Local planning authorities must comply with these regulations as well as the regulations under Part 2 of the Act when preparing local development documents.
31. In addition, section 39 of the 2004 Act requires local development documents to be prepared with a view to contributing to the achievement of sustainable development. The 2004 Act requires regard to be had to national policies and guidance on sustainable development. The government's four aims for sustainable development are set out in PPS1 Creating Sustainable Communities paragraph 1.13. These are:
  - Maintenance of high and stable levels of economic growth and employment.
  - Social progress which recognises the needs of everyone.
  - Effective protection of the environment.
  - The prudent use of natural resources.

### **Sustainability Appraisal**

32. The Planning and Compulsory Purchase Act 2004 and Regulation 17 of the above regulations also requires sustainability appraisal (SA) of all emerging DPDs. The Town and Country Planning (Local Development)(England) (Amendment) (Regulations) 2009 provide that a SA report is no longer required if the respective issues are addressed at a higher policy level.
33. A sustainability appraisal was been carried out on the previous adopted version of the SPD. In addition the minimum dwelling sizes were tested through the sustainability appraisal for the Core Strategy and replacement London Plan.

### **Consultation – Procedural Requirements**

34. Members' are advised that should the Cabinet grant approval for consultation on the updated Residential Design Standards SPD, a number of statutory requirements will need to be complied with by the council before the SPD can progress to the next stage, ultimately for adoption. These requirements are set out in Part 5 of the Regulations (Regulations 16,17,18 and 19 Town and Country Planning (Local Development) (England) Regulations 2004 (as amended by the 2008 Regulations) and must be complied with prior to adoption.
35. The proposed consultation process for this SPD is set out in the Consultation Plan which accompanies it and confirms with the policies contained in Southwark's Statement of Community Involvement (including a 6 week period of informal consultation, followed by six weeks of informal consultation).

### **Finance Director**

36. This report asks the Cabinet to consider and agree the update to the Residential Design Standards supplementary planning document.

37. Although there are no financial implications directly attributable to this report, any costs arising from the implementation of this report should be reported for approval by the Cabinet

## BACKGROUND DOCUMENTS

Background paper	Held at	Contact
Core strategy draft final February 2011	160 Tooley Street	Sandra Warren 0207 525 5471
Residential Design Standards supplementary planning document 2008	160 Tooley Street	Sandra Warren 0207 525 5471
Statement of Community Involvement 2008	160 Tooley Street	Sandra Warren 0207 525 5471

## APPENDICES

No.	Title
Appendix A	Draft update to the Residential Design Standards supplementary planning document (circulated separately to members)
Appendix B	Consultation Plan (available on the website)
Appendix C	Equalities Impact Assessment (available on the website)

## AUDIT TRAIL

<b>Cabinet Member</b>	Councillor Fiona Colley, Cabinet Member for Regeneration and Corporate Strategy	
<b>Lead Officer</b>	Eleanor Kelly, Deputy Chief Executive	
<b>Report Author</b>	Julie Seymour, Head of Planning Policy	
<b>Version</b>	Final	
<b>Dated</b>	9 March 2011	
<b>Key Decision?</b>	No	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER</b>		
<b>Officer Title</b>	<b>Comments Sought</b>	<b>Comments included</b>
Strategic Director of Communities, Law & Governance	Yes	Yes
Finance Director	Yes	Yes
Cabinet Member	Yes	No
<b>Date final report sent to Constitutional Support Services</b>	9 March 2011	