

Item No. 13.	Classification: Open	Date: 18 October 2011	Meeting Name: Cabinet
Report title:		Residential Design Standards Supplementary Planning Document 2011	
Ward(s) or groups affected:		All	
Cabinet Member:		Councillor Fiona Colley, Regeneration and Corporate Strategy	

FOREWORD – COUNCILLOR FIONA COLLEY, REGENERATION AND CORPORATE STRATEGY

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.

The SPD needs to be revised to ensure that it maintains the high standards that we demand, in particular to reflect the larger internal room sizes that we are now requiring in new developments. Sadly we were prevented by the examination inspector from including these standards among our strategic policies in the Core Strategy by the examination inspector so we must take them forward in other documents.

Following the consultation on the draft I am recommending we now adopt this updated Residential Design Standards SPD.

RECOMMENDATIONS

That Cabinet

1. Note the comments of Planning Committee.
2. Adopt the final Residential Design Standards supplementary planning document (SPD) (appendix A), and note the consultation statement (appendix B) and equalities impact assessment (appendix C).

BACKGROUND INFORMATION

3. Our existing Residential Design Standards supplementary planning document was adopted in September 2008. Within section 2.3 of the SPD there is a table of minimum floor areas to ensure an adequate amount of space is provided in residential development. The 2011 draft SPD increases the minimum standards and replaces the overall floor areas within the 2008 SPD. Once adopted, the 2011 SPD will be a material consideration in determining planning applications.
4. The 2011 SPD also includes factual updates to reflect the adopted Core Strategy policies and an appendix on calculating density which was previously in the Southwark Plan (2007).

5. Cabinet agreed to consult on the 2011 Residential Design SPD on 22 March 2011.

CONSULTATION

6. 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.
7. Consultation was carried out on the SPD in accordance with the consultation plan and the statement of community involvement (2008). The consultation statement (appendix B) provides a summary of the consultation carried out and the responses received.
8. Four representations were submitted on the SPD. Planning Committee also comments on the SPD. A summary of the representations and how we have taken these into account is set out below. These representations have been taken into consideration in preparing the final SPD.

Planning committee

9. The SPD was taken to Planning Committee for comment on 21 March 2011. Planning Committee were in favour of the proposals.

Greater London Authority

10. The Greater London Authority welcomed the new dwelling sizes, consistent with those in the draft replacement London Plan.

Other consultees

11. One consultee was concerned that the SPD did not provide enough flexibility. The council considers that the standards in the SPD provide a lot of flexibility by allowing for a range of different sizes for different occupancy levels, providing the overall average is met.
12. There was also concern that the two tables on minimum dwelling sizes contradicted each other. This has been corrected in the final version of the SPD.
13. One consultee welcomed the increase in dwelling sizes but felt that they should be larger and in accordance with the Parker Morris standards. The standards proposed in the SPD are in accordance with those in the London Plan and evidence underpins these standards to show that they are deliverable. In many cases the standards in the SPD meet or exceed the Parker Morris Standards.
14. One consultee expressed concern that larger dwelling standards could impact on existing open spaces. In the council's view, the Southwark Plan already protects many of the open spaces in Southwark, and new housing developments are also required to provide amenity space as part of the development.

KEY ISSUES FOR CONSIDERATION

15. The 2011 SPD amends the 2008 SPD by inserting a new table in section 2

setting out overall dwelling sizes based on occupancy levels to include an average requirement for different types of dwellings.

16. 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 inserted new wording into the Core Strategy to say that development will be expected to meet the council's minimum overall floor sizes and the in the interim we will expect development to follow the standards within the council's Residential Design Standards SPD. This wording has now been adopted in the core strategy (2011).
17. The update to the SPD is therefore to reflect the core strategy by setting out the standards 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.
18. 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.
19. The new standards will replace the overall dwelling standards in the adopted 2008 SPD and will be used alongside the existing table on the minimum sizes of individual rooms.
20. Since consulting on the SPD, national government has released its draft National Planning Policy Framework. Whilst it is only a consultation document, and adoption is not likely until 2012, the Planning Inspectorate has stated that it should be acknowledged as a material consideration in determining planning applications. Paragraph 21 of the draft framework sets out that "Supplementary Planning Documents should only be necessary where their production can help to bring forward sustainable development at an accelerated rate, and must not be used to add to the financial burdens on development".
21. In the case of this SPD, the SPD continues to be necessary to ensure the policies and objectives of the Core Strategy can be met. As set out in Sustainable Community Strategy (Southwark 2016), the Housing Strategy 2009-2016 and the Core Strategy, the council is committed to delivering more and better homes. The SPD, especially the updated minimum dwelling sizes, will assist in delivering high quality new homes that meet the needs of residents and those wanting to live in Southwark. The evidence underpinning the Core Strategy and the London Plan supports this approach and will not have an unnecessary financial burden on development. In addition, by providing clarity on the required dwelling sizes, applicants will know from the outset what is expected in a planning application which can help to speed up the planning process.
22. An additional appendix has been inserted into the SPD to provide further guidance to core strategy strategic policy 5 on calculating density. This appendix is also part of the Southwark Plan.

23. The updated SPD has also been updated to reflect the new core strategy policies and London Plan. These are factual updates to ensure the SPD refers to the correct adopted policy.
24. Once adopted, the updated SPD will provide further guidance to Policy 4.2 (Quality of residential accommodation) of the Southwark Plan (2007), Strategic Policy 5 (Providing new homes) and Strategic Policy 7 (Family homes) of the Core Strategy (April 2011).

Community impact statement

25. 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.
26. An equalities impact assessment (appendix C) has been carried out alongside the preparation of the SPD to assess the impact the update to the SPD will have on the different equality target groups.
27. 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. As such a further sustainability appraisal of the proposed SPD amendment is not required.

Financial implications

28. This report is recommending cabinet to note and adopt the final (SPD) (appendix A), consultation statement (appendix B) and equalities impact assessment (appendix C).
29. There are no immediate financial implications from the adoption of the contents of the planning documents. Cabinet is at this stage being asked to simply note and adopt the planning document.
30. Furthermore, any additional work required to complete the Residential Design Standards supplementary planning document will be carried out by the relevant Policy team staff resources without a call on additional funding.
31. Any specific financial implications arising from the adoption of final Residential Design Standards supplementary planning document (SPD) will be included in subsequent reports for consideration and approval.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Strategic Director of Communities, Law & Governance

32. This report is being brought before Members' of the Cabinet under Part 3C, paragraph 21 of the Southwark Constitution 2010/11.
33. The Residential Design Standards SPD is now at adoption stage, accordingly, Members' of the Cabinet are requested to consider the Residential Design Standards SPD together with the consultation plan and the Equalities Impact Assessment, taking into account comments from Planning Committee.

34. The development plan for Southwark comprises of the Core Strategy (2011), saved Southwark Plan (2007) policies Plan together with the adopted London Plan (with alterations) 2008. The emerging development plan comprises of the draft Canada Water Area Action Plan – and the draft Replacement London Plan (2010).
35. 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.
36. 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

37. Under the current 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. PPS12 (Local Spatial Planning) does not state how much weight should be given to new SPDs but given their preparation under the legislative 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.
38. SPDs are not 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:
 - I. 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;
 - II. 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);
 - III. It must be reviewed on a regular basis alongside reviews of the development plan document policies to which it relates; and
 - IV. 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.
39. 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.

40. This SPD has been prepared in accordance with the Core Strategy (2011) and saved policies contained in 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.
41. 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 also applies 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.
42. 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

43. 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. In this case the relevant higher level policies are:
- Strategic Policy 5 – Providing new homes
 - Strategic Policy 7 – Family homes
 - Strategic Policy 8 – Student homes
 - Strategic Policy 12 – Design and conservation
 - Saved Southwark Plan Policy 3.2 – Protection of Amenity
 - Saved Southwark Plan Policy 3.11 – Efficient Use of Land
 - Saved Southwark Plan Policy 3.12 – Quality in Design
 - Saved Southwark Plan Policy 3.14 – Designing out Crime
 - Saved Southwark Plan Policy 4.2 – Quality of Residential Development
 - Saved Southwark Plan Policy 4.3 – Mix of Dwellings
 - Saved Southwark Plan Policy 4.5 – Wheelchair Affordable Housing

- Saved Southwark Plan Policy 4.7 – Non Self-Contained Housing for Identified User Groups

44. SPDs must also be subject to Strategic Environmental Assessment (SEA) pursuant to the Environmental Assessment of Plans and Programmes Regulations 2004. This SPD has not been assessed as having significant environmental effects and a SEA has not been carried out as a result.

Procedural Requirements

45. 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 as soon as reasonably practicable after the date of adoption.

Human Rights Implications

46. The Human Rights Act 1998 imposes a duty on the council as a public authority to apply the European Convention on Human Rights and the council must not act in a way which is incompatible with these rights. The most important rights for planning purposes are article 8 the right to respect for home and article 1 of the First Protocol, the right to peaceful enjoyment of property. Article 6 is also engaged in relation to the principles of natural justice. In general, these principles are inherent in domestic law. As this SPD has been prepared in accordance with the statutory process, it is likely that it is in conformity with the Human Rights Act 1998. Any human rights implications will be considered throughout the application of the policies in the SPD through the development control process.

Equalities Impact Assessments (EqIAs)

47. The Equality Act 2010 introduced a single public sector equality duty (PSED). This duty requires the council to have due regard in our decision making processes to the need to:

- (a) Eliminate discrimination, harassment, victimisation or other prohibited conduct;
- (b) Advance equality of opportunity between persons who share a relevant protected characteristic and those who do not
- (c) Foster good relations between those who share a relevant characteristic and those that do not share it.

48. The relevant protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation. The PSED also applies to marriage and civil partnership, but only in relation to (a) above.

49. There has been compliance with the council's Equalities and Human Rights Scheme 2008-2011 as well as the public sector equality duty as contained within section 149 of the Equality Act 2010. All six equality strands have been duly considered and assessed, this is evidenced at paragraph 25 above and in Appendix C.

Finance Director

50. There are no immediate financial implications arising from this report. Staff time to effect the recommendation will be contained within existing budgeted resources

BACKGROUND DOCUMENTS

Background paper	Held at	Contact
Core strategy April 2011	160 Tooley Street SE1 2QH	Sandra Warren 0207 525 5471
Residential Design Standards supplementary planning document 2008	160 Tooley Street	Sandra Warren 0207 525 5471
Statement of Community Involvement 2007	160 Tooley Street	Sandra Warren 0207 525 5471

APPENDICES

No.	Title
Appendix A	Draft Residential Design Standards Supplementary Planning Document (2011) (circulated separately)
Appendix B	Consultation statement (available on the website)
Appendix C	Equalities impact assessment (available on the website)

AUDIT TRAIL

Cabinet Member	Councillor Fiona Colley, Regeneration and Corporate Strategy		
Lead Officer	Eleanor Kelly, Deputy Chief Executive		
Report Author	Alison Squires, Team Leader Planning Policy		
Version	Final		
Dated	7 October 2011		
Key Decision?	No		
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER			
Officer Title		Comments Sought	Comments included
Strategic Director of Communities, Law & Governance		Yes	Yes
Finance Director / Departmental Finance Manager		Yes	Yes
Cabinet Member		Yes	Yes
Date final report sent to Constitutional Team			7 October 2011