

DESIGN SUPPLEMENTARY PLANNING DOCUMENTS

Report of the Director of Development and Regeneration

1.0 Purpose of the Report

- 1.1 To advise Planning and Highways Committee of the responses received following consultation on the proposed policies and proposals outlined in the Residential Design Guide Draft Supplementary Planning Document (SPD) and the Design and Access Statements guidance Draft SPD and to seek Committee's comments on both these revised Design SPDs.
- 1.2 The Committee's comments will be reported to Cabinet at its meeting on 5th November 2008 when approval will be sought to a recommendation to adopt the amended Residential Design Guide and Design and Access Statements guidance as Supplementary Planning Documents.

2.0 Background

- 2.1 In recognition of the importance of design quality and the need to improve the quality of urban design and architecture in all new developments, the Council is developing a portfolio of design-based Supplementary Planning Documents to help deliver a higher quality of urban design in new developments across the City.
- 2.2 At its meeting in July 2006 Cabinet approved a revised Residential Design Guide as Interim planning Policy and as a basis for public consultation. Building on this work, two additional and related design guide documents have been prepared which will help encourage greater standards of design quality in the built environment and provide a more comprehensive portfolio of design guides. In December 2007 Cabinet approved the Residential Design Guide Draft SPD, Design and Access Statements guidance Draft SPD and Household Alterations and Extensions Draft SPD for the purposes of public consultation.
- 2.3 Although consultation has taken place on all three documents, work on the draft SPD for Household Alterations and Extensions was temporarily suspended following the publication of a government consultation paper outlining its proposals for reforming the system governing what householders can do to their own property without the need to apply for planning permission. Following the government's consultation process, the Town and Country Planning (General Permitted Development) (Amendment)(No2)(England) Order 2008 was prepared and came into effect on 1st October 2008. The Household and Alterations draft SPD will now be reviewed and progressed in light of the changes to householder "permitted development" rights set out in the above Order and this draft SPD will be the subject of a report to Committee in the future.
- 2.4 The purpose of the Residential Design Guide is to secure the delivery of sensitive and appropriately designed sustainable residential development.

The guide is intended for use by everyone involved in the housing development process to assist in achieving high quality and sustainable 'places for living'.

- 2.5 The purpose of the Design and Access Statements guidance is to provide advice to applicants explaining what information should be included in these statements and how they should support planning applications. It is intended that this document will be beneficial to all those involved in submitting planning applications to the City Council.

3.0 Consultations on the Design SPDs

- 3.1 The City Council undertook a 6 week consultation process from Monday 28th January 2008 to Friday 7th March 2008. In addition the City Council provided an exhibition in the Civic Centre in Sunderland for the duration of the consultation period. This exhibition provided a brief overview of the three documents and their intended purpose. A presentation on the three Design SPDs was given to attendees at a forum event organised by the Council for local architects, agents and developers at the Stadium of Light on the 15th of February. In addition a dedicated web page was created, which could be easily accessed via www.sunderland.gov.uk/urbandesign.

Summary of consultation responses

- 3.2 A total of 10 written responses were received 6 of which came from statutory consultees and 4 from non-statutory consultees. The majority of the consultation responses were broadly supportive of the suite of design SPDs with the exception of comments from the Home Builders Federation and several large volume house builders. A detailed schedule of all the comments is incorporated within Annex 1.

One North East and North East Assembly

- 3.3 One North East is strongly supportive of the Council's intention to provide three advisory SPD documents in respect of design issues. The North East Assembly is also supportive of the production of the SPDs suggesting that they provide a useful guide for developers. The North East Assembly indicated that the design SPDs are in accordance with the objectives of policy ENV22 of Regional Planning Guidance 1 and policies 2 and 24 of the Regional Spatial Strategy (RSS) further proposed changes. The RSS has since been adopted.

Home Builders Federation (HBF)

- 3.4 The HBF suggest that the Residential Design Guide be progressed as a development plan document rather than an SPD. The Residential Design Guide SPD has been prepared in accordance with national guidance as contained within Planning Policy Statement 12: Local Development Frameworks and follows the requirements of the Town and Country (Local Development (England) Regulations 2004).
- 3.5 In general the HBF suggest that the design SPDs are overly prescriptive and that the planning authority is seeking to impose additional standards to control

the design and construction of new market housing. Several other housebuilders including Miller Homes and Gladedale Northern endorse the representations made by the HBF on behalf of the industry. A more detailed response to these comments is provided in Annex 1.

GVA Lamb & Edge

- 3.6 GVA Lamb & Edge object to the Residential Design Guide (RDG) suggesting it adds little to assist a developer in knowing what the Council as Local Planning Authority (LPA) will consider acceptable. Concerns are raised that the RDG lacks any qualitative criteria that a development may be measured against and that deliberations over proposed development by the LPA will be purely subjective. GVA Lamb and Edge also raise several questions in relation to the new 1app system and the requirements set out in the RDG for all planning applications.

Natural England and English Heritage

- 3.7 Natural England raised a variety of issues in relation to all the design SPDs, in particular the need for the design guides to address environmental issues in greater detail. Biodiversity and protected species were areas that Natural England suggested should be addressed. English Heritage welcomes the Council's intention to produce SPDs to deal with design issues.

4.0 Amendments to the Residential Design Guide and Design and Access Statements SPDs

- 4.1 In light of the submitted comments received and following a period of analysis the Residential Design Guide and Design and Access Statements SPDs have been amended. Annex 1 outlines the key changes that have been made. Copies of the revised documents are available in the Members' library or can be downloaded from:

<http://cmiscos/CMISWebAdmin/Binary.ashx?Document=8472>

<http://cmis-cos/CMISWebAdmin/Binary.ashx?Document=8471>

5.0 Reason for Decision

- 5.1 The reason for the decision is to provide a portfolio of design based Supplementary Planning Documents to assist in the delivery of high quality, sensitive and appropriately designed sustainable developments.

6.0 Alternative Options

- 6.1 The Council could choose not to adopt the amended Residential Design Guide and Design and Access Statement SPDs. However, failure to adopt the Design Guides as Supplementary Planning Documents will weaken the Council's ability in controlling the quality of design in new residential developments across the city.

7.0 Other Relevant Considerations

7.1 The Residential Design Guide and the Design and Access Statements SPDs have been prepared in accordance with the relevant Planning Regulations. If adopted as Supplementary Planning Documents, the two documents will be a material consideration in determining planning applications.

8.0 Background Papers

- UDP Alteration No 2. Central Sunderland
- Unitary Development Plan (UDP)
- Planning Policy Statement 1 – Delivering Sustainable Development (PPS1)
- Planning Policy Statement 3 – Housing (PPS3)
- Planning Policy Statement 6 – Planning for Town Centres
- Planning Policy Statement 12 – Local Development Frameworks (PPS12)
- Planning Policy Guidance 15 – Planning and the Historic Environment
- By Design – Urban Design in the Planning System (DTLR)
- ‘Creating Local Development Frameworks’ – A Companion guide to PPS12

	<p>3.5 Considering the wider area</p> <p>Locations which are not currently connected to existing routes and with the wider area shouldn't be totally excluded as developer contributions through S106 agreements could be negotiated in order to render such sites viable for development.</p> <p>4.1 Density</p> <p>The HBF welcomes the Council's recognition of the fact that densities cannot be set on a blanket basis. However it is not the place of the Council to dictate to developers which types / sizes of houses should be built on a particular site as is suggested in the following sentence 'executive type' housing can be provided at higher densities and does not necessarily imply large detached dwellings'.</p> <p>The housing mix should determine density based on topography, net developable area, space about dwelling standards, buffer zones, landscaping, stress etc.</p> <p>4.5 Supporting the Local Community & Providing a Focal Space</p> <p>The HBF would like to emphasise that, with regard to community facilities and open space (and planning obligations generally) these must be sought in accordance with Government Policy guidance in Circular 5/2005 until such a time that guidance is superseded by a replacement taxation mechanism. That means developers should only be expected to provide for those facilities which are made necessary</p>	<p>plan documents. Para 10.2 of the guidance provides pointers for preparing SPDs, in particular reference is made to a 'fit for purpose approach and states that SPDs can cover diverse issues in different formats such as design guides, practice advice notes and masterplans'. They must be consistent with national planning policy and in general conformity with the regional planning policy. The Design Guides have been developed partially in response to the need to improve the standard of residential design and design in all new developments across the City.</p> <p>Rather than being onerous the Design SPDS are intended to assist developers clarifying the likely approach the Planning Authority will take when determining planning applications</p> <p>Comment noted – no change proposed</p> <p>The RDG does not rule out development in areas which are not connected with the wider area where the developer can demonstrate that the proposed development will make appropriate connections to the wider area</p> <p>Comment noted – no change proposed</p> <p>The RDG is not prescriptive about the types and sizes of houses that should be built on a particular site. The RDG states 'the key issue regarding density is providing the best design solution for the site whilst striking a balance between the efficient use of the land and ensuring new development does not detract from the character of the surrounding area.'</p> <p>The reference to executive housing not necessarily implying large detached dwellings is perfectly reasonable and does not suggest that the LPA is being prescriptive about types / sizes of houses to be built.</p> <p>Comment noted – no change proposed</p> <p>The issue of developer contributions is dealt with on a case by case basis. A planning obligation is only sought where its potential provisions meet all of the following tests</p> <ul style="list-style-type: none"> • Relevant to planning • Necessary to make the proposed development acceptable in planning terms
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<p>by the development proposed and not simply in order to make up for existing deficiencies in provision or provide benefits for the community at large.</p> <p>5.1 Built Form</p> <p>The suggested stipulation of design criteria should be avoided, as this is invariably a building regulation matter, as well as being addressed by the Code for Sustainable Homes. The HBF, therefore, objects to the imposition of any additional standards by local authorities seeking to control the design and construction of new market housing. We would draw your attention to para 30 of PPS1 which states that</p> <p>“Design policies should not replicate or cut across, or detrimentally affect matters within the scope of other legislative requirements, such as those set out in the Building Regulations for energy efficiency.”</p> <p>With regard to the mention of use of materials from sustainable sources, sustainability standards are already being set by Building Regulations, and are supported in the Code for Sustainable Homes. The Council’s planning policies should not therefore seek to directly replicate or replace these (as PPS1 makes clear).</p> <p>5.9 Passive Solar Design</p> <p>Matters of sustainable design, including passive solar design are already covered by the Code for Sustainable Homes. As such the Council should not be seeking to introduce its own standards in terms of sustainable building design and techniques, as this is likely to hinder progress towards meeting the targets within the aforementioned Code rather than aide progress towards these targets.</p> <p>7.12 Consider Future Change</p> <p>It is good to see the government’s acknowledgement of the challenges facing the housing industry in meeting the needs of an ageing population. The private sector is responding to these demographic changes in a positive way, providing many new and innovative products. It will continue to do so. However, intervention and regulation from central government in this market is both unnecessary and unwarranted.</p>	<ul style="list-style-type: none"> • Directly related to the proposed development • Fairly and reasonably related in scale and kind to the proposed development; and • Reasonable in all other aspects <p>Comment noted – no change proposed</p> <p>The RDG provides design guidance, which draws on a range of National publications such as ‘By Design’ and relates these to the context of Sunderland. The intention of the RDG is to raise the standard of design in all new residential developments. Adherence to statutory minima such as Building Regulations will not lead to a step change in terms of providing well designed high quality housing or meet central government’s wider agenda of delivering sustainable homes and communities as described in PPS1 and PPS3.</p> <p>It is therefore considered reasonable and fair for the RDG to encourage housebuilders to build homes that out-perform statutory minima. The RDG does not replicate building regulation. Building regulations do not refer to urban design principles such as block dimensions or block structure.</p> <p>Comment noted – no change proposed</p> <p>As stated in the RDG the consideration of layout and urban form are central to the development of passive solar housing and should not be considered in isolation from one another. The RDG does not seek to introduce its own standards, as stated previously, the document provides best practice guidance.</p> <p>Comment noted – no change proposed</p> <p>This comment is not relevant to this document and relates to central government policy.</p> <p>There is no requirement for a proportion of housing development to be ‘lifetime home’ standard the RDG draws attention to this standard. Lifetime Homes make life as easy as possible for as long as possible because they are thoughtfully designed. They provide accessible and</p>
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	<p>With regard to the requirement that a proportion of housing development should be “lifetime homes” there are a number of means of providing access and flexibility without specifically requiring lifetime homes. The option should require the provision of flexibility, without detailing the need for “lifetime homes”.</p> <p>8.1 Energy and resource efficiency</p> <p>This SPD fails to take into account the fact that many sustainable design matters will very soon be covered by the Code for Sustainable Homes, and that in order to reduce CO2 emissions, 10% renewables provision on site might not be the most appropriate means of achieving this overall reduction, either technically or financially.</p>	<p>adaptable accommodation for everyone, from young families to older people and individuals with a temporary or permanent physical impairment.</p> <p>All public sector funded housing in England will be built to the Lifetime Homes standard from 2011 (it is a requirement now in Wales and Northern Ireland), with a target of 2013 for all private sector dwellings.</p> <p>Lifetime homes is now widely accepted as an appropriate standard to apply to new housing</p> <p>Comment noted – Document amended</p> <p>The document refers to the role of the Code for Sustainable Homes in delivering sustainability.</p> <p>‘The Code for Sustainable Homes will be the single national standard for addressing the sustainability of new homes...’ (Para 2, p74)</p> <p>It is agreed that simply requiring 10% renewables may not be the most appropriate means of achieving an overall reduction in CO2 emissions. This is also clearly reflected in Council Policy and in the text of the document:</p> <p>‘The reduction of energy demand is the starting point for reducing carbon emissions.’ (Para 4 p 74)</p> <p>Furthermore, prior to discussing any options for renewable technology the document provides detailed information about techniques the developer may use to reduce the energy demand of a building, including careful layout to maximise solar design and natural cooling and sheltering.</p> <p>The Council is not only pursuing sustainable development through renewable technology, the introduction to Sustainable Design and Construction section has been amended to fully reflect the Council’s approach to sustainability and refers to the relevant emerging core strategy policy:</p> <p>Policy CS 15</p> <p>i) All development to meet minimum Target Emission Reduction (TER) levels, prescribed by Building Regulations.</p> <p>ii) Major developments to supply 10 percent of the site’s energy consumption</p>
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	<p>The HBF believes that any requirement for renewable provision upon new development should be delivered through the higher stages of the Code for Sustainable Homes. As this is a framework and timescale to which the Industry is committed to delivering. The HBF consider that the application of locally based energy performance standards would be unhelpful in facilitating the broader delivery of higher energy performance and consumption standards from new housing. Redirecting the financial investment required to deliver these targets for onsite renewables to the buildings themselves, and the services in them, would increase their energy efficiency. It would deliver better energy savings and also allow buildings to benefit from larger scale renewable energy. This will ultimately save more carbon than the blinkered approach encouraged by this merton rule style policy approach. Such flexibility is encouraged by the supplement to PPS1 regarding climate change and this new national guidance should be more appropriately reflected in the Council's policy approach.</p>	<p>from renewable sources located on site. This can count towards Building regulations TER. If site constraints mean that renewables are not feasible, the 10 percent renewables requirement can be discharged if the development demonstrates an additional 10 percent reduction in overall energy consumption, on top of the current TER.</p> <p>iii) Major developments to meet Level 3 of the Code for Sustainable Homes for housing, or BREEAM Very Good construction standards for all other developments, or higher as dictated by future legislation.</p> <p>iv) Major developments to provide evidence of feasibility work into the potential for on-site renewable energy and combined generation of heat, power and cooling (including on-site distribution networks). This evidence should include consideration of potential energy users and sources adjacent to a development site. If renewables or combined heat and power are not included in development proposals, applicants are required to provide justification for this.</p> <p>v) Renewable energy developments will be considered favourably and in regard to their contribution to, and beyond, Tyne and Wear's renewable energy targets Preference will be given to developments that provide energy to local consumers.</p> <p>As the HBF mentions, in order to meet higher levels of the Code for Sustainable Homes, development will require the use of renewable technology. However the Residential Design Guide does not seek to apply any locally based energy performance standards. As a SPD it has been prepared in accordance with 'A companion guide to PPS12', which states that an SPD can be issued to expand policy or provide detail to policies in development plan documents. Para 10.3 of the guidance states that 'SPDs can cover diverse issues in different formats such as design guides, practice notes and masterplans'. They must be consistent with national planning policy and in conformity with regional policy. The RDG elaborates on and has been designed to expand upon sustainability policies set out at the local, regional and national level. To this end it provides design guidance on approaches to housing layout, design and energy generation that should be considered in order to meet the increasingly different options for renewable technologies.</p>
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	<p>With regard to the Council's statement that it will, 'look more favourably on developments that achieve a recognised sustainable development accreditation'. The HBF believes that this requirement will once again detract from progress towards delivering the broader targets set out in the Code for Sustainable Homes, as developers will have to redirect their efforts into achieving various sustainable development accreditations, which are not in accordance with national policy.</p> <p>Design and Access Statements Draft SPD</p> <p>General Comments</p> <p>HBF fundamentally objects to the Council introducing new policy to be used in the decision making process through this SPD rather than a formally adopted DPD. The new policy should be given no weight in the decision making process, yet it is clear that this is not the Council's intention. The policy should be formally adopted through the DPD process where it can be properly tested against the principles of soundness at an independent inquiry.</p>	<p>With regard to the comment about a 'blinkered "Merton rule" * approach to policy', reference should be made to policy CS15 above, which rather than simply requiring a 10% requirement for renewables on all developments, has been designed to be as flexible as possible and to reflect national policy. As mentioned, to make this clearer, the document will be fully amended to include the Council's policy approach at the introduction to the Sustainable Design and Construction section.</p> <p>*NB – The "Merton rule" is the planning policy pioneered by the London Borough of Merton which requires the use of renewable energy on site (minimum 10%) to reduce annual carbon dioxide (CO2) emissions in the built environment.</p> <p>Comment noted – no change proposed</p> <p>The LPA is not seeking to introduce a DPD policy through the SPD process. The emerging Supplementary Planning Document is founded in Policy B2A of the Adopted UDP and B2A (UDP Alteration No2). The SPD has been prepared in accordance with national guidance as contained within Planning Policy Statement 12: Local Development Frameworks and follows the requirements of the Town and Country (Local development) (England) Regulations 2004.</p> <p>'A Companion Guide to PPS12' sets out guidance for Local Authorities when preparing SPDs. This states that an SPD can be used to expand policy or provide further detail to policies in development plan documents. Para 10.2 of the guidance provides pointers for preparing SPDs, in particular reference is made to a 'fit for purpose approach and states that SPDs can cover diverse issues in different formats such as design guides, practice advice notes and masterplans'. They must be consistent with national planning policy and in general conformity with the regional planning policy. The Design Guides have been developed partially in response to the need to improve the standard of residential design and design in all new developments across the City.</p>
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	<p>8.0 What is good design?</p> <p>The HBF is concerned that the Council is attempting to impose such stringent requirements of design standards on developers. As well as being covered by Building Regulations such issues of design are also being dealt with by the Code for Sustainable Homes. Para 30 of PPS1 states that</p> <p>“design policies should not replicate, cut across, or detrimentally affect matters within the scope of other legislative requirements, such as those set out in Building Regulations for energy efficiency.”</p> <p>Therefore HBF strongly objects to the Council seeking to impose any additional requirements on developers.</p> <p>Design and access statements for small scale developments</p> <p>The questions ‘What is the size and form of the development? For residential developments, how many units are proposed and what density will be achieved? To be included in the written statements implies that the council will seek to dictate what housing sizes or specifications should be on private sector sites. Private individuals buying a home make choices about price, location, dwelling type and size; plot size etc according to their income and personal requirements. The state has no place restricting the availability of certain types of housing, which is tantamount to telling certain households what they should or shouldn’t buy.</p> <p>D – Policy Requirements</p> <p>The attempt by the Council to apply so many different design standards and policies is unacceptable. The plethora of policies listed suggests that the council planning staff are themselves insufficiently familiar with the content of these different standards, and how they differ, and that it hopes that by simply insisting on compliance with all, a good scheme will result. This is unlikely. The introduction of too many conflicting standards will result in confusion and misunderstanding between</p>	<p>Comment noted – no change proposed</p> <p>The Design and Access Statement SPD sets out guidance for the range of issues, which should be addressed when considering a development proposal and formulating a Design and Access Statement. The LPA would dispute the suggestion that Building Regulations deal with matters of urban design.</p> <p>Comment noted – no change proposed</p> <p>The DAS SPD does not seek to dictate what housing sizes or specifications should be built on private sector land. The LPA has a responsibility to encourage developers to deliver sustainable housing in accordance with National Planning Guidance. Para 10 of PPS 3 states that the specific outcomes the planning system should deliver are:</p> <ul style="list-style-type: none"> • High quality housing that is well design and built to a high standard • A mix of housing, both market and affordable, particularly in terms of tenure and price, to support a wide variety of households in all areas, both urban and rural • A sufficient quantity of housing taking into account need and demand and seeking to improve choice • Housing developments in suitable locations, which offer a good range of community facilities and with good access to jobs, key services and infrastructure <p>Comment noted no change proposed</p> <p>The DAS (SPD) identifies a number of relevant design and planning policies, which may be applicable to a particular development. The list provided is not exhaustive and is intended to assist developers and prospective applicants identify which design guidance or policies may be of relevance when preparing a development proposal. The planning policies and design guidance referred to do not provide conflicting advice and generally complement one another.</p>
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	<p>council staff and developers. We strongly recommend that the Council adhere to one, or at the most two, sets of standards. We recommend urging compliance with the Code for Sustainable Homes, even though this is not obligatory.</p> <p>E – Design Concept</p> <p>Sustainability</p> <p>As previously stated sustainability standards are already being set by Building Regulations, and are being supported in the new Code for Sustainable Homes, the Council’s planning policies should not seek to directly replicate or replace these (as PPS1 makes clear). The code is replacing BREEAM/Ecohomes standards, which are being abolished. The reference to BREEAM should therefore be removed.</p>	<p>In terms of sustainability the Council will encourage developers to achieve a high rating under the Code for Sustainable Homes. BREEAM ratings remain applicable to other forms of development. BREEAM Buildings can be used to assess the environmental performance of any type of building (new and existing). Standard versions exist for common building types and less common building types can be assessed against tailored criteria under the Bespoke BREEAM version</p> <p>Comment noted – no change proposed</p> <p>BREEAM ratings remain applicable to other forms of development that are not considered under the Code for Sustainable Homes such as residential conversions.</p>
<p>North East Assembly</p>	<p>DAS</p> <p>The NEA supports the production of a SPD, which provides a useful guide for developers on the design and access issues that should be taken into consideration prior to submitting a planning application for development. The SPD seeks to achieve the principles of good urban design that responds to and reinforces locally distinctive patterns of development, landscape and culture. This approach is consistent with the objectives of policy ENV22 of RPG1 and policies 2 and 24 of the RSS further proposed changes.</p> <p>Residential Design Guide</p> <p>The NEA welcomes the production of a SPD that aims to secure the delivery of sensitive and appropriately designed sustainable residential development. The guide encourages developers to create convenient routes within the development and to consider the wider areas. It particularly advocates opportunities for walking, cycling and access to public transport. This approach is consistent with the objectives of policies 2 and 24 of the RSS further proposed changes, one of</p>	<p>Comment noted – no change proposed</p>

	<p>which is to ensure good accessibility for all to jobs, facilities, goods and services in the Region, particularly by public transport, walking and cycling.</p> <p>These documents are considered to be in general conformity with the RPG1 and the RSS further proposed changes</p>	
<p>Natural England</p>	<p>Residential Design</p> <p>This SPD should address environmental issues in greater detail including</p> <p>Incorporating biodiversity benefit as part of good design. The only reference found is on page 69 referring to planting 'right species' in boundary hedges. This is not very helpful. Habitat features should be incorporated throughout residential development to maintain or enhance the integrity of habitat network throughout the City. Appropriate habitat can be identified using the Local biodiversity Action Plan, Natural Area Profile and examples of design set out in Biodiversity by Design (TCPA 2004).</p> <p>The Design Guide should also recognise the requirements for protected species. This is most likely to relate to the presence of protected species on development sites or in properties subject to extension or regeneration. Those most likely to be involved are great crested newts in space to be developed, either green or brownfield, and bats and their roosts in existing properties. Any development must meet the legislative requirements as set out in PPS9, ODPM circular 06/2005 and the Habitats Regulations, as amended 2007.</p> <p>Sunderland also has a unique geological interests and where appropriate features / exposures should be protected and enhanced with appropriate access and interpretation.</p>	<p>Comment Noted – Document amended</p> <p>It is proposed to insert the following text into the revised Residential Design Guide</p> <p>Biodiversity</p> <p>Sunderland has a rich and varied landscape containing a wealth of habitats and sites of nature conservation and geological importance.</p> <p>Maintaining the distinctiveness of Sunderland's landscape is an important factor in safeguarding the quality of its environment. As such, the spaces around and between buildings and the wider landscape setting are just as important to consider in the design process of new residential areas as the buildings themselves.</p> <p>Biodiversity and Ecology</p> <p>It is recognised by the Council that maintaining biodiversity is an essential element of sustainable development. UDP Policies CN13-23 seek to protect valuable wildlife habitats and corridors, including hedgerows, roadside verges, the natural watercourse system, water bodies, wetland areas, and woodlands against diverse forms of development.</p> <p>Existing natural features such as ponds and trees can become an integral part of a site, adding character and softening the impact of development.</p> <p>Where such features exist in a site, developers will be expected to design their developments around these features in a sympathetic manner. Providing buffers of unintensively managed land around key habitats will help in their protection.</p> <p>Important wildlife habitats should not be removed without reasoned justification. Translocation of species and habitats should only be considered as a last resort.</p> <p>It must be ensured that the surrounding biodiversity and ecology outside a site boundary is also not harmed by the</p>

		<p>creation of a new residential environment, for example through the effects of surface run-off and waste management.</p> <p>Applicants should also consider opportunities for habitat creation. These can include:</p> <ul style="list-style-type: none"> • Creating ponds with gently sloping bank profiles to encourage colonisation by native flora and fauna. • Increasing tree planting with native species • Creating hedges on banks to act as natural boundary treatments. <p>Protected Species</p> <p>In the face of growing concern for the future of our natural environment many animals and plants are given legal protection under both national and European legislation. This may apply to the habitat and feeding grounds of plants and animals, as much as to the species themselves. The possible presence of various species must be taken into account when considering development proposals. Protected species most likely to be affected are great crested newts in spaces to be developed either green or brownfield, and bats within existing properties. Where such protected species exist all development will be required to meet the legislative requirements as set out in PPS9, ODPM circular 06/2005 and the Habitats Regulations, as amended 2007. For further guidance see http://www.naturalengland.org.uk/conservation/wildlife-management-licensing/default.html</p> <p>In order for a full assessment to be made of the effects of a development on protected species, a detailed species survey may be required with a planning application or as a condition if planning permission is granted. Seasonality is very important. The time of year when a survey can be undertaken may vary according to the species. This may give rise to a lead in time before development can begin, whilst waiting for the appropriate time to undertake the survey. To be accepted by the Council, the surveys must be undertaken</p> <ul style="list-style-type: none"> ▪ At the correct time of the year ▪ By a suitably experienced surveyor ▪ Using the correct methodology ▪ Properly and fully reported
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	<p>Design & Access Statements</p> <p><u>Natural England Comment</u></p> <p>We are pleased to note reference is made to landscape character and ecology / biodiversity but consider these should be expanded upon.</p> <p>Landscape – we would look for the section on landscape Character (p14) to more specifically integrate use of Landscape Character Areas and use Landscape Character Assessment as a tool. Landscape designations should also be recognised.</p> <p>Biodiversity / ecology and geological conservation – should also be recognised as a separate topic for consideration and address the issues identified above in our comments regarding the Residential Design SPD making the SPDs consistent.</p> <p>Access issues should also be expanded to include integration with cycle and pedestrian networks including Public Rights of way. This can include maximising multi-functionality of green infrastructure integrating landscape, biodiversity access and recreation within and between new and existing development and the surrounding areas.</p>	<p>Comment noted – document amended</p> <p>The Design and Access Statement SPD will be amended to include the following text</p> <p>Insert bullet point under 'Landscape Character' to read</p> <p>What is the landscape character of the surrounding area or site? Further guidance on defining landscape character type and landscape character areas can be found at http://www.countryside.gov.uk/lar/landscape/cc/landscape/publication/</p> <p>Document amended to specifically refer to Biodiversity / ecology and geological conservation and access issues.</p>
English Heritage	English Heritage welcomes the Council's intention to produce SPDs dealing with these subject matters. Because of the volume of work being generated by the Development Plan System and the introduction of SEA, EH in the region is finding it necessary to prioritise the consultation on which it responds.	Comment noted – no change proposed
Gladedale Northern (Signet)	<p>Gladedale (Northern) Ltd endorse the representations made by the HBF on behalf of the industry to both documents in respect of the process in which they are being prepared which does not allow for the process of independent examination and the overly prescriptive approach to matters which are dealt with in other Government guidance and legislation. On that basis we request the matters set out in the HBF letter dated 7th March are considered to be replicated by Gladedale (Northern) Ltd.</p> <p>In addition we wish to object to the repeated requirements in the Design and Access Statement SPD in respect of the project brief element of a Design and Access Statement. Whilst the requirement</p>	<p>Comment noted – no change proposed</p> <p>See response to HBF comments above</p> <p>Comment noted – no change proposed</p> <p>There is no reason why the LPA should not be provided with information relating to procurement. Best practice guidance</p>

	<p>to establish the nature of the development proposals in the brief is acceptable it is considered the element relating to method of procurement is irrelevant to the planning process with the exception of the potential project programme which may have implications in terms of build out.</p>	<p>from CABE suggests it is vital to understand the nature of the client and the design team, and how the project is being organised. CABE suggest a successful project will be the result of teamwork as much as of individual effort. The role of the client as a member of the team is important; a good client is a patron whose defining characteristic is a commitment to excellence. A successful project will owe as much to this commitment as to the skill and ingenuity of the design team. The LPA is interested in projects in the round. The way a project is procured is important to achieving a high quality result.</p>
<p>Miller Homes (Signet)</p>	<p>Miller Homes (North East) Ltd endorse the representations made by the HBF on behalf of the industry to both documents in respect of the process in which they are being prepared which does not allow for the process of independent examination and the overly prescriptive approach to matters which are dealt with in other Government guidance and legislation. On that basis we request the matters set out in the HBF letter dated 7th March are considered to be replicated by Miller Homes (North East) Ltd.</p> <p>In addition we wish to object to the repeated requirements in the Design and Access Statement SPD in respect of the project brief element of a Design and Access Statement. Whilst the requirement to establish the nature of the development proposals in the brief is acceptable it is considered the element relating to method of procurement is irrelevant to the planning process with the exception of the potential project programme which may have implications in terms of build out.</p>	<p>Comment noted – no change proposed</p> <p>See response to HBF comments above</p> <p>Comment noted – no change proposed</p> <p>There is no reason why the LPA should not be provided with information relating to procurement. Best practice guidance from CABE suggests it is vital to understand the nature of the client and the design team, and how the project is being organised. CABE suggest a successful project will be the result of teamwork as much as of individual effort. The role of the client as a member of the team is important; a good client is a patron whose defining characteristic is a commitment to excellence. A successful project will owe as much to this commitment as to the skill and ingenuity of the design team. The LPA is interested in projects in the round. The way a project is procured is important to achieving a high quality result.</p>
<p>GVA Lamb & Edge</p>	<p>In considering the contents page of the design guide the headings are redolent of the 20 questions within the non statutory CABE Home Builders Federation document “Building for Life” and gives optimism that the consultation guide may give teeth to the aspirations of this document. However the consultation draft lacks any quantitative criteria that a development may be measured against in order that para 10.20</p>	<p>Comment noted – no change proposed</p> <p>The RDG makes it clear that it is not a manual to be applied by rote or substitute for using skilled designers, architects and planners. The RDG incorporates a series of checklists at the end of each chapter which the design team can use to assess whether their proposals are in accordance with the SPD. Appendix B</p>

	<p>of the UDP which states that “the degree to which a development conforms with supplementary planning guidance will be a material consideration in the determination of a planning application” can be justified. The upshot being that the LPA’s deliberations over any proposed development can only be purely subjective.</p> <p>Urban design is subjective by its very nature. This document should aim to steer developers by giving quantum’s although there are clearly areas where this would be inappropriate. For example, it has long been accepted, since “By Design: Better Places to Live” was published in 2001, that fixed separation distances are unacceptable and the design of a scheme may mean that off set distances may be considerably less than conventionally considered to be appropriate. For example the BoKlok development under construction in Gateshead has the block of apartments in very close proximity but the layout and design of the blocks is such that the residential amenity of the occupants will be protected. I support this element of the document in that no distances are set.</p> <p>At para 1.3 of the guide it states “this chapter sets out what information planning applications will be required to provide.” Surely this is dealt with by the Validation of Planning Applications in Tyne and Wear document pertaining to the 1App form to be adopted on 6th April. To have to have two documents specifying the requirements will lead to discrepancies between the two and lack of transparency for the applicant.</p> <p>At 1.4 it states that applicants are advised to consult with the planning and engineering services before developing proposals. Again with 1app in mind any major proposal would by necessity require pre-application discussion. It might be useful to include within the document a mechanism by which a developer or agent might secure a pre application discussion with officers as the present arrangement to secure a meeting is ad hoc and is the cause of much frustration. The mechanism might include timescales and guarantee that within so many days of a request that the officers will make themselves available.</p>	<p>incorporates all of these checklists. The LPA would dispute the suggestion the Council’s deliberations over any proposed development will be ‘purely subjective’. The RDG is grounded in the recognised principles of good design as set out in ‘By Design – Towards Better Practice in the Planning System’.</p> <p>The objection suggests on the one hand that quantitative criteria should be set out in the document to aid developers and on the other hand suggest that such criteria, in the context of spacing standards, is inappropriate.</p> <p>Comment noted – no change proposed</p> <p>The RDG sets out the type of issues that should be considered when preparing a planning application for a significant residential development. Not all points under the checklist will necessarily be relevant to a particular site the key message is to help the developer consider which issues may be relevant. The site appraisal and survey element outlined will typically be completed during the preparation of the design and access statement. Therefore the RDG cannot be considered to setting out additional requirements than required by 1 app.</p> <p>Comment noted – no change proposed</p> <p>The present mechanism to secure a pre application meeting with the LPA is straight forward further guidance is contained within the ‘Pre application charter’ leaflet which explains how to obtain pre application advice.</p>
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	<p>This would then be realistic and sympathetic to the commercial pressures incumbent on developers inter alia option agreements on land.</p> <p>A - Project Brief</p> <p>The bullet points listed under the heading Project Brief replicate those that would be included within the DAS (dealt with by the separate SPG) other than the Method of Procurement, which lies outside of the planning remit and should be omitted.</p> <p>B – Policy Review</p> <p>Makes reference to a “design statement should identify relevant planning policies and guidance” for consistency should this not be dealt with by the separate SPG on Design and Access Statements.</p> <p>Page 17 under E – The Planning Application repeats the requirements for and the content of a design statement. The second column is repetition of previous pages and should be within the DAS SPG or this second document should be merged otherwise discrepancies between document will inevitably occur.</p> <p>The last bullet point of point 9 in page 17 “All applications should be accompanied by.....details of all materials to be used”. This would result in repeat applications should it be necessary to procure an alternative materials say if it is discontinued. The requirement is overly onerous when a materials condition imposed on planning a planning permission would be wholly reasonable and enforceable. The current consultation document for validation of Planning Applications in Tyne and Wear does not state that materials have to be provided as part of an application.</p> <p>Page 23 A Checklist: Character / context – the 4th bullet point arrives from nowhere – no previous discussion about innovative housing as the preceding section deals with context.</p>	<p>Comment noted – no change proposed</p> <p>The RDG and DAS SPDs are intended to work alongside one another and reinforce one another. The repetition is deliberate and intended to stress the design process that developers will be expected to follow irrespective of the type of development involved.</p> <p>Comment noted – no change proposed</p> <p>See response above</p> <p>Comment noted – no change proposed</p> <p>Section E outlines the type of information the LPA will typically expect with a planning application for residential development. The RDG and DAS SPD are intended to work together and have been scrutinised to avoid any discrepancies.</p> <p>Comment noted – document amended</p> <p>References to all materials removed from text.</p> <p>Comment noted – no change proposed</p> <p>The fourth bullet point does relate to the previous section indeed the last paragraph of section 2.0, the introductory section on context, refers to ‘high quality developments may depart from an established character or context. There may also be areas which have few positive features to build on, in which case it may be appropriate to create a new place with a distinctive character.’</p>
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	<p>Page 74 “Council will look favourably on development that achieves a recognised sustainable development accreditation”. Code for Sustainable Homes will not be in force until 1 May 2008. The accreditation should follow planning approval as the elements being judged may alter through the planning process. Does this mean that the accreditation proves and cost must be gone through twice? This smacks of buying a planning permission. The list of energy efficiency measures and renewable technologies is exhaustive and will be out of date even before it is published. The document needs a caveat that allows any other technologies.</p> <p>9.0 Case Studies</p> <p>BedZED (Beddington Zero Energy Development) was the first of its kind in England and there has been nothing like it since. I cannot think that a development of this kind could be developed in the context and be in the character of Sunderland.</p> <p>Two of the case studies are well known to be plagued by difficulties over the lack of car parking provision – Westoe Crown Village and Staiths South Bank. Indiscriminate parking arises to the detriment of visual and residential amenity. Furthermore Staiths South Bank whilst adjacent to a dedicated bus route does not have a bus stop within the development and is wholly unsustainable. Staiths is based on the principles of homezones. Homezones should be dealt with differently – the same criteria as applied to the design norm of perimeter blocks cannot be applied to the design of a homezone thus it is considered that whilst homezones are to be encouraged in certain circumstances they should occupy a discreet section within the guide.</p> <p>In summary, the consultation draft is very descriptive of what constitutes good urban design but adds little to assist a developer in knowing quite what the LPA will consider acceptable although the LPA aspirations of contemporary innovative architectural quality are very clear.</p> <p>Furthermore what measure of compliance with the guidance will be utilised?</p>	<p>Comment noted – document amended</p> <p>Comment noted – no change proposed</p> <p>There is no reason why a development such as a BedZed scheme could not be developed in Sunderland. The residential design guide makes it clear that in certain circumstances it may be appropriate for developments to depart from an established character or context and create their own unique style.</p> <p>The case studies are intended to illustrate various principles of good urban design. There are few housing developments across the north east which have been recognised as exemplar housing schemes although the Staiths site was a winner in 2005 under the large volume housebuilder category in the Design for Homes awards.</p> <p>The RDG refers to homezones under 6.5 and refers to relevant documents for further information.</p> <p>Comment noted – no change proposed</p> <p>The RDG provides an important toolkit and guidance for developers to assist them when formulating development proposals. The guide provides checklists to assist developers understand how the LPA will assess planning applications.</p>
JPL on behalf of	MMF (Uk) Ltd currently owns premises at 8-12 Murton Street, Sunderland.	

<p>MMF (UK) Ltd</p>	<p>Para 1.6 – Planning Applications</p> <p>It is felt that para 1.6 is overly prescriptive in terms of the level of detail required for all applications. It is not necessary that full details of materials, elevations etc are included at the outline stage of an application as applicants are often seeking to establish a principle of use rather than full proposals for development. MMF UK Ltd therefore object to the inclusion of full detailed information required to support outline applications within para 1.6</p> <p>Para 4.1 Density</p> <p>MMF UK Ltd encourages high density development in highly accessible and sustainable locations such as the site at 8-12 Murton Street. In the Inspector’s report for the recently allowed appeal at 8 –12 Murton St indicated that density should be “addressed on the particular merits of whatever scheme might be submitted”</p> <p>Para 4.2 Mix of uses</p> <p>MMF support para 4.2</p> <p>Para 4.3 – Mix of uses</p> <p>On mixed use sites where apartments are proposed, it is the opinion of MMF that a mix of apartments sizes should be incorporated in terms of floor space and bed spaces as per the existing planning permission for the site at 8-12 Murton St for up to 45 apartments.</p> <p>Para 6.6 Parking</p> <p>MMF supports the encouragement for parking to be based upon the merits of each individual case.</p>	<p>Comment noted – document amended</p> <p>The reference to materials has been removed however the other requirements remain. The LPA encourages developers to submit as much information as possible to assist in the evaluation of development proposals.</p> <p>Comment noted – no change proposed</p> <p>The density of a development should be influenced by the individual characteristics and context of a site. The RDG makes it clear that high density forms are not appropriate everywhere and refers to PPS3, which recognises the need for a variety of densities rather than a blanket approach.</p> <p>Comment noted – no change proposed</p> <p>Mixed use does not refer primarily to a mix of dwelling sizes although this is recognised as being important. The RDG refers to a mix of housing types and land uses.</p>
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ANNEX 2 – SCHEDULE OF KEY STAKEHOLDERS CONSULTED

Internal Consultations

Environment, Development and Transport Portfolio Holder
Council Members
Planning and Highways Committee
Development Control Sub-Committees
Director of Community & Cultural Services
Director of Education
Director of Social Services

External Consultations

Local Authorities

Chester-le-Street Council
City of Durham Council
City of Newcastle upon Tyne Council
Durham County Council
Easington District Council
Gateshead MBC
North Tyneside MBC
South Tyneside Council

Regional Bodies

Government Office of the North East
One North East
North East Assembly
North East Chamber of Commerce
University of Sunderland
House Builders Federation
English Heritage
English Partnerships
Environment Agency
Natural England

Utilities

NEDL
NTL
BT
Network Rail
Northumbria Water Ltd
British Gas (Transco)

Services

Highways Agency
Strategic Health Authority
City Hospitals of Sunderland NHS Fnd. Trust
Sunderland Division Police HQ

Miscellaneous

CABE
Sunderland Arc
North East Housing Board

Businesses

Cable and Wireless & Mercury
N Power
Northern Electric
O2
Orange Communications
T-Mobile
Vodafone

Housing Associations

Anchor Trust
Home Housing Association
Housing 21
Enterprise 5's Housing Association
Cheviot Housing
North British Housing Association
Pele Housing Association
Riverside and Wearmouth Housing Association
Three Rivers Housing Association
Turnbull House
Two Castles Housing
Gentoo Group Limited
Housing Corporation

Independent

Fraser Kemp MP
Chris Mullin MP
Bill Etherington MP
Joyce Quinn MP
Martin Callanan MEP
Stephen Hughes MEP

Urban Design & Architecture

Adams Holmes Associates
AHM Design Partnership
Alexandra Design
Alfred McAlpine
Akenside Ltd
Anglian Home Improvements
Anthony Stiff Associates
Anthony Watson Architects
Ashleigh Signs
Baker Builders
Barrett Newcastle
Barton Willmore Partnership
Bellway Homes NE

Berwin Leighton
Bill Hopper Design Ltd
Bowey Homes
Browne, Smith, Baker
Bryant Homes NE & Yorkshire
Budget Windows
Building Design Partnership
Building Surveying and Design Partnership
Burgess Dent Partnership Ltd
Burns Architects
B3 Burgess Ltd
Calmont
Cecil M Yuill Ltd
Chadwick and Partners
Charles Church NE
Christopher Brummit
Coulson, Swinburne & Moses
Crusader
CTP
David Johnson Architects
David Lock Associates
De Pol Associates
Design Services
Dixon Dawson Chartered Architects
Dunelm Property Services
Elder and Cannon
Elder Lester Garland McGregor
Façade Design
Faulkner Brown
Fitz Architects
Fluid Designs
G Craig
George Wimpey
G L Hearn
Gladedale (Sunderland) Ltd
Glenrose Developments
Gray Fawdon & Riddle
GVA Lamb Edge
GWK Architects
Haslam Homes NE
Home Builders Federation
Home Group Ltd
Howarth Lichfield Partnership
I.J Bell & B. Wilkinson
Ian Darby Partnership
Ian M Cook
JDDK Ltd
Jeff Park Building Consultancy Services
JM Architects
John Potts Ltd
Life Homes
M.W.E Architects

Mackella Architects
Mandale Properties Ltd
Mario Minchella Architects
McAlpine
McCarrick Homes
McCarthy & Stone Ltd
McInerey Homes
McLean Homes Ltd
Metnor
Miller Homes
Miss M.R.M Ambelez
Mosedale Gillat Architects
Mr A Watt
Mr A J Connolly
Mr A Swales
Mr A Wilson
Mr Brian Ashdown
Mr D Bamborough
Mr D Johnson
Mr D Lawson
Mr David Walker
Mr E N Parker
Mr F E Hodgeson
Mr G McCormack
Mr G Shaw
Mr J Horton
Mr J Waugh
Mr Michael Turner
Mr R Henderson
Mr S L Reader
Mr Tom McMahon
Mr Tony Kenny
Napper Architects
Nathaniel Lichfield & Partners
NE Premier Homes
Northern Architecture
Owen Technical Services
Oak Apple Group
Otec
Page and Park
P and HS Architects
Peacock and Smith
Pennine Windows
Persimmon Homes Ltd
PHS Architects
Phoenix HIS Ltd
Planit Design
Plot of Gold
Red Box Design Group
Regency Windows Ltd
Roker Developments
RPS

RPM Windows
Rosedale Machim Homes Ltd
Ryder HKS Ltd
Seaton Building and Garden Centre
Self Build & Design Architects
Shenstone Properties Ltd
Shepherd Homes Ltd
Signet Planning
Taylor Woodrow
The Planning Bureau
Thornfields Properties
Thornsett Groups PLC
Tresco
Vico Properties
Ward Hadaway
Waring and Nett Partnership
Wearmouth Architectural Design
Web Plans
WSP Development Ltd
W Dot Homes
Yuill Development Ltd