



Leicester  
City Council

**WARDS AFFECTED**  
All

**FORWARD TIMETABLE OF CONSULTATION AND MEETINGS:**

**Cabinet Briefing**  
**Cabinet**

**4<sup>th</sup> February 2008**  
**18<sup>th</sup> February 2008**

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**RESIDENTIAL AMENITY GUIDE**  
**DRAFT SUPPLEMENTARY PLANNING DOCUMENT**

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**Report of the Corporate Director Regeneration & Culture**

**1. PURPOSE OF REPORT**

1.1 This report covers the preparation of a Supplementary Planning Document (SPD) for the proposed "Residential Amenity Guide" and in particular the recently completed public consultation exercise.

**2. SUMMARY**

2.1 Residential amenity is considered as the benefit enjoyed from physical space which is part of the private home.

2.2 The guide attempts to address the demand for sustainable high density residential development whilst at the same time protecting the residential amenity of existing and future occupiers'.

2.3 It will represent an important material consideration in the determination of planning applications. The guide should be read in conjunction with the City of Leicester Local Plan.

2.4 A comprehensive program of public consultation has now been completed. A summary of the consultation responses to the draft SPD is included in Appendix 1.

**3. RECOMMENDATIONS**

3.1 Cabinet is recommended to adopt the document as Supplementary Planning Document to the City of Leicester Local Plan.

3.2 Should Cabinet adopt the guide, there is a 3 month challenge period whereby an application can be made to the High Court to apply for judicial review of the decision to adopt.

## **4. REPORT**

### **Background**

- 4.1 The attached draft SPD represents city wide guidance. When adopted as SPD to the local plan, the SPD will provide planning guidance to help determine any planning applications submitted to the city council for residential development.
- 4.2 The Planning and Compulsory Purchase Act 2004 and accompanying regulations have established a new system of Local Development Frameworks – a portfolio of local development documents (SPD's) to elaborate on development plan policies. SPD's have replaced Supplementary Planning Guidance (SPG). The main difference under the new system are that SPD preparation must be programmed into the authority's Local Development Scheme, community and stakeholder involvement must be more rigorous and sustainability appraisals (Appendix 2) must be an integral part of the process.

### **The Supplementary Planning Document**

- 4.3 The purpose of the guide is to ensure delivery of sensitive and appropriately designed sustainable residential development. Residential amenity is defined as the benefit enjoyed from physical space within the private home, which allows individuals to carry out household and leisure activities e.g. gardening, drying clothes, children playing.
- 4.4 The document sets out guidelines that should be adopted by all those involved in housing development, including landowners, developers, designers and builders. Fundamental to the guide is the emphasis on an integrated design process where all elements in the siting, design of buildings, infrastructure and landscape are considered as one rather than in isolation.
- 4.5 The guide offers a series of development principles based on recognised good planning practice and design standards appropriate to Leicester. These include general principles regarding privacy/outlook, daylight/sunlight, private amenity space, parking, visual quality and safety and security. The standards and principles prescribed in the guide vary depending on the area of the city. The main thrust of the guide is to ensure that new homes are designed with private amenity regardless of location, type of home and the number of beds.
- 4.6 It aims to provide a good practice benchmark to guide prospective developers and assist in the evaluation of development proposals thereby ensuring a faster and more effective planning process.
- 4.7 It would provide guidance on how parking provision can be used as a proactive measure to improve residential amenity and to underpin the use of other transport methods such as walking, cycling and public transport.
- 4.8 Appendix G of the document contains the "Design Guide for House Extensions". This section is intended to help applicants that are planning to extend their house. It is intended to supersede "A design guide for House Extensions" document which was adopted in 1997.

4.9 Below is a summary of the contents of “Residential Amenity” SPD.

Introduction: Describes the background of the document, including the definition of private amenity, the objectives of the guide, how to use the document and lists the relevant local plan policies.

Section 1: Central area: Provides designers with guidance and advice on standards for the central area of the city on privacy/outlook, daylight/sunlight, private amenity space, parking, safety and security and visual quality.

Section 2: Inner residential areas: This section focuses on the inner residential area outlining acceptable medium density sustainable development and key considerations for design as described in Section 1.

Section 3: Outer area: This section focuses on the areas outside the inner area and areas more than 250 metres away from the major transport corridor. It considers lower density development and key considerations for design as described in Sections 1 and 2.

Appendices: This includes the glossary, further reading, contacts list, design checklist, standards for private amenity space, a map defining the three areas, “Design Guide for House Extensions”, inclusive design and Lifetime Homes standard and detailed planning policies.

#### **Consultation**

4.10 The public consultation started on 29<sup>th</sup> August for a period of 5 weeks – the end date was 4<sup>th</sup> October 2007.

4.11 The consultation process involved a dedicated webpage on the Council website, copies and posters at all City libraries and copies available to view at customer service centres. As part of the statutory process a public notice was released in the Leicester Mercury. In addition to this, an article was published in the Leicester Mercury that informed readers about the guide and inviting the public to make comments during the consultation process.

4.12 A summary of feedback from the public consultation program is outlined in the chart appended to this report (Appendix 1). The chart contains formal representations from individuals and organizations that have submitted comments in writing and provided the Council with their names and addresses. The chart is broken down into the following categories:

	<b>Number of responses received</b>
Statutory Bodies	3
Stakeholders and their agents	8
Groups and their societies	0
City and Countywide residents	0
Ward members	2

4.13 All these people will in due course receive a letter thanking them for their response and explaining how their concerns are already incorporated within the SPD, or if appropriate

how their comments can be incorporated within the document. If some suggestions are unfeasible, then it will also be explained to the author why that was felt to be the case.

- 4.14 The majority of letters received from stakeholders and statutory consultees supported the aims and objectives of the draft SPD. No letters were received from city or countywide residents.
- 4.15 The 3 statutory consultees (Natural England, Environment Agency and English Heritage) had no adverse comments. The Environment Agency has requested that Appendix D of the guide makes reference to the requirements to PPS25. This requested change has been made. English Heritage has suggested that Appendix B of the guide includes 'By design' and 'Manual for Streets'.
- 4.16 East Midlands Regional Assembly have also welcomed the guide. However, they have requested that the document links in with the Draft Regional Plan. Pages 2 – 3 of the draft SPD have been revised to take these comments into account.
- 4.17 Leicestershire Constabulary have provided comments in relation to designing out crime. Their comments have been incorporated within the document.
- 4.18 British Waterways would wish to see flexibility in the guide and allow for creativity. No amendments have been made to the draft SPD as does it does not restrict creativity and allows for flexibility approach to the provision of private amenity space.

## **5. FINANCIAL, LEGAL AND OTHER IMPLICATIONS**

### **5.1. Financial Implications**

- 5.1.1 There are no direct significant financial implications.

*Martin Judson - Head of Finance Regeneration & Culture (Extension: 29 7390)*

### **5.2 Legal Implications**

- 5.2.1 In preparing this guide officers have complied with the statutory regime contained in the Planning and Compulsory Purchase Act 2004 and the Town and Country Planning (Local Development) (England) Regulations 2004. At the same time officers have paid attention to guidance in PPS 12: Local Development Frameworks.
- 5.2.2 This supplementary planning document is to be construed as a local development document and therefore it has been the subject of consultation. In the light of the consultation, officers have made amendments to the draft, which is now being presented for formal Cabinet approval.
- 5.2.3 Following approval, officers will then comply with the regulations which deal with publicity. As the report indicates, the policy is subject to Judicial Review challenge.
- 5.2.4 As the report also indicates, the SPD will be monitored and reviewed on a yearly basis. The next review will therefore be able to take account of any statutory changes made to, for example, household extensions contained in the Planning Reform Bill. These statutory proposals are based on the Government White Paper which considered whether or not to adopt a different planning regime for domestic extensions.

5.2.5 Under the provisions of the Local Authorities (Functions and Responsibilities) Regulations and the Council's Constitution, adoption of supplementary planning documents is a matter for the Cabinet.

*Anthony Cross - Head of Litigation (Extension: 29 6362)*

**6. OTHER IMPLICATIONS**

OTHER IMPLICATIONS	YES/NO	Paragraph References Within the report
Equal Opportunities	YES	<p>Page 3 refers to Inclusive design as being vital to ensuring that a full range of needs (including for disabled and older people) is accommodated. Appendix D and I gives more information about inclusive design and Lifetime Homes.</p> <p>Page 6 is concerned with bins not cluttering the pavement so that it does not restrict access for disabled people access.</p> <p>Pages 10, 16 and 21 refers to private amenity space being easier to access for wheelchair users.</p> <p>Page 11 and 17 refers to Building Control (ADM) and British Standard (BS 8300) requirement for all principal entrances to level e.g. having lobbies at street level, and with internal lifts to the raised ground floor.</p> <p>Page 27 (Appendix D) refers designers to Lifetime homes standard. This would give opportunity for a wider range of future occupiers.</p>
Policy	YES	Adopted City of Leicester Local Plan (2006)
Sustainable and Environmental		<p>Page 1 of the SPD states that the guide attempts to address the demand for sustainable higher density residential development.</p> <p>Page 1, objective 2 of the guide is to encourage residential development which protects both the built and natural environment.</p>

		Page 4 of the SPD makes reference to the Adopted Energy Efficiency and Renewable Energy SPD. This section covers topics such as daylight/sunlight, air quality, noise and light and visual quality.
Crime and Disorder		<p>Page 2 has made reference to the Draft Regional Spatial Strategy for the East Midlands. Policy 1: Regional Core Objectives includes making safe and attractive places to live and work.</p> <p>Page 11, 17 and 22 looks at ways to make car parking areas safer.</p> <p>Page 12, 18 and 23 looks how designers could help towards creating a more secure and safe environment for occupiers and private property.</p> <p>Page 27 (Appendix D) refers designers to Safer Parking (Park Mark) scheme.</p>
Human Rights Act	NO	
Elderly/People on Low Income	YES	Page 3 refers to Inclusive design as being vital to ensuring that a full range of needs (including for disabled and older people) is accommodated. Appendix D and I gives more information about inclusive design and Lifetime Homes.

## 7. RISK ASSESSMENT MATRIX

Risk	Likelihood L/M/H	Severity Impact L/M/H	Control Actions (if necessary/appropriate)
1. Not reviewing &/or updating the SPD	L	M	The Local Development Framework (LDF) requires adopted documents to be monitored and reviewed. This will help achieve the objectives of the LDF process.
2. Loss of appeals after adopting the SPD	L	M	Annual reviews will identify areas of the SPD that could be strengthened.

L – Low  
M – Medium  
H - High

L – Low  
M – Medium  
H - High

**8. BACKGROUND PAPERS – LOCAL GOVERNMENT ACT 1972**

Adopted City of Leicester Local Plan, January 2006

**9. CONSULTATIONS**

9.1 Consultations relating to this report:

- Legal Services
- R & C finance

9.2 Internal Consultees relating to the SPD:

- Policy Team
- Planning, Management & Delivery
- Legal Services
- R & C finance
- Pollution Control
- Highways Authority
- Housing
- Parks & Open Space
- Building Control

**10. REPORT AUTHOR**

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