

## **Cabinet**

**6 April 2022**

### **County Durham Plan: Parking and Accessibility, Developer Contributions and Residential Amenity Supplementary Planning Documents**



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#### **Report of Corporate Management Team**

**Amy Harhoff, Corporate Director of Regeneration, Economy and Growth**

**Councillor Elizabeth Scott, Cabinet Portfolio Holder for Economic Regeneration and Partnerships**

#### **Electoral division(s) affected:**

Countywide.

#### **Purpose of the Report**

- 1 The purpose of this report is to seek Cabinet's approval to commence consultation on the second draft of the Parking and Accessibility Supplementary Planning Document, the first draft of the Developer Contributions Supplementary Planning Document and minor alterations to the Residential Amenity Supplementary Planning Document. All three documents support the recently adopted County Durham Plan.

#### **Executive summary**

- 2 The adopted County Durham Plan seeks to ensure that County Durham is a successful place to live, work, invest and visit by focussing on supporting and creating vibrant communities.
- 3 In order to provide more detailed advice or guidance on policies in the County Durham Plan, Government guidance allows the preparation of supplementary planning documents (SPDs). SPDs are capable of being a material consideration in planning decisions but are not part of the development plan. Three SPDs that are specifically mentioned in the County Durham Plan are the Parking and Accessibility SPD, the Developer Contributions SPD and the Residential Amenity SPD. There will also be others prepared in the future.

## Recommendations

4 Cabinet is recommended to:

- (a) agree the second draft of the County Durham Parking and Accessibility Supplementary Planning Document (Appendix 2) for consultation from 22 April to 3 June 2022. Agree to delegate to the Corporate Director of Regeneration, Economy and Growth in consultation with the Portfolio Holder for Economic Regeneration and Partnerships the power to make minor modifications and adopt the document following consultation (if significant changes are required then the SPD will need to return to Cabinet for adoption);
- (b) agree the first draft of the Developer Contributions Supplementary Planning Document (Appendix 4) for consultation from 22 April to 3 June 2022;
- (c) agree the modifications to the Residential Amenity Supplementary Planning Document (Appendix 5) for consultation from 22 April to 3 June 2022. Agree to delegate to the Corporate Director of Regeneration, Economy and Growth in consultation with the Portfolio Holder for Economic Regeneration and Partnerships the power to make minor modifications and adopt the document following consultation (if significant changes are required then the SPD will need to return to Cabinet for adoption); and
- (d) agree the modifications to the Highways Design Guide (Appendix 6) for consultation from 22 April to 3 June 2022. Agree to delegate to the Corporate Director of Regeneration, Economy and Growth in consultation with the Portfolio Holder for Economic Regeneration and Partnerships the power to make minor modifications and adopt the document following consultation.

## Background

- 5 At a meeting on 21 October 2020 the Council adopted the County Durham Plan. In order to provide more detailed advice or guidance on policies in the County Durham Plan, Government guidance allows the preparation of supplementary planning documents (SPDs). SPDs are capable of being a material consideration in planning decisions but are not part of the development plan. Three SPDs that are specifically mentioned in the County Durham Plan are the Parking and Accessibility SPD, the Developer Contributions SPD and the Residential Amenity SPD.

## Parking and Accessibility Supplementary Planning Document

- 6 The Council previously set out its parking and accessibility requirements in a guidance document for developers and officers to have regard to in assessing planning applications. During the Examination in Public hearings for the County Durham Plan, the planning inspector recommended that this guidance be reviewed and set out more formally as an SPD to support Policy 21 (Delivering Sustainable Transport) of the Plan. This recommendation was subsequently translated into a Main Modification which the inspector considered was necessary to make the Plan sound.
- 7 In order to comply with the relevant regulations<sup>1</sup> two rounds of consultation are required to prepare an SPD. This is the second and final consultation for the Parking and Accessibility SPD (Appendix 2) which seeks to incorporate suggested changes received during the consultation. In response to the first round of consultation a total of 152 representations were received. A Statement of Consultation is attached at Appendix 3, but some of the key changes included:

- Amended the parking standards to the following:

<b>Number of bedrooms</b>	<b>Minimum allocated in curtilage, on driveway (excl. garages)</b>
1	1 per dwelling
2	1.3 per dwelling
3	1.8 per dwelling
4	2.3 per dwelling
5	2.5 per dwelling

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<sup>1</sup> Regulations 11 to 16 of the Town and Country Planning (Local Planning) (England) Regulations 2012

- Visitor/Non-Allocated Parking will be provided at 1 space per 4 dwellings;
- Cross reference added to the M4(2)/(3) requirements of Policy 15 (Addressing Housing Need) and the associated parking requirements;
- Added more narrative around cycle parking and split long stay/short stay cycle parking;
- Text added to encourage parking spaces on driveways to be in parallel;
- Amended the cycle parking requirements to be based on floor space where possible and for consistency with guidance;
- EV passive chargepoint requirements at destination have been increased from 10% to 20% of spaces;
- Added a requirement that all new houses should have a EV chargepoint (minimum 7KW); and
- The addition of a buffer zone to the Controlled Parking Zone in relation to the parking requirements for Purpose Built Student Accommodation.

13. Once adopted the Parking and Accessibility SPD will replace the current County Durham Parking and Accessibility Standards 2019.

### **Developer Contributions Supplementary Planning Document**

8 This SPD (Appendix 4) sets out the Council's approach to determining and securing contributions from developers for new developments across the County. It will sit alongside the County Durham Plan to provide further information on Policy 25 (Developer Contributions) and will be a material consideration in decision making. The SPD includes reference to other policies if they are directly relevant to contributions payable.

9 The SPD will help developers, the public, planning officers and planning agents understand the requirements of the Council relating to new development and how any financial contributions are calculated to ensure transparency.

10 Below are the types of developer contributions that are included in the SPD:

- Addressing Housing need including:

- Affordable housing (Policy 15);
- Older person housing (OPH) on-site provision;
- In designated rural areas, schemes of between 6 and 9 units will provide a financial contribution towards the delivery of affordable housing;
- Specialist housing (Policy 15);
- Green Infrastructure provision (Policy 26);
- Education provision;
- Health provision;
- Biodiversity Net Gain (Policy 41); and
- Habitats Regulations Assessment (HRA) (Policy 42).

11 The list above is not exhaustive and there may be cases in which other contributions are deemed necessary. Similarly, not every contribution will be required for each development that comes forward for planning.

### **Viability and the Assessment Process**

- 12 The SPD also sets out the Council's requirements for the submission of site-specific viability appraisals, and the information and evidence needed to support them, as well as details of the Council's policy in relation to infrastructure requirements and associated financial contributions necessary to deliver such infrastructure and mitigate the impact of development.
- 13 Developer Contributions add to the overall expenditure of a development and should always be accounted for in the early stages of development planning. The responsibility lies with the site promoters to consider any contribution costs when calculating their projected costs to ensure viability. Where the viability of a scheme is in question, the developer will be required to demonstrate that this is the case through a site-specific viability appraisal. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. Contributions will also be indexed to the all in tender price index (TPI) provided by the Building Cost Information Service (BCIS) to ensure they keep their 'real value' in line with inflation.

## **Residential Amenity Supplementary Planning Document**

- 14 The Residential Amenity SPD was adopted in January 2020 to provide details on householder extensions and works, together with privacy distances and garden dimensions for new build dwellings. The document pulled together a range of guidance and standards that were linked to former district local plans, establishing a level of county-wide consistency for decision makers. The document needed to provide some flexibility and not be overly prescriptive, to cater for the differing contexts across the County. The SPD has proven to be a valuable document for development management, and it is utilised extensively by this service.
- 15 However, when applying the document one or two areas where minor amendments would improve clarity and consistency have been identified by officers. The SPD (Appendix 5) has therefore been updated to address these issues and ensure a clearer set of standards and guidance for both officers and developers. Amendments include:
- (a) in relation to privacy distances, more clarity is required to ensure officers will apply more consistency in the interpretation of the standards;
  - (b) more refined guidance for extensions relating to both single and two storey rear extensions;
  - (c) more detailed guidance on alterations to roofs which includes guidance on hip to gable extensions and roof openings and windows; and
  - (d) additional guidance in relation to walls and fences, driveways (including length which is now consistent with the emerging Parking and Accessibility SPD), hardstandings and garage conversions to reflect an area of work which has grown significantly over the last 18 months.

## **Highways Design Guide**

- 16 To reflect the Council's approach to good highway design within residential estates and to align with the revised parking standards we are also proposing an amendment to the Residential Highway Design Guide which will require all estate roads to be 5.5m wide regardless of the size of the development (previously on developments of less than 100 the minimum width could be reduced to 4.8m) to encourage people not to park on footpaths. The full extent of the proposed changes is shown at Appendix 6. A cross reference to this change is also included in the Residential Amenity SPD.

## **Next Steps**

- 17 If agreed consultation will be undertaken on the second draft of the Parking and Accessibility SPD, the first draft of the Developer Contributions SPD and the minor amendments to the Residential Amenity SPD and the Highways Design Guide from 22 April to 3 June 2022. All consultations, including those on future documents will be undertaken in accordance with the Council's Statement of Community Involvement. Subject to the scale of the changes required following the consultation the Parking and Accessibility SPD, the Residential Amenity SPD and the amendments to the Highways Design Guide can be adopted using delegated powers. A second draft of the Developer Contributions SPD will be consulted on later in the year.

## **Background papers**

County Durham Plan – Adopted 2020

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## **Appendix 1: Implications**

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### **Legal Implications**

The Town and Country Planning (Local Planning) (England) Regulations 2012 set out how to prepare development plan documents and supplementary planning documents. Before the SPDs can be adopted, it will be necessary to undertake a public consultation process.

### **Finance**

As the SPDs progress there may be some costs for appropriate evidence gathering, consultation and printing.

### **Consultation**

The programme of consultation has been agreed with the Council's Corporate Communications Team and the Council's Consultation Officers Group and will be undertaken in accordance with the Statement of Community Involvement and the 2012 Local Plan Regulations.

### **Equality and Diversity / Public Sector Equality Duty**

The Council acknowledges that, in exercising its functions, it has a legal duty under the Equality Act 2010 to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations. This duty applies to all people defined as having protected characteristics under that legislation.

An Equality Impact Assessment (EQIA) has been prepared in partnership with the community engagement team for the Parking and Accessibility SPD (Appendix 7). A full EQIA assessment has been prepared for the Developer Contributions SPD (Appendix 8) where it has been identified that the positive impacts of the relevant CDP policies have been further secured as a result of this SPD.

### **Climate Change**

Climate change is a thread running through the County Durham Plan. The importance of tackling and adapting to climate change is recognised in the Plan's Vision, Objectives, Sustainable Development Statement, spatial strategy and a number of policies. As the SPDs sit below and reflect the policies and strategies of the County Durham Plan they similarly reflect this approach.

## **Human Rights**

Protocol 1 Article 1: Every natural or legal person is entitled to the peaceful enjoyment of his possessions, including their property was built into the preparation of the County Durham Plan.

## **Crime and Disorder**

Issues of crime and disorder will be considered in the preparation of the SPDs as they progress.

## **Staffing**

None.

## **Accommodation**

None.

## **Risk**

None.

## **Procurement**

If required, consultants may need to be commissioned to deliver evidence studies, in accordance with the Council's procurement rules/procedures.