

**GENERAL COMMENTS**

RESPONDENT	COMMENTS
<b>Castle Point Borough Council</b>	I would like to thank you for consulting Castle Point Borough Council on these documents and would advise you that I have no specific comments to make on their policy content. I would however suggest that the SPDs may benefit from the glossary being located after the main body of the document.
<b>OFFICER'S COMMENTS</b> The location of glossary at the end of the document would help make the SPDs more user-friendly.	
<b>RECOMMENDATION</b> See recommendation under representations from the Government Office for the East of England.	
RESPONDENT	COMMENTS
<b>The Theatres Trust</b>	As none of these SPDs are directly relevant to the Trust's remit we have no comment to make but look forward to being consulted on further LDF documents.
<b>OFFICER'S COMMENTS</b> None	
<b>RECOMMENDATION</b> None	
RESPONDENT	COMMENTS
<b>Home Builders Federation</b>	<p>The purpose of Supplementary Planning Documents is to amplify and expand upon the content of policies in an Adopted Local Plan. Therefore, their content must fully accord with the relevant policies in the Council's Adopted Plan to which they relate</p> <p>PPS12 makes clear references as to the role and purpose of Supplementary Planning Documents (SPD):</p> <p>2.42 Where prepared, supplementary planning documents should be included in the local development framework and will form part of the planning framework for the area. They will not be subject to independent examination and will not form part of the statutory development plan. However, they should be subjected to rigorous procedures of community involvement.</p> <p>2.43 Supplementary planning documents may cover a range of issues, both thematic and site specific, which may expand policy or provide further detail to policies in a development plan document. They must not however, be used to allocate land. Supplementary planning documents may take the form of design guides, area development briefs, master plan or issue-based documents, <b>which supplement policies in a development plan document.</b> The following principles apply to a supplementary planning document:</p>

	<p>i. <b>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;</b></p> <p>ii. <b>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);</b></p> <p>iii. it must be reviewed on a regular basis alongside reviews of the development plan document policies to which it relates; and</p> <p>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.</p> <p><b>2.44 Supplementary planning documents may contain policies which expands or supplements the policies in development plan documents. However, policies which should be included in a development plan document and subjected to proper independent scrutiny in accordance with the statutory procedures should not be set out in supplementary planning documents (my emphasis).</b></p> <p>Local Authorities should set out in their Development Plan Documents what specific types of Planning Contributions will be sought. The purpose of SPD is to provide further information and detail. It is not to rewrite policy.</p>
<p><b>OFFICER'S COMMENTS</b></p> <p>The Supplementary Planning Documents contain guidance and standards which supplement and expand upon policies contained within the Rochford District Replacement Local Plan. The individual policies to which each of the SPDs relates are shown in the consultation statements which were made available for consultation alongside the SPDs. The Replacement Local Plan policies to which the SPDs relate are also referred to within the SPDs themselves where this is appropriate. The Replacement Local Plan was recently adopted in June 2006 and the policies from which the SPDs 'hang' were subject to public consultation and examination during this process.</p>	
<p><b>RECOMMENDATION</b></p> <p>That no changes are made to the SPD with respect to this representation.</p>	
<p><b>RESPONDENT</b></p>	<p><b>COMMENTS</b></p>
<p><b>Historic Environment Branch (Essex County Council)</b></p>	<p><b>Supplementary Planning Document 1-8 Glossaries</b></p> <p>It is recommended that four extra glossary items are added which provide detail on the historic environment of the District and historic environment reports that have been commissioned by the District.</p> <p><b>Historic Environment Record</b></p> <p>The Historic Environment Record (HER) stores and provides access to organised information relating to the historic environment. An HER makes information accessible to all in order to:</p> <ul style="list-style-type: none"> <li>• advance knowledge and understanding of the historic environment;</li> </ul>

	<ul style="list-style-type: none"> <li>• inform the care and conservation of the historic environment;</li> <li>• inform public policies and decision-making on land-use planning and management;</li> <li>• contribute to environmental improvement and economic regeneration;</li> <li>• contribute to education and social inclusion;</li> <li>• encourage participation in the exploration, appreciation and enjoyment of the historic environment.</li> </ul> <p>The information held can thus provide a starting point for management processes, conservation, fieldwork and research into the historic environment and can also inform local communities about their area.</p> <p><b>Historic Environment Characterisation of Rochford</b> A document and GIS database, commissioned by Rochford District Council, which provides a framework within which the determination of the broad scale and location of development can be facilitated in a sustainable way. It provides an effective framework for engagement between planners, developers, local communities and other interested parties to discuss the Historic environment.</p> <p><b>Historic town Assessment</b> Documents assessing the historic towns of Rochford and Rayleigh with a view to enhancing understanding and facilitating better management of the historic environment.</p> <p><b>Historic settlement assessments</b> Documents assessing the historic settlements of Canewdon, Paglesham, Great Wakering and Ashingdon with a view to enhancing understanding and facilitating better management of the historic environment.</p>
<p><b>OFFICER'S COMMENTS</b> The inclusion of these extra glossary items would improve the SPDs by providing further detail on the historic environment and associated reports.</p>	
<p><b>RECOMMENDATION</b> It is proposed that four extra items are added to the glossary:</p> <ul style="list-style-type: none"> <li>• Historic Environment Record</li> <li>• Historic Environment Characterisation of Rochford</li> <li>• Historic town Assessment</li> <li>• Historic settlement assessments</li> </ul>	
<b>RESPONDENT</b>	<b>COMMENTS</b>
<p><b>Government Office for the East of England</b></p>	<p><b>East of England Plan</b> Page 1 – It is not clear what relevance the statement regarding the East of England plan has for each of the SPDs. Furthermore, it's inclusion could cause the SPDs to quickly become outdated. We suggest that it is deleted.</p> <p><b>Glossary</b> We also question the need to reproduce the glossary (which is of considerable length) within each of the SPDs. This repeats the glossary contained in the back of the adopted Replacement Local Plan which forms part of the authorities transitional spatial plan. Whilst we accept that there is merit in the SPDs being self-</p>

contained documents, the glossary tends to dominate the SPDs and detracts from their important policy amplification content. A more succinct approach might be to provide the glossary separately as a non-statutory note, so that people can have a copy of it or not as they choose. A reference to this glossary and details where it can be obtained could be contained in each SPD.

**OFFICER'S COMMENTS**

Comments on the statement regarding the East of England Plan are noted. The statement regarding the East of England Plan does not relate to the intended purpose of the documents in providing supplementary guidance on local planning policies.

It is noted that the glossary in its current form is significantly longer than several of the SPDs. The glossary is incorporated in the Local Plan and there is merit in the suggestion that a separate glossary be prepared and referenced in each of the SPDs. A separate glossary could then be updated on a regular basis without the requirement to reprint each of the SPD documents. This change also reflects the principles of the LDF as a 'folder' of planning policy documents.

**RECOMMENDATION**

That the statement regarding the East of England Plan is removed.

It is proposed that a separate glossary and units of measurement be prepared and referenced in each of the SPD documents and other development plan documents as they are prepared.

## SPD1 EDUCATIONAL CONTRIBUTIONS

RESPONDENT	COMMENTS
<p><b>RPS Group on behalf of Fairview New Homes Limited</b></p>	<p>Fairview partly object to policy EC2, which states that ‘where additional land is needed, the developer will also be required to either provide free land, meeting the criteria set out in the Developer Contribution Guidelines, or sufficient funding to acquire it’. Fairview New Homes Ltd. consider developments should be considered on a site-by-site basis depending on the merits and costs associated with each development. It is requested that the paragraph be amended to state that the contributions of developers in relation to the provision of new schools will be assessed on a site-by-site basis.</p>
<p><b>OFFICER’S COMMENTS</b>            The purchase of suitable land can be a significant cost in the provision of additional school facilities. In cases where sufficient suitable land is not already available, it is considered entirely reasonable to expect the contribution of free land or sufficient funding to acquire it.</p>	
<p><b>RECOMMENDATION</b>            That no changes are made to the SPD with respect to this representation.</p>	
RESPONDENT	COMMENTS
<p><b>Schools Service (Essex County Council)</b></p>	<p>The correct April 2006 figures are £8,986 primary and £14,055 secondary. These include the Essex 6% adjustment.</p>
<p><b>OFFICER’S COMMENTS</b>            The figures shown in the SPD were based on estimates prior to official DfES publication. They should be amended to match the official figures provided by ECC Schools Service.</p>	
<p><b>RECOMMENDATION</b>            It is proposed that the cost per place figures listed in appendix B are amended to £8,986 for Primary and £14,055 Secondary.</p>	
RESPONDENT	COMMENTS
<p><b>Home Builders Federation</b></p>	<p><u>1.2</u>            It is stated that ‘education is one of a range of services which local authorities may seek to provide through developers’ contributions’. The HBF would point out that whilst developers may reasonably be asked to contribute to additional educational provision necessitated by their new developers, it is neither their role nor responsibility to provide an educational service.</p> <p><u>1.4</u>            Whilst developers may reasonably be asked to contribute to additional educational provision necessitated by their new developers, the HBF consider that if the Council chooses to refuse planning applications on the basis of a failure by developers to make financial payments (as the wording suggests), it will be acting illegally.</p> <p><u>Policy EC1</u>            The wording does not accord to the content of Circular 5/05. It is</p>

	<p>inappropriate to start from the basis that contributions will be sought automatically where there will be a demand for additional school places as a result of a development. Whilst the text goes on to say that existing or potential surplus school places in the area will be taken into account, the text should be amended to state that contributions will only be sought where existing or potential surplus school places in the area will be inadequate to meet the needs generated by new development.</p> <p><u>Policy EC3</u> It is entirely unclear as to why schemes developed entirely as affordable housing should make no educational provision contributions when they themselves might generate as much, or more, additional pupil levels than market housing.</p> <p><u>8.2</u> It would be inappropriate to expect that in most cases contributions will be required before development begins given that the need for new facilities might not actually arise to sometime later, and furthermore, the developer will not have sold any new housing in order to receive financial funding in order to pay for the educational facilities. Instead, funding timing should be negotiated on a site-by-site basis taking full account of local circumstances and site development timescales.</p>
<p><b>OFFICER'S COMMENTS</b></p> <p>1.2 – Noted</p> <p>1.4 – Failure to provide contributions towards additional educational provision to meet a properly identified and agreed local need would constitute a valid reason for refusal.</p> <p>Policy EC1 – The wording of the Policy makes clear that the level of existing or any potential surplus permanent school places in a local area will be taken into account. The policy wording ensures that the local circumstances will be considered and allows contributions to be sought where they are required.</p> <p>Policy EC3 – Schemes which are entirely affordable housing and where 100% of the dwellings will be owned by a registered social landlords provide an essential local service and can incur significant costs. For these reasons educational contributions will not be sought in such circumstances.</p> <p>8.2 – Providing additional educational facilities to meet the needs of new developments is a process that can take some time. Contributions are required at the earliest possible stage in order to ensure adequate education provision upon completion.</p>	
<p><b>RECOMMENDATION</b></p> <p>That no changes are made to the SPD with respect to this representation.</p>	
<p><b>RESPONDENT</b></p>	<p><b>COMMENTS</b></p>
<p><b>Government Office for the East of England</b></p>	<p><b>Statutory Basis</b> Page 1 – It is not clear what relevance all of the mentioned statute has for the education contributions SPD ie. Listed buildings and conservation areas, biodiversity? It would be better and more accurate to make reference to Section 106 of the Town &amp; Country Planning Act 1990 and Circular 5/05 Planning Obligations.</p> <p><b>Section 1 Introduction</b></p>

Section 1 Introduction – The SPD should set out how it is intended to work alongside the County SPG (2004) and Essex County Developer Contribution Guidelines ie. Does the SPD replace the County documents, and/or are parts of them still relevant? It would be useful for key relevant sections of the Developer Contribution Guidelines to be appended to this SPD.

**Regulations**

The SPD looks to be an exact copy of the County produced Educations Contributions SPG (2004) – The Council seem to be mainly relying on consultation work previously done for this SPG to inform the production of the new SPD. The Council will need to be satisfied it has complied with the necessary regulations for the preparation of this new SPD, including for example the requirements of regulation 17. This includes setting out a summary of the main issues raised in earlier consultation responses and how they have been addressed in the SPD. The regulation 17 notices suggest that the information is contained in the SEA/SA but it could not be readily seen.

**Section 2 ( para 2.2 and 2.3 )**

Section 2 ( para 2.2 and 2.3 ) – The structure plan policies will only be saved until replaced by the RSS (unless they are specifically mentioned as not being replaced by the RSS). The Local Plan policy will eventually be replaced by LDF policies. We suggest that the SPD clarifies the Council’s intentions once the existing saved policies are replaced, ie. The SPD will need to be redrafted and consulted upon to conform and support to new LDF policies.

**Policy Content**

Section 2 Policy Content – We suggest that it would be useful to include the relevant Local Plan policy extract, either in this section or as a Appendix to the SPD.

**OFFICER’S COMMENTS**

It is agreed that the inclusion of Section 106 of the Town & Country Planning Act 1990 and Circular 5/05 Planning Obligations in the Statutory Basis section would be more relevant in this case.

The draft SPDs were all subject to Sustainability Appraisal and Strategic Environmental Assessment. As part of this process scoping consultation was carried out with statutory consultees. Any comments received were fed into the recommendations of the Sustainability Appraisal Environmental Reports. These reports were available for consultation alongside the SPDs and details of this earlier consultation were included within the consultation statements as required by regulation 17.

The addition of a reference to the status of the Regional Spatial Strategy to Paragraph 2.2 would help improve the clarity of the document.

The inclusion of the Relevant Replacement Local Plan policy extracts would help clarify the policies on which the SPD guidance and standards are based. It is proposed that a reference is included to policies HP5 and HP21.

## RECOMMENDATION

- That the statutory basis section is amended to include a reference to Section 106 of the Town & Country Planning Act 1990 and Circular 5/05 Planning Obligations.
- It is proposed that paragraph 2.2 is extended by the addition of :

‘.....policies, contained within local plans and other documents. ***It should be noted that the structure plan policies will only be saved until replaced by the Regional Spatial Strategy (unless they are specifically mentioned as not being replaced by the RSS) and that the current Rochford District Replacement Local Plan policies will eventually be replaced by new LDF policies. It may be necessary for the SPD to be redrafted and consulted upon to conform and support new LDF policies.***’

- It is proposed that extracts of Replacement Local Plan policies HP5 (Infrastructure) and HP21 (Planning Obligations) are included at the end of Section 2.



**SPD2 HOUSING DESIGN**

RESPONDENT	COMMENTS
<p><b>The Planning Bureau Limited on behalf of McCarthy and Stone</b></p>	<p>After reading this Supplementary Planning Document it is clear that the Council has taken consideration on differing Sheltered Housing developments from that of other developments. This I greatly praise, as it is one aspect that other Councils tend to overlook. One area I would like to make comment on is the setting of developments. I feel that it would not be just or sustainable to expect developers to keep the design of Sheltered Housing similar to that for single family dwellings. What I would find more variable would be to ask for an appropriate design to appear as single dwellings using varying pitched roofs.</p>
<p><b>OFFICER'S COMMENTS</b>  Comments noted. The Council expect the design of all forms of residential development to contribute to the quality of the environment in which they are situated. This does not mean that sheltered housing will have to be of the same design as that of single family dwellings, but it should be of a similarly high standard and in keeping with the character of the area.</p>	
<p><b>RECOMMENDATION</b>  That no changes are made to the SPD with respect to this representation.</p>	
RESPONDENT	COMMENTS
<p><b>Rayleigh Civic Society</b></p>	<p><b>8.1 – Rooms in the roof</b>  The sketch on page 7 titled UNATTRACTIVE FLAT ROOF DORMER should be changed to UNACCEPTABLE FLAT ROOF DORMER.</p> <p><b>14 – Backland Development</b>  We feel <u>more</u> emphasis should be given to the effect a development would have on neighbours i.e. Noise, disposal of rubbish, road safety.</p>
<p><b>OFFICER'S COMMENTS</b>  The diagrams on page 8.1 are intended to show good practice in the design of dormer rather than prescribe policy on specific types of dormer that would be unacceptable.</p> <p>The likely effects of a proposal on the amenity of an area will always be considered in the determination of a planning application.</p>	
<p><b>RECOMMENDATION</b>  That no changes are made to the SPD with respect to this representation.</p>	
RESPONDENT	COMMENTS
<p><b>Environment Agency</b></p>	<p><b>Policy HD2</b>  This section correctly states that existing trees and hedgerows should be retained on site wherever possible. This should be expanded to include other natural features such as ponds and watercourses, which should also be incorporated into the site layout, and may be of significant biodiversity value.</p> <p>Biodiversity is not considered as part of this section. HD2 should make it clear that landscaping should link in with existing habitats and seek to</p>

preserve and enhance the biodiversity value of the site. Native species consistent with the local area should be used for any planting. In addition to requiring this approach, the document should highlight the further guidance that is available to assist developers. A useful source of information is the guidance produced by the Essex Biodiversity Project 'Integrating Biodiversity into development...realising the benefits'. This and other guidance is available on the website: [www.essexbiodiversity.org.uk](http://www.essexbiodiversity.org.uk).

Watercourses can play an important role in draining the site, and any proposals that affect the flow of a watercourse (including culverting) will require our written consent so we can consider the biodiversity and flood management implications. Culverting is usually only permitted to allow access due to adverse flooding and ecological impacts.

Landscaping and site layout can help to reduce flood risk, but the current part g) requires amending. For sites within a flood risk area, areas of landscaping or open space should be located in the parts of the site that are most vulnerable to flooding, in preference to built development. This reduces the risk for people and property, and should be informed by the Flood Risk Assessment. For all development types, landscaping should be designed to reduce surface water run-off from the site. This should be by minimizing the amount of impervious surfacing on site (including through the use of porous paving), and through the utilization of Sustainable Drainage Systems (SuDS). More information on SuDS is available on our website [www.environment-agency.gov.uk](http://www.environment-agency.gov.uk) For sites greater than 1 hectare in size, we should be consulted with a Flood Risk Assessment detailing how surface water will be managed and SuDS utilized.

Finally, design techniques that help to reduce the use of resources should also be promoted within the SPD. This should include ensuring that the site layout maximizes opportunities for passive solar gain, and setting criteria for the inclusion of renewable energy generation.

#### **OFFICER'S COMMENTS**

Comments on biodiversity are noted. Planning has an important role to play in the preservation and enhancement of biodiversity, as set out in PPS9. Policy HD2 should include comment on biodiversity for the purposes of clarity.

Regarding comments on the use of landscaping to reduce flood risk, the LPA does not wish for the SPD to be overly prescriptive in terms of measures developers should take. It is considered that the current wording of HD2 will allow the LPA to determine applications on a case-by-case basis having regard to flood risk and, where appropriate, a flood risk assessment.

In terms of planning's role in the reduction of resource consumption, design guidance in this respect is expected to be included in the Urban Place Supplement which the Council will shortly consider adopting as an SPD.

<b>RECOMMENDATION</b>	
Addition to Policy HD2 to read:	
h) Landscaping schemes should link in with existing habitats to preserve or enhance biodiversity	
<b>RESPONDENT</b>	<b>COMMENTS</b>
<b>Home Builders Federation</b>	<p><u>Policy HD1</u></p> <p>The HBF does not consider that it is any longer necessary to specify minimum garden depths, and size thresholds of 100m<sup>2</sup>, given the national planning emphasis on increasing housing densities.</p> <p><u>Policy HD3</u></p> <p>No justification or explanation is given for the suggested minimum site frontages specified.</p>
<b>OFFICER'S COMMENTS</b>	
<p>The use of minimum garden areas provides a useful method of ensuring that sufficient open space is incorporated into development schemes. The Policy details a range of circumstances where an exception to the 100m<sup>2</sup> requirement will be made. These exceptions allow flats and one or two bedroom dwellings, typically built at higher densities, to have lower levels of private garden space.</p> <p>Policy HD3 allows for the variation of frontage size where necessary to be compatible with the existing form and character of the area in which they will be sited. The minimum requirements for site frontage are a useful measure to guard against the overdevelopment of infill sites. It is agreed that the inclusion of such a justification for this standard would improve the clarity of the document.</p>	
<b>RECOMMENDATION</b>	
That paragraph 5.1 is amended to state:	
"Minimum requirements for site frontage are a useful measure to guard against the overdevelopment of infill sites. Policy HD3 also allows for the variation of frontage size where necessary to ensure they are compatible with the existing form and character of the area. Housing development on small vacant frontage plots comprising infilling shall be subject to the following building design criteria:"	
<b>RESPONDENT</b>	<b>COMMENTS</b>
<b>Historic Environment Branch (Essex County Council)</b>	<p><b>SPD 2 Housing Design</b></p> <p><i>Section 11: Conservation areas and listed buildings.</i> It is recommended that the title should be changed to include Archaeological sites which would read <i>Conservation areas, listed buildings and archaeological sites</i>. The amended wording will be more consistent with local plan chapter 7.</p> <p>It is recommended that the following word change is made to 11.1. (Additional wording shown in italics)..... within conservation areas and/or proposed works to buildings listed as being of special architectural or historic interest <i>and/or areas recorded as being of archaeological interest</i></p>

	<p><i>on the Historic Environment Record, regard will be had.....</i></p> <p><b>SPD 2 Housing Design: Sustainability Appraisal Report</b></p> <p>Page 47 <b>Material Assets and Cultural Heritage</b> : This section omits a significant part of Rochford's Districts historic assets and must be made more inclusive. At present within this section only historic buildings and conservation areas are identified. This section should also include the number of records on the Historic Environment Record, reference to the historic town and settlements reports and reference to the overview contained within the Historic Environment Characterisation Project.</p>
<p><b>OFFICER'S COMMENTS</b></p> <p>The changes to paragraph 11 to include archaeological sites would help provide further detail on the requirements of chapter 7 of the Rochford District Replacement Local Plan.</p> <p>The comments relating to the Sustainability Appraisal Report are noted.</p>	
<p><b>RECOMMENDATION</b></p> <p>It is proposed that the title of paragraph 11 is amended to:  <b>Conservation areas, listed buildings and archaeological sites.</b></p> <p>It is proposed that paragraph 11.1 is reworded to state:</p> <p>.....within conservation areas and/or proposed works to buildings listed as being of special architectural or historic interest <b>and/or areas recorded as being of archaeological interest on the Historic Environment Record</b>, regard will be had.....</p>	
<b>RESPONDENT</b>	<b>COMMENTS</b>
<p><b>Government Office for the East of England</b></p>	<p><b>References to Local Plan Policies</b></p> <p>Planning Policy Statement 12 – <i>Local Development Frameworks</i> indicates that a SPD must be clearly cross-referenced to a saved policy, before a relevant Development Plan Document is adopted (paragraph 2.43), and we note that the SPD does contain cross references linking the document to the saved policies in Rochford Replacement Local Plan ie. HP6 Housing (para 1.1), HP14 (para 14.1) and HP16 (para 15.1). We feel, however, that the SPD would be greatly improved by the inclusion of the specific text of those policies to which it is linked, either in the main body of the document itself, or in an appendix.</p> <p><b>Introduction of policies in SPD</b></p> <p>Regulation 13(8) of the Town and Country Planning (Local Development) Regulations 2004 requires that an SPD is in conformity with policies in the Core Strategy and other DPDs, or a 'saved' policy (in this case it is indicated that as being the Rochford Replacement Local Plan adopted June 2006). This is also reflected in paragraph 2.43 in Planning Policy Statement 12 (PPS12). PPS12 also indicates that whilst SPDs may contain policies that expand or supplement those policies, SPDs should not include policies that should be subjected to proper independent scrutiny in accordance with statutory procedures (Paragraph 2.44).</p> <p>Currently, much of the guidance included in the SPD is overly</p>

prescriptive and as such appears to seek to introduce policy over and above that set out in the Local Plan. This issue is perhaps reinforced by the presentation of the guidance as 'statements' in a format similar to that of local plan policies and also by frequent use of the words 'policy', 'will' and 'shall'.

For example, Section 3 'Minimum Garden Areas' in introducing Policy HD1, states that the Local Authority 'will pursue the following policy with regard to the provision of private garden areas'. Whilst paragraph 3.1 sets out the reasons for the introduction of this policy as being the higher densities resulting in smaller garden sizes than those recommended as the minimum in the Essex Design Guide. In seeking to introduce a threshold in this way the authority is introducing a new policy through SPD that should be introduced through a DPD so that it can be subjected to proper independent scrutiny in accordance with the statutory procedures.

It is important that policy is introduced in the proper manner. Therefore, we request that that authority amend the draft SPD before adoption by removing these policies which seek to introduce thresholds that are in addition to those set out in the Local Plan and the Essex Design Guide. Those policies could then be introduced through a subsequent DPD.

#### **Essex Design Guide and Urban Place Supplement**

We note that paragraph 2.1 of the SPD sets out status of the SPD in relation to the Essex Design Guide. We suggest that the SPD should set out in detail how it sits in relation to the emerging Urban Place Supplement which is intended to be adopted across all Essex authorities.

#### **Links to DPD policies**

In addition to setting out the SPD's links to saved Local Plan policies it should also set out the intentions for the SPD once new DPD policies are adopted and the saved Local Plan policies are replaced.

#### **OFFICER'S COMMENTS**

The inclusion of the relevant Replacement Local Plan policies extracts would help clarify the policies on which the SPD is based. It is proposed that a reference is included to Policy HP6.

The guidance and statements contained within this SPD are largely based on policy HP6 (Design and Layout) of the Replacement Local Plan. This policy states that the Local Planning Authority will require a high standard of design and layout taking into account a range of issues. The SPD seeks to clarify what will normally be considered an appropriately high standard of design and layout by examining these issues in greater depth.

The importance of gardens, play space and other shared space is recognised in Policy HP6 of the Replacement Local Plan. The use of minimum garden areas provides a useful method of ensuring that sufficient open space is incorporated into development schemes. The Policy details a range of circumstances where an exception to the 100m<sup>2</sup> requirement will be made. These exceptions allow flats and one or two bedroom dwellings, typically built at higher densities, to have lower levels of private garden space. It is accepted that references to 'policy' within the SPD should be amended to 'Statement'.

It is agreed that a reference to the Urban Place Supplement within paragraph 2.1 would help improve the clarity of the document.

The inclusion of information on the relationship between the SPD and Local Plan/LDF policies would improve the clarity of the document.

There is a need to consider the use of the terminology for the guidance and standards included in all of the SPDs. The guidance and standards have been called 'policies' in the SPDs and this creates a conflict with the policies included in the Local Plan and those that will in due course be included in the new development plan documents. Policies are prepared under a very different set of rules than SPDs and it is considered that the SPDs should be revised to remove references to policies, with the guidance and standards being part of the main text of the documents and referenced under appropriate headings. Proposed revisions to each SPD to take account of this change are being prepared and will be circulated to Members. In the meantime and to avoid any confusion, references to policies are used in this report.

## RECOMMENDATION

It is proposed that an extract of Replacement Local Plan policy HP6 (Design and Layout) is included at the end of section 2 – Policy Background.

That paragraph 3.2 is amended to state:

“The Local Planning Authority will **apply** the following **criteria** when considering the provision of private garden areas.”

That the second line of Policy HD1 be amended to read:

“Exceptions to this requirement will be:”.

That paragraph 2.1 is amended to state:

“The Essex Design Guide for Residential and Mixed Use Areas (2005) has formally been adopted as Supplementary Planning Guidance for the District. ***It is also the Council’s intention to adopt the Essex Design Guide Urban Place Supplement as a Supplementary Planning Document.*** These documents detail the core design advice against which developments within the district will be assessed. Developers and designers will need to consult them in addition to this guidance note.”

It is proposed that a note is added to Section 2 (Policy Background) stating that as the SPD must conform with DPD policies it may be necessary to amend the SPD when other documents within the LDF are adopted.

That the guidance and standards included in all SPDs is not referred to as ‘policy’ and that the SPDs be revised to take account of this change.

RESPONDENT	COMMENTS
<b>Charles Planning Associates Ltd. on behalf of Swan Hill Homes Ltd.</b>	<p><b>Section 3 – Minimum Garden Areas</b></p> <p>Swan Hill Homes Limited (Swan Hill) considers it is inappropriate to seek to apply minimum garden sizes, particularly given a minimum provision of 100 metres square. Whilst the provision of 100 m<sup>2</sup> is provided in the Essex Design Guide for Residential and Mixed Use Areas (2005), it is inappropriate and unmanageable to seek such a provision. PPG3: Housing (2000 as amended) seeks to provide density provisions of between 30 and 50 dwellings per hectare, something which looks set to increase in PPS3: Housing. Further, PPG3 sets out that development proposals for new residential developments should make the most efficient use of land, and whilst 100 metres square represents a good target for new residential development, if all new properties are required to provide such a provision, it is unlikely that the density requirements of PPG3 will be achieved.</p> <p>With regard to Policy HD1, Swan Hill considers it is important that new residential developments provide private and communal areas of open space for the residents. However, Swan Hill considers it is important to have regard to the individual merits of each application site, and that the private garden areas of all types of houses should reflect the scale of the proposed dwelling, whilst achieving the recommended density provisions. As such, Swan Hill recommends that the Council removes references to the provision of garden areas for new residential developments, and seek to examine each application individually, having regard to the general character of the area.</p>

In reference to flatted developments, in general terms, purpose built flats do not generally provide private garden space for ground floor flats, merely a ground floor patio area or a ground floor balcony. The provision of 25 m<sup>2</sup> per flat is considered acceptable, but this should not form an obstacle to residential development. Each development proposal should be considered on its own merits, having regard to its location and proximity to other publicly accessible areas of open space.

In this regard, Swan Hill considers Policy HD1 should be rewritten excluding garden area sizes, stating merely that new housing development should provide areas of private outdoor space that reflect the character and scale of the proposed development and surrounding areas.

Flats should seek to provide, in appropriate locations, balconies of a useable size, and a provision of approximately 25 m<sup>2</sup> (per flat) for communal use. The Local Planning Authority will also have regard to the proximity of existing areas of open space, which could also be utilised by the potential occupiers.

#### **Section 4.0 – Landscaping**

In regard to Policy HD2, Swan Hill considers Part iii (b) be amended as follows:

‘...must be given to the mature size of ~~the~~ **any tree planted** and its effect upon daylighting and underground services.’

In reference to Part iii (e), Swan Hill considers it is unnecessary to set out the statutory duty of the Local Planning Authority to serve Tree Preservation Orders. Swan Hill recommends that this paragraph be re-worded to state that existing healthy trees and new trees planted as part of a residential proposal will be protected through the provision of Conditions in planning consents.

#### **Section 5.0 – Infill Development**

Swan Hill is of the opinion that Policy HD3, with the provisions of site frontages is inflexible and should be assessed on a site-by-site basis, with all planning applications assessed on their individual merits. As such, Swan Hill recommends that the statement be re-worded as such:

~~‘New Site frontages shall ordinarily be a minimum of 9.25 metres for detached properties or 15.25 metres for semi-detached pairs of properties or be of such frontages and form compatible with~~ **should have regard to and enhance the** existing form and character of the area within which they are to be sited...’

#### **Section 6.0 – Extensions to Existing Housing**

Whilst Swan Hill generally supports in principle the context of Policy HD4, there is some concern regarding the inflexibility of Part (c). Swan Hill considers it should be re-worded to exclude the minimum width of rear extensions of 3.05 metres, and should state:

‘Single-storey rear extensions (including conservatories) to semi-detached and terraced properties **should not detrimentally impact on**



**neighbouring residential amenity, by way of overlooking, overshadowing or being overbearing** shall not exceed 3.05 metres from the original rear wall of the dwelling,'

#### **Section 7.0 – Separation of Dwellings**

Swan Hill generally supports the need to provide appropriate separation distances between new and existing residential developments. However, Swan Hill recommends that the Council should seek to set out that new developments should be assessed on a site-by-site basis with each application being considered on its own merits. As such, separation distances for new developments should seek to reflect and enhance the character and appearance of the existing neighbourhood, as already set out in Policy HD5.

#### **Section 8.0 – Rooms in the Roof/Dormer Windows**

Whilst it is important to have regard to the provision of dormer windows, as in many instances, they can be detrimental to the character and appearance of existing buildings. However, Swan Hill considers that it would be sufficient to state that Policy HD6 seeks to ensure that where applications include the provision of dormer windows, that these should be assessed on their own merits, such as impact on the existing dwelling, and that the dormer window be subservient to the original dwelling.

#### **Section 9.0 - Balconies**

Swan Hill has concerns regarding the relevance of Policy HD7 and that it should not form part of supplementary planning guidance. However, Swan Hill considers that the statement could be amended as such:

'In order to safeguard neighbouring **amenity** ~~earlages~~ from a loss of privacy and increased level of noise, the Local Planning Authority will, in appropriate cases, impose suitable conditions in any planning permission for new dwellings and extensions to existing properties, restricting or prohibiting as the case may be, the provision of balconies, **where justifiable in planning terms.**'

#### **Section 12.0 – Additional Design Policies primarily relating to Estate Development**

Swan Hill considers it is inappropriate that Policy HD8 sets out that surfacing finishes are a material consideration for planning applications. The working of this bullet point should be incorporated into relevant Decision Notices as a Condition of planning consent, where appropriate, and should therefore be deleted from Policy HD8.

With regard to the use of Mews Courted development proposals, if the Council are seeking to include provision of an adopted road type, it should be set out in the SPD. Furthermore, it is unnecessary for the Council to attempt to dictate the type of road layout within residential developments, and each development should be considered by the Council on its own merits.

Swan Hill recommends that if the Council seeks to rely on the provisions of the Essex Design Guide in this matter, it should not seek to include further policy guidance contrary to the provisions of the Adopted

standard.

### **Section 13.0 – Children’s Play Space**

Whilst Swan Hill generally support the requirement to provide publicly accessible play space in new residential development. However, it considers that the District Council should set out in Policy HD9 a threshold for which new residential developments will be required to provide children’s play space, either through on-site provision or through planning contributions. It is acknowledged that the Adopted Local Plan states that the Plan area has adequate provision for younger children; however, the District Council should undertake an up-to-date Open Space Assessment, which would then provide an existing up-to-date provision, from which a threshold for young people and children’s play space could be calculated.

### **Section 14.0 – Backland Development: Access**

Swan Hill generally supports the context of Policy HD10, under Part (c), the word ‘detrimentally’ should be inserted between the words ‘...existing dwellings and would **detrimentally** affect the visual and residential amenity of those dwellings...’

With regard to 14.3 – Tandem Relationship, Swan Hill considers that the District Council should seek to apply separation distances between properties, rather than rely on the provision of garden areas. This could overcome potential overlooking and privacy problems, whilst being more flexible to meet PPG3 density requirements.

### **Section 15.0 – Sub-division of Single Dwelling Houses within Residential Areas**

With regard to paragraph 15.5 (Overlooking and Privacy), Swan Hill considers the second sentence should be re-worded as follows:

‘In this respect, the location of living rooms on any upper floor **should seek to minimise** ~~must not directly overlooking of~~ the private garden areas of adjoining properties’.

The existing sentence fails to allow for a degree of flexibility in the design of residential conversions, and whilst developers should seek to minimise overlooking, in many instances of town centre residential conversions, this is not entirely possible in a scheme which would otherwise be acceptable. Therefore, a degree of flexibility should be included within the consideration of such planning applications.

### **Section 18.0 – Purpose Built Flats**

Swan Hill generally supports the approach taken by the District Council, although, as highlighted above, paragraph 18.3 (Overlooking) should be re-worded to allow for a degree of flexibility. In all flatted developments, there will be a degree of overlooking, and paragraph 18.3 should be re-worded to reflect this, as follows:

‘No scheme should give rise to **unacceptable** overlooking of private garden areas or loss of privacy or daylighting to adjoining properties, especially due to the location of living rooms on upper floors’.

## **OFFICER'S COMMENTS**

### **Section 3 – Minimum Garden Areas**

The importance of gardens, play space and other shared space is recognised in Policy HP6 of the Replacement Local Plan. The use of minimum garden areas provides a useful method of ensuring that sufficient open space is incorporated into development schemes. The statement details a range of circumstances where an exception to the 100m<sup>2</sup> requirement will be made. These exceptions allow flats and one or two bedroom dwellings, typically built at higher densities, to have lower levels of private garden space.

### **Section 4 – Landscape**

Part iii. (b) of Policy HD2 sets out the factors which must be taken into account when deciding upon the location of a tree. No changes to this section are considered necessary. The SPD is intended to provide detailed guidance and the inclusion of a reference to Tree Preservation Orders improves the completeness of the document.

### **Section 5 – Infill Development**

The use of minimum garden areas provides a useful method of ensuring that sufficient open space is incorporated into development schemes. The statement details a range of circumstances where an exception to the 100m<sup>2</sup> requirement will be made. These exceptions allow flats and one or two bedroom dwellings, typically built at higher densities, to have lower levels of private garden space. Policy HD3 allows for the variation of frontage size where necessary to be compatible with the existing form and character of the area in which they will be sited.

### **Section 6 – Extensions to Existing Housing**

A more flexible approach to extension size would allow for applications to be assessed on their likely impacts on neighbouring properties. It is recommended that this change be made.

### **Section 7 – Separation of Dwellings**

The requirements for separation are important in ensuring the maintenance of the appearance and character of residential areas, and a good overall appearance of new estates. The statement indicates that in all cases building separation will be required to be compatible with the location of the residential development and the character of the existing neighbourhood.

#### Section 8 – Rooms in the Roof/Dormer Windows

As the SPD is intended to provide detailed guidance it is considered appropriate for the design details of dormer windows to be included within this statement.

#### Section 9 – Balconies

As the role of SPD is to provide detailed design guidance it is considered appropriate for details of likely planning conditions to be included.

#### Section 12 – Additional Design Policies primarily relating to Estate Development

As the SPD intends to set out detailed design guidance information the consideration of surface finishes and access treatments is considered helpful.

The Mews Court road type is set out in the Essex Design Guide on the pages referenced in this statement. It is accepted in the statement that the character of neighbourhoods may justify a density and type of development where alternatives can be considered.

#### Section 13 – Children’s Play Space

Comments noted. Policy HD9 allows for the need for the provision of children’s play space to be assessed on a case by case basis.

#### Section 14 – Backland Development: Access

Comments noted. The insertion of ‘detrimentally’ would add clarity to the statement.

#### Section 15 – Sub-division of Single Dwelling Houses within Residential Areas

Section 15.5 allows for some degree of flexibility given that it states proposals must not result in *unreasonable* loss of privacy to adjoining properties. The location of living rooms on upper floors that directly overlook private garden areas would result in overlooking and loss of privacy and as such would be considered unacceptable.

#### Section 18.0 – Purpose Built Flats

The addition of the word ‘unacceptable’ in section 18.3 would allow for an appropriate degree of flexibility in the statement.

### RECOMMENDATION

That Policy HD4 (c) is amended to state: Single-storey rear extensions (including conservatories) to semi-detached and terraced properties ***should not detrimentally impact on neighbouring residential amenity, by way of overlooking, overshadowing or being overbearing.***

That the word ‘detrimentally’ is added to Policy HD10 (c) to state:

‘...existing dwellings and would ***detrimentally*** affect the visual and residential amenity of those dwellings...’

That the word ‘unacceptable’ be added to section 18.3 to state:

‘No scheme should give rise to ***unacceptable*** overlooking of private garden areas or loss of privacy or daylighting to adjoining properties, especially due to the location of living rooms on upper floors.’

RESPONDENT	COMMENTS
<p><b>Christopher Wickham Associates on behalf of Inner London Developments (Stambridge) Ltd.</b></p>	<p><b>Policy HD1</b></p> <p>The minimum garden area requirements set out in Standard HD1 are considered to be excessive and inflexible. They do not reflect to the flexibility sought by Planning Policy Guidance Note 3.</p> <p>For houses, the circumstances in which a private zone garden area of less than 100 square metres may be acceptable should be revised. Specifically, criterion (ii) should also include dwellings which are located in close proximity to publicly accessible open countryside. In relation to criteria (iii), a target figure of 25 square metres is considered to be more appropriate for one and two bedroom dwellings. It is considered that small dwellings of this kind are generally occupied by households which do not include children, and the target figure should therefore be lower than that for three bedroom terraced houses for which criterion (iv) seeks a minimum area of 50 square metres.</p> <p>For flats, the general format of the policy which offers an alternative between the approach set in a) and that set in b) is supported. A minimum balcony size of 5 square metres is also considered to be reasonable. However, the requirement for a 50 square metre minimum patio garden for ground floor units is considered to be excessive, and could unduly constrain the design and layout of schemes including the inter-relationship between private and communal areas. An overall target figure of 25 square metres is considered to be reasonable in the context of flatted development.</p> <p>It is considered that Policy HD1 should make it clear that the amenity area target figures will be applied flexibly having regard to a site's context and constraints.</p>
<p><b>OFFICER'S COMMENTS</b></p> <p>The importance of gardens, play space and other shared space is recognised in Policy HP6 of the Replacement Local Plan. The use of minimum garden areas provides a useful method of ensuring that sufficient open space is incorporated into development schemes. The statement details a range of circumstances where an exception to the 100m<sup>2</sup> requirement will be made allowing for flexibility based upon site specific circumstances. These exceptions allow flats and one or two bedroom dwellings, typically built at higher densities, to have lower levels of private garden space.</p>	
<p><b>RECOMMENDATION</b></p> <p>That no changes are made to the SPD with respect to this representation.</p>	

**SPD3 PLAYING PITCH STRATEGY**

RESPONDENT	COMMENTS
<p><b>Home Builders Federation</b></p>	<p><u>Policy PP8</u></p> <p>Whilst developers might reasonably be expected to contribute towards improved pitch drainage where new developments will put pressure on existing facilities, any sums sought should be in direct proportion to the developments in question. Developers should not be expected to pay to rectify existing deficiencies in order to primarily benefit the existing wider population.</p> <p><u>Policy PP9</u></p> <p>The statement is in clear breach of national planning guidance as set out in Circular 5/05. It seeks financial contributions regardless of existing levels of facilities or provision.</p> <p>This policy applies to all developments that result in a net gain of dwellings. Thus it applies even to single dwelling developments. Whilst it is acknowledged that there may be a marginal cumulative impact on existing facilities through a number of small developments it is also the case that the individual impact on existing facilities from single dwelling developments is negligible.</p> <p>Circular 5/05 states that development should only be required to make provision for those facilities that are necessary as a direct result of new development and which fairly and reasonably relate in scale and kind to the development proposed. Given the negligible impact from very small developments it has to be questionable whether a requirement for recreation provision from all developments does meet this requirement of 5/05. Clearly in the case of very small developments the vast majority of the overall open space requirement, apart from perhaps amenity open space, would be expected to be provided off-site or via contributions in lieu of direct provision. In order for such contributions to comply with 5/05 there has to be some reasonable prospect of the money being spent within a reasonable period for the purpose for which the contribution was sought and within a reasonable proximity of the development from which it was sought. Again, for very small developments this is going to be very difficult to achieve.</p> <p>It will also require a great deal of resources and effort to implement and administer such a scheme effectively and within the confines of the requirements of 5/05 i.e. each contribution should be directly accountable and traceable. All of these factors suggest that applying the requirement to all development is not a satisfactory way forward, regardless of the nature of existing open space provision in the District. Instead it should only be applied to developments over a certain threshold of 10 dwellings at the very least in order that these practical difficulties can be overcome. There does not appear to be any Adopted Local Plan policy that justifies the statement in the SPD.</p> <p>Furthermore, it is noted that the Council's Assessment of Playing Pitches is now over 4 years old, and can no longer be considered up to date.</p>

**OFFICER’S COMMENTS**

Policy PP8 – The addition of a sentence stating that contributions required will be in direct proportion to the developments in question would help clarify that contributions will be required to improve pitches when new development would result in increased demand.

Policy PP9 – It would be appropriate for Policy PP9 to be amended to include a reference to the generation of playing pitch demand. This would clarify that contributions will be sort where a development scheme will result in addition playing pitch demand and would be used to provide additional facilities or improve existing ones.

**RECOMMENDATION**

That the following sentence is added to the end of Policy PP8:  
‘Contributions will be required where new developments will put pressure on existing facilities and any sums sought should be in direct proportion to the developments in question.’

That the start of Policy PP9 is amended to state:  
‘**Where a development scheme will result in additional playing pitch demand**, the LPA will require contributions.....’

<b>RESPONDENT</b>	<b>COMMENTS</b>
<p><b>Savills Commercial Ltd on behalf of Southend United Football Club</b></p>	<p>The SPD 3 Playing Pitch Strategy has not been prepared in accordance with the LDF principles. The new planning system advocated by the Planning &amp; Compulsory Purchase Act 2004, requires SPD’s to be simple, concise and easy to use, supported by the RSS and other national policy guidance. The SPD should be redrafted to remove the research documentary evidence and make reference to this document as the evidence base for the LDF and SPDs. The SPD is therefore unwieldy and difficult to use. The SPD should be re-organised to contain just the Policies PP1 – PP9 and the supporting text.</p> <p>Policy PP6 refers that sports pitches may be considered an appropriate land use within the Green Belt and sets out maximum support facilities associated with each type of sports pitch. The Statement does not envisage the type of sports proposals currently the subject of a planning application by Southend United Football Club (SUFC) on land designated as Green Belt at Smithers Farm, which will bring with them substantial benefits for both SEBC and RDC. Equally, the Statement refers that parking areas will not be supported in relation to such uses. It is however, unrealistic to provide new sporting facilities without the required infrastructure such as parking and sports halls as inadequate provision of related facilities can cause negative impacts on surrounding residents. PP6 must therefore recognise that adequate infrastructure may be an associated requirement for new sports facilities and consider the preparation of a very special circumstances policy related to need, sequentially available sites and associated community benefits.</p> <p>A new Statement should be drafted to support the provision of</p>

playing pitches associated with SUFC's new Stadium adjacent to Fossetts Farm at Smithers Farm, as playing fields are acceptable development within the Green Belt. The Statement could identify the criteria for addressing PPG2 very special circumstances related to the proposed new SUFC Stadium, the need for related playing pitches and ATP and proven need for additional car parking associated with the Stadium development. The need for the playing fields arises directly from the new Stadium, the sequential assessment of alternative sites, the safeguarding of the Fossetts Farm land for a Stadium as assessed by a Local Plan Inspector and need for training grounds close to the Stadium which can be served by public transport.

**OFFICER'S COMMENTS**

The SPD's evidence base is included as an Annex.

PP6 has been drafted having regard to PPG2 and Policy R1 of the recently adopted Rochford District Replacement Local Plan.

PPG2 states that essential facilities for outdoor sport and recreation are not inappropriate development in the Green Belt. PPG2 expands on this in paragraph 3.5 which states:

"Essential facilities....should be genuinely required for uses of land which preserve the openness of the Green Belt and do not conflict with the purposes of including land in it. Possible examples of such facilities include small changing rooms or unobtrusive spectator accommodation for outdoor sport, or small stables for outdoor sport and outdoor recreation."

Policy R1 of the Rochford District Replacement Local Plan lists the types of development which may be appropriate in the Green Belt. This includes:

"Essential small-scale facilities for outdoor sport and outdoor recreation in accordance with PPG2".

The amendments which this representation proposes would be contrary to national policy on the Green Belt and to the Council's Replacement Local Plan Policy R1, which has recently been tested and found to sound during the Local Plan inquiry.

The standards outlined in PP6 are taken from Sport England guidelines and represent a balance between the need to preserve the openness of the Green Belt and the need to provide for recreational activities.

**RECOMMENDATION**

That no changes are made to the SPD with respect to this representation.



RESPONDENT	COMMENTS
<p><b>Sport England</b></p>	<p>Sport England supports the general principle of producing a Supplementary Planning Document to cover playing pitch provision within the District.</p> <p>However, we believe the approach taken is flawed for the following main reason:</p> <ul style="list-style-type: none"> <li>• The principal evidence base used is a playing pitch assessment carried out in 2002 and adopted in October 2002, and is therefore four years old. Sport England would normally recommend that a playing pitch strategy/assessment is updated every three years and would therefore argue that a four year old assessment does not constitute a credible or robust evidence base on which to prepare an SPD.</li> </ul> <p>We also have concerns relating to the detail of the SPD with regard to the following areas:</p> <ul style="list-style-type: none"> <li>• We would question the need to have separate Policy Statements relating to recommended pitch sizes for the individual pitch sports. We would recommend a single policy statement suggesting that pitch provision should meet minimum standards for sizes and layouts in accordance with details contained within Appendix...</li> <li>• Policy PP7- we support the need for new facilities to be accessible by public transport, but would suggest that such a policy should be contained within a general Development Control policy document or the Core Strategy, with the SPD concentrating on establishing a framework for securing contributions towards new on-site and off-site provision.</li> <li>• Policy PP8- the wording of this statement is rather vague and gives little indication to developers regarding which developments will be expected to contribute towards off-site drainage improvements, or how such a contribution would be calculated.</li> <li>• Policy PP9 –this seeks contributions towards playing pitch provision but does not specify a formula for calculating contributions per dwelling. It also fails to require contributions for future maintenance and management for either on-site or off-site provision.</li> <li>• Para 3.5 –Sport England supports the principle of securing community use of new pitches via a legal agreement. Sport England can supply templates for such agreements which should assist the local authority in their preparation. These are available under the ‘Planning Contributions’ section of the Sport England website: <a href="http://www.sportengland.org">www.sportengland.org</a></li> <li>• The SPD should specify which facilities are to be covered by the document. Does it cover just pitches, or also facilities such as tennis courts, bowling greens and athletics tracks? Sport England advocates that any SPD should also seek to secure contributions towards built community sports facilities such as swimming pools and sports halls and we have developed the ‘Sports Facility Calculator’ to help assess the level of contribution required. This is available on the website: <a href="http://www.sportengland.org">www.sportengland.org</a></li> <li>• The SPD should make clear the threshold to be adopted for requiring contributions towards sports pitches. Eg, Mid Devon DC have adopted a contributions policy based on a one dwelling threshold.</li> <li>• The SPD should give guidance on where the usual cut off point</li> </ul>

	<p>will be for providing on-site provision as opposed to contributing towards off-site facilities.</p> <p>Sport England has published more detailed advice on securing contributions via an SPD relating to Sport and Recreation. This advice can be downloaded from the Sport England website.</p> <p>In summary therefore Sport England supports the principle of preparing an SPD relating to Sport and Recreation but are of the opinion that the current approach is flawed due to the out of date evidence base being used, whilst there is also insufficient detail relating to the methodology to be used to calculate and secure contributions for on-site and off-site facilities.</p>
--	--

**OFFICER’S COMMENTS**

There has been little extensive development within the district since the time of the 2002 study. Therefore the assessment still provides a useful study of playing pitch provision within the district and a further review has not been carried out at this stage.

It was judged that having individual policy statements provided a greater level of detail and made the document more usable than if this information was located within an appendix.

The SPD was intended to provide detailed guidance on all issues relating to Playing Pitches. As playing pitches are a use that may often be located outside of existing development it was judged that ensuring sustainable access was particularly important.

The comments relating to Policy PP9 and paragraph 3.5 are noted. It is suggested that a sentence is added to Policy PP9 stating that where contributions towards playing pitch provision are required, contributions towards the future maintenance and management of these facilities will also be required in the case of both on-site and off-site provision.

The SPD allows for a flexible approach by stating that the level of contribution required will be dependant on the level of additional playing pitch demand generated, together with the current costs of providing such playing pitches at the time of application.

**RECOMMENDATION**

It is proposed that a sentence is added to the end of Policy PP9 stating:

‘Where contributions towards on-site or off-site playing pitch provision are required, contributions towards the future maintenance and management of these facilities will also be required.’

**SPD4 SHOP FRONTS – SECURITY AND DESIGN**

<b>RESPONDENT</b>	<b>COMMENTS</b>
<b>Rayleigh Civic Society</b>	We fully support section 4, History. Paragraph 2.8 is particularly poignant we only hope designers will read this section and act upon it! We fully support all other sections in this SPD4.
<b>OFFICER'S COMMENTS</b> Comments noted.	
<b>RECOMMENDATION</b> That no changes are made to the SPD with respect to this representation.	

## SPD5 VEHICLE PARKING STANDARDS

RESPONDENT	COMMENTS
<p><b>Peacock and Smith on behalf of WM Morrison Supermarkets Plc</b></p>	<p>Paragraph 11 <b>Food Retail Parking Standards</b></p> <p>Wm. Morrison Supermarkets plc consider that the base maximum standard for car parking associated with new food retail developments over 2,500 sq.m. should reflect recent Government guidance set out in PPG13.</p> <p>Whilst PPG13 sets out at Annex D the maximum car parking standards (for food retail of 1,000 sq.m. gross floorspace and above the standard is one space per 14 sq.m.), para. 56 of the PPG notes that a balance has to be struck between encouraging new investment in town centres by providing adequate levels of parking, and potentially increasing traffic congestion caused by too many cars. It is noted that where retail and leisure developments are located in a town centre, or on a 'edge-of-centre' site as defined by PPS6, Local Planning Authorities should consider allowing parking additional to the relevant maximum standards provided the Local Authority is satisfied that the parking facilities will genuinely serve the town centre as a whole and that agreement to this has been secured before planning permission has been granted.</p> <p>Wm Morrison Supermarket plc support the broad approach set out within PPS6 of directing new retail development to town centres in the first instance, in order to sustain and enhance their vitality and viability. The Company consider, however, that this approach will work in practice only if these centres can be developed in a manner which allows that development to be truly competitive with existing retail provision. Very often this would involve being competitive with existing foodstores which have larger car parks.</p> <p>Most existing foodstores are constructed with large car parks, so as to be attractive to car-borne shoppers. This means that in circumstances where a new store is to be proposed or development it must be sufficient scale, and must be sufficiently attractive to the bulk-food shopping public in order to be competitive.</p> <p>The way in which people shop determines which a store should be made competitive. A number of fundamental shopping habits underlie this:</p> <ol style="list-style-type: none"> <li>a) the weekly bulk food shopping trip has become the norm. Its availability is expected by the shopping public. As the shopping trip is done in bulk, this can only be realistically undertaken by car. The volume of shopping is otherwise incapable of being transported in bulk.</li> <li>b) The only alternative is to make many more trips by other modes, on each occasion carrying less shopping. To expect people to shop in this fashion is both unrealistic and probably undeliverable given the work pattern of people in modern society.</li> <li>c) This situation is very different from that of the journey to work, where a modal shift typically involves the daily journey being made by bus or train instead of the car. A modal shift for shopping is likely to involve a single weekly car trip being replaced by three of four bus trips.</li> </ol>

	<p>In broad terms, therefore, to fulfil the objectives of PPS6, it is necessary for town centre retailing to be competitive. To achieve this it must provide sufficient car parking to make the store as attractive as other existing stores in the area, and to ensure that foodstore facilities operate efficiently without adverse effects on the highway network.</p> <p>Car parks associated with food retail developments in or on the edge of town centres can also provide short term car parking facilities for shoppers and visitors to the centre which can serve the centre as a whole. The provision of such spaces could enhance the vitality and viability of town centres.</p>
--	--

**OFFICER’S COMMENTS**

The common use of the car for bulk shopping trips is taken into account in Policy PS4. The statement allows, where necessary, for a higher level of parking provision than would otherwise be permitted for retail developments. It states that an absolute maximum standard of 1 space per 14m<sup>2</sup> may be applied to food retail developments in accordance with PPG13 Annex D. Policy PS1 deals with the application of the parking standards and notes that there are locations where the guidelines may need to be varied.

**RECOMMENDATION**

That no changes are made to the SPD with respect to this representation.

<b>RESPONDENT</b>	<b>COMMENTS</b>
<b>Peacock and Smith on behalf of WM Morrison Supermarkets Plc</b>	<p>Paragraph 20 <b>Cycle Parking Standards</b></p> <p>Wm. Morrison Supermarkets consider cycle standards should not be set unnecessarily high levels, as they will result in the provision of spaces far in excess of the likely demand associated with food superstore development. This is likely to result in the inefficient use of land.</p> <p>Our client considers that the base minimum standards for long and short-term cycle parking associated with new food retails developments over 2,500 sq.m. should be:</p> <p>One short-term space per 500 sq.m. GFA plus One long-term space per 20 maximum staff on site at any one time.</p> <p>It is considered that as food supermarkets generally cater for bulk food shopping purchases, that customers are unlikely to use this mode of travel to transport their good when undertaking such trips.</p>

<b>OFFICER'S COMMENTS</b>	
<p>Whilst it is acknowledged that car is commonly used for bulk shopping trips to food retail developments, it is also necessary to consider those who do not have access to a car and those who make more frequent smaller shopping trips. Food retail developments are not only used for bulk shopping trips but also provide an important amenity for local people who often make frequent and smaller shopping trips that could easily be undertaken by sustainable transport. It is also important that provision is made for users of sustainable transport who choose to cycle to and from work or other locations who may wish to combine such trips with visits to local amenities such as food stores. The provision of dedicated cycle parking located close to the store entrance is an important method of encouraging the use of sustainable transport.</p>	
<b>RECOMMENDATION</b>	
<p>That no changes are made to the SPD with respect to this representation.</p>	
<b>RESPONDENT</b>	<b>COMMENTS</b>
<p><b>Peacock and Smith on behalf of WM Morrison Supermarkets Plc</b></p>	<p>Paragraph 22 <b>Motorcycle Parking Standards</b></p> <p>With reference to the provision for motorcycle parking it is considered that as food supermarkets generally cater for bulk food shopping purchases, that customers are unlikely to use this mode of travel to transport their goods when undertaking such trips. It is suggested that the proposed car parking bays or appropriately designed cycle stands could accommodate the limited amount of demand for motorcycle parking that may arise.</p>
<b>OFFICER'S COMMENTS</b>	
<p>The use of powered two-wheeled vehicles (PTW) for regular short journeys creates significant benefits such as reduced congestion and land-use for parking. As such minimum standards have been used to reflect the advantages PTWs have over the car. As has been stated with respect to cycle parking provision it is important to consider those who do not have access to a private car, or those who wish to combine travelling to work with visits to local amenities such as food stores. Food retail developments also provide an important amenity for local people who often make frequent and smaller shopping trips. These trips can often be undertaken by more sustainable forms of transport such as PTWs. The provision of dedicated motorcycle/moped parking located close to the store entrance is an important method of encouraging the use of these methods of transport and represents a more efficient use of land than if such users were required to park in standard car parking bays.</p>	
<b>RECOMMENDATION</b>	
<p>That no changes are made to the SPD with respect to this representation.</p>	
<b>RESPONDENT</b>	<b>COMMENTS</b>
<p><b>Home Builders Federation</b></p>	<p><u>Policy PS12</u></p> <p>The HBF considers it highly important that the Council implements maximum parking standards in a flexible way, taking full account of local circumstances. Indeed, such a localised approach (rather than rigid blanket restrictions) is now being advocated by national government. It must be recognised that not all urban areas are the same, or enjoy the same levels of facilities and services.</p>

<b>OFFICER'S COMMENTS</b>	
It is recognised that different areas have varying levels of access to facilities and public transport services. For this reason Policy PS12 recognises that standards may need to be varied for different areas. Policy PS1 covers the application of parking standards and accepts that there are locations where the guidelines may need to be varied.	
<b>RECOMMENDATION</b>	
That no changes are made to the SPD with respect to this representation.	
<b>RESPONDENT</b>	<b>COMMENTS</b>
<b>The Planning Bureau Limited on behalf of McCarthy and Stone</b>	<p>Although I have congratulated your involvement of a separate Sheltered Housing development design, I am a little disappointed to see it is overlooked in this SPD. In respect of Sheltered Housing, the Residential Care Home policy will have to assist in making a plausible judgement on provision of parking.</p> <p>In this case, there is an indication of 1 space per staff member and 1 space per 3 daily visitors. From looking at previous McCarthy and Stone developments and other Council's Parking Policies, it is likely that this figure could be changed to 1:4, making the proposed development sites more sustainable. There is also no indication of proposed parking provisions for residents. I do feel that there needs to be an additional policy designed around Sheltered Housing developments as found in the Design SPD.</p>
<b>OFFICER'S COMMENTS</b>	
Policy PS11 sets out the Parking Standards for Residential Institutions. For residential care homes there is a maximum standard of 1 space per resident member of staff, and 1 space per 3 bed spaces / dwelling units. Any parking for residents would need to be provided within this figure.	
<b>RECOMMENDATION</b>	
That no changes are made to the SPD with respect to this representation.	
<b>RESPONDENT</b>	<b>COMMENTS</b>
<b>Highways Agency</b>	<p><b>Policy PS1</b></p> <p>Whilst we appreciate that in rural areas the use of the car is sometimes the only realistic means of transport, we would encourage the Council to, where possible, explore the provision of enhanced public transport provision as an alternative to the provision of greater levels of parking. Contributions to increased or enhanced public transport provision can not only reduce the amount of parking required for a particular development, but also have benefits to the larger community and lead to a reduction in overall car use.</p>

<b>OFFICER'S COMMENTS</b>	
Replacement Local Plan Policy HP5 (Infrastructure) allows the LPA to explore all means at their disposal, including planning gain contributions, to secure transportation infrastructure (particularly for buses and cycling).	
<b>RECOMMENDATION</b>	
That no changes are made to the SPD with respect to this representation.	
<b>RESPONDENT</b>	<b>COMMENTS</b>
<b>Schools Service (Essex County Council)</b>	<p>Can I request a minor change which we have agreed Corporately to bring Highways policy in line with Schools Service practice:-</p> <p>Page 15 Policy PS13 - Maximum Parking Standards for class D1: Schools ... Please re-word second sentence to read- '<i>Consideration also to be given to public / school transport waiting facilities if appropriate</i>'.</p> <p>I also noticed on page 30 (TABLE 3 - SUMMARY OF CAR PARKING STANDARDS POLICY PS24) that Schools appear twice with a different standard. I think again this may have been an error on the original ECC document and that the second reference should relate to Colleges.</p>
<b>OFFICER'S COMMENTS</b>	
The change to Policy PS13 would add greater clarity on highway safety issues to the document.	
The second reference to Schools in the Summary table is indeed an error. This should refer to Further and Higher Education.	
<b>RECOMMENDATION</b>	
<ul style="list-style-type: none"> <li>• That under Policy PS13 the Schools standard is amended so the second sentence reads: '<b><i>Consideration also to be given to public / school transport waiting facilities if appropriate.</i></b>'</li> <li>• That the summary table on page 30 is amended so that the second reference to schools refers to Colleges (Further and Higher Education).</li> </ul>	
<b>RESPONDENT</b>	<b>COMMENTS</b>
<b>Government Office for the East of England</b>	<p><b>Conflict with National and Replacement Local Plan Policy</b></p> <p>Paragraph 2.43(i) in PPS12 – <i>Local Development Frameworks</i> indicates that SPDs must be consistent with, amongst other matters, national planning policies.</p> <p>Regulation 13(8) of the Town and Country Planning (Local Development) Regulations 2004 requires that an SPD is in conformity with policies in the Core Strategy and other DPDs, or a 'saved' policy. This is also reflected in paragraph 2.43 in Planning Policy Statement 12 (PPS12). The draft SPD indicates the relevant policies as being TP1, TP5, TP6, TP8 and TP9 in the Rochford District Replacement Local Plan adopted in June 2006.</p> <p>PPS12 also indicates that whilst SPDs contain policies which expand or</p>



supplement those policies, those SPDs should not include policies that should be subjected to proper independent scrutiny in accordance with statutory procedures (paragraph 2.44).

At paragraph 52 of PPG13 - *Transport* it is indicated that there 'should be no minimum standards for development, other than parking for disabled people'. Policy TP8, which includes the standards applicable by the Use Class and which are repeated in the draft SPD are expressed as maximums in line with national policy. However, at paragraph 11.2 of the draft SPD it is indicated 'a minimum standard will be applied for residential developments in rural or suburban areas due to the poor public transport provision in these areas'. This is repeated in Policy PS12.

The inclusion of minimum standards for dwellings in rural or suburban locations is inconsistent with national policy and in direct conflict with Policy TP8 in the Rochford District Replacement Local Plan. As such, the SPD should be amended before adoption removing references to minimum standards in rural or suburban areas in relations to Use Class C3 (residential) and reinstate the standards as maximums in line with national policy and the Replacement Local Plan.

#### **Requirements for Transport Assessments**

In a number of the statements relating to car parking standards, it is indicated that for certain sizes of developments a Transport Assessment (TA) is required eg. Policies PS7, PS8, and PS9. The Rochford District Replacement Local Plan includes no policy provisions relating to requirements for TAs.

Whilst we do not object to identifying which developments will require a TA, the current wording is highly prescriptive and inflexible, setting thresholds over which TAs will be required relative to certain uses. The authority, in indicating the thresholds at which TAs are required should satisfy itself that there is robust and credible evidence for the thresholds identified.

We also request that consideration is given to using alternative wording to allow flexibility in requiring TAs reflecting, for instance, particular locations of development eg. Where development is proposed on an allocated site or an area designated for particular uses and where the principle of the use and scale of development has already been established. Further clarifying information could be included relating to the requirement for a TA relative to the particular issues that need to be addressed in the TA e.g. a TA would be required where there was a need to establish acceptability of the use and scale of development relative to network capacity etc.

**OFFICER'S COMMENTS**

The minimum standards used in Policy PS12 for dwellings in rural or suburban locations are inconsistent with national policy and conflict with Policy TP8 of the Rochford District Replacement Local Plan. It is proposed that this is changed to refer to maximum standards that will be applied flexibly depending on the accessibility of the location.

Comments regarding transport assessment are noted. Policy TP8 of the Replacement Local Plan states that the requirements associated for vehicle parking are shown more fully in the Supplementary Planning Documents.

**RECOMMENDATION**

That the SPD is amended before adoption removing references to minimum standards in rural or suburban areas in relations to Use Class C3 (residential). Instead it is proposed that maximum standards are applied in line with national policy and the Replacement Local Plan along with a statement that flexibility in the application of standards will be necessary in rural or suburban areas which are served by poor off-peak public transport.

<b>RESPONDENT</b>	<b>COMMENTS</b>
<p><b>Charles Planning Associates Ltd. on behalf of Swan Hill Homes Ltd.</b></p>	<p><b>Policy PS12 – Vehicle Parking Standards: Use Class C3 (Residential)</b></p> <p>With regard to Policy PS12, whilst Swan Hill generally supports the approach taken by the District Council towards setting residential parking standards, in that the Council has recognised that in the suburban areas, even with some access to public transport, the majority of residents will rely on the use of private cars. However, Swan Hill has concerns over the failure of the District Council to comply with the provisions of PPG13: Transport (2001) which sets out that Local Planning Authorities should not set minimum standards for car parking.</p> <p>Further, it has become common practice for Local Planning Authorities to set out car parking standards for residential development based on accessibility assessments of their administrative area. This would set out levels of services and facilities within the District's settlement, and the proximity of areas to public transport and cycling corridors. This would help to specifically identify those areas of high, medium and low accessibility, through which levels of car parking provision for new and extended residential developments could be assessed.</p> <p>As such, Swan Hill recommends that such an accessibility assessment be undertaken, through which car parking standards could then be developed for residential developments.</p>

**OFFICER'S COMMENTS**

Comments noted. The minimum standards used in Policy PS12 for dwellings in rural or suburban locations are inconsistent with national policy and conflict with Policy TP8 of the Rochford District Replacement Local Plan. It is proposed that this is changed to refer to maximum standards that will be applied flexibly depending on the accessibility of the location.

**RECOMMENDATION**

That the SPD is amended before adoption removing references to minimum standards in rural or suburban areas in relations to Use Class C3 (residential). Instead it is proposed that maximum standards are applied in line with national policy and the Replacement Local Plan along with a statement that flexibility in the application of standards will be necessary in rural or suburban areas which are served by poor off-peak public transport.

**SPD6 DESIGN GUIDELINES FOR CONSERVATION AREAS**

RESPONDENT	COMMENTS
<p><b>Home Builders Federation</b></p>	<p><u>Policy CA1</u></p> <p>Again, the HBF considers that the Council needs to be flexible in its approach. Whilst it may be the case that 2 storey buildings currently predominate, good quality higher storey buildings may well be capable of being blended into their neighbouring environment.</p>
<p><b>OFFICER'S COMMENTS</b></p> <p>As this SPD deals with Conservation areas it is especially important that buildings are in keeping with the existing character of the area. Paragraph 3.2 accepts that whilst in areas of uniform building height it would not be appropriate to introduce variations in building height, in some other locations irregular building height might be accepted.</p>	
<p><b>RECOMMENDATION</b></p> <p>That no changes are made to the SPD with respect to this representation.</p>	
RESPONDENT	COMMENTS
<p><b>Historic Environment Branch (Essex County Council)</b></p>	<p><b>SPD 6: Design guidelines for Conservation Areas</b></p> <p>The conservation areas within Rochford largely represent the cores of historic settlements. They therefore contain a range of sensitive below ground archaeological deposits which are a finite and non-renewable resource.</p> <p>Within the Introduction in paragraph 1.2 it is recommended that a sentence be added to reflect this. The following wording is recommended:</p> <p><i>Careful consideration needs to be given to below ground archaeological deposits.</i></p> <p><b>SPD 6: Design guidelines for Conservation Areas : Sustainability Appraisal Report</b></p> <p>Historic environment issues are not well integrated nor as fully considered as they need to be. The conservation areas within Rochford largely represent the cores of historic settlements. In particular the effects of development on below ground archaeological deposits, which are a finite and non-renewable resource, must be carefully managed if development is to be truly sustainable. Architects and designers will often be more aware and able to immediately appreciate the more obvious above ground elements of the historic environment, therefore it will be necessary to specifically highlight potential impacts on below ground remains.</p> <p>Page 41 : This section would benefit from the inclusion of a reference to the Rochford Historic Environment characterisation assessment and the historic town and settlement assessments that have been commissioned by Rochford District. It is also recommended that there should be additional maps included showing which towns and villages have been assessed as well as a copy of the overall Historic Environment Characterisation map.</p>

<p><b>OFFICER'S COMMENTS</b></p> <p>The changes to paragraph 1.2 to include consideration of archaeological sites would help provide further detail on the requirements of chapter 7 of the Rochford District Replacement Local Plan.</p> <p>The comments relating to the Sustainability Appraisal Report are noted.</p>	
<p><b>RECOMMENDATION</b></p> <p>That the following sentence is added to paragraph 1.2:</p> <p>Careful consideration needs to be given to below ground archaeological deposits.</p>	
<b>RESPONDENT</b>	<b>COMMENTS</b>
<p><b>Rayleigh Civic Society</b></p>	<p><b>Policy CA1</b></p> <p>Whilst we fully support CA1 we would like to see the paragraphs under SCALE made more forceful.</p> <p><b>Policy CA12 - Conservatories</b></p> <p>We fully support this statement. Unfortunately there are many instances in the district where <u>very large</u> conservatories have been allowed which dwarf the parent building and are totally out of keeping not only with the parent home but also houses adjacent in the road or around.</p>
<p><b>OFFICER'S COMMENTS</b></p> <p>Comments noted. The purpose of the SPD is to provide detailed design guidance. It is considered that Policy CA1 provides sufficient requirements for new buildings to be in keeping with the character of existing areas.</p>	
<p><b>RECOMMENDATION</b></p> <p>That no changes are made to the SPD with respect to this representation.</p>	

**SPD7 DESIGN LANDSCAPING AND ACCESS STATEMENTS**

RESPONDENT	COMMENTS
<p><b>Historic Environment Branch (Essex County Council)</b></p>	<p><b>Policy DLA3</b></p> <p>Within the bullet points in Policy DL3A, on page 5, an assessment of the historic environment constraints and opportunities should be included either in the second or third bullet point.</p> <p><b>SPD 7 Landscaping and access statements: Sustainability Appraisal Report</b></p> <p>Page 53 : This section would benefit from the inclusion of information on the Historic Environment characterisation assessment. It is recommended that there should be an additional map showing the overall Historic Environment Characterisation mapping.</p> <p>Within the table on page 62 PPG 16 Archaeology and Planning should be included as guidance for the archaeological heritage.</p> <p>Annex 1: Page 113 : PPG 16: Second column. The wording in the second column is incorrect and should be changed. The second column is recommended to read:  <i>Useful source for baseline data, Historic Environment Record held at Essex County Council. Also add a target of Loss or damage to nationally and regionally important historic sites and features. Maintenance or enhancement of historic environment character as expressed in the Rochford Historic Environment Characterisation Project.</i></p> <p>The Third column should read:  <i>Early consultation and careful consideration will be need to ensure preservation and/or mitigation of adverse impacts on historic environment assets</i></p>
<p><b>OFFICER'S COMMENTS</b></p> <p>The inclusion of a reference to historic environment constraints and opportunities would help ensure they are considered at an early stage within design statements.</p> <p>The comments relating to the Sustainability Appraisal Report are noted. The Rochford Historic Environment characterisation assessment forms part of the Local Development Framework evidence base which is considered in the production and sustainability appraisal of LDF documents.</p>	
<p><b>RECOMMENDATION</b></p> <p>That Policy DLA3 is amended so that the second bullet point reads:</p> <ul style="list-style-type: none"> <li>An explanation of the constraints and opportunities the site has in terms of its design, eg. Features worthy of retention or protection, <b><i>an assessment of historic environment constraints and opportunities, any</i></b> features which are detrimental and need to be addressed; and</li> </ul>	
RESPONDENT	COMMENTS
<p><b>Charles Planning Associates Ltd.</b></p>	<p>Swan Hill has several serious concerns regarding this SPD, particularly that whilst the District Council have had regard to the provisions of Commission for Architecture and the Built Environment (CABE) advice on the preparation</p>

<p><b>on behalf of Swan Hill Homes Ltd.</b></p>	<p>of Design and Access Statements, they appear to have failed to have regard to the provisions of the Town and Country Planning (General Development Procedure Order) (GDPO) 1995 (as amended 2006).</p> <p>The GDPO sets out clear statutory guidelines on what planning applications require the submission of Design and Access Statements, and Swan Hill considers it is important that this is highlighted in the SPD.</p> <p>Further, Swan Hill supports, in principle the context of this SPD, but have serious concerns that the District Council has overcomplicated the matter regarding the submission of such supporting documents. It is clear in the GDPO and the CABI guidance that only those applications specified need submit a Design and Access Statement, within which provision is made for the inclusion of landscaping information on the development proposal.</p> <p>Swan Hill recognises the importance of landscaping schemes for medium to large planning applications, however, under the provisions of the GDPO all the necessary information for landscaping can be incorporated into the all-in-one Design and Access Statement. With regard to the provisions of Policy DLA1, Swan Hill understands the constraints of development in the countryside in Rochford District, and considers it is important to highlight sensitive areas in this SPD. However, sensitive landscaping designations would be highlighted within a Design and Access Statement, for which, in most cases (as specified in the GDPO), new development proposals will be required to submit a Design and Access Statement. Furthermore, Swan Hill considers 'Residential Areas' should be removed from the list within Policy DLA1.</p> <p>With regard the Access Statements outlined in Section 5.0, it is important to highlight that this should form part of the whole Design and Access Statement, and is therefore subject to the advice in the GDPO, and is <b>not</b> required for all planning application submissions. Swan Hill recognises the importance of providing access for disabled people in new developments, and all their developments conform to the requirements of Building Regulations 2000. However, the GDPO clearly sets out that access for disabled people only forms part of the access consideration in Design and Access Statements, and should be included in such Statements, in addition to the other requirements of the GDPO.</p> <p>In summary, Swan Hill considers that the District Council should revisit this SPD, and set out the requirements of Design and Access Statements in accordance with the requirements of the GDPO and the CABI guidance. Swan Hill acknowledges the overall content of this SPD is correct, however, the Document appears confusing and disjointed, something the Government (through the amendments to the GDPO) sought to overcome by establishing these guidelines on Design and Access Statements for development proposals.</p>
---	---

## **OFFICER'S COMMENTS**

Since the drafting of this SPD there are now new requirements concerning design and access statements as a result of the Town and Country Planning (General Development Procedure Order) (GDPO) 1995 (as amended 2006).

For this reason it is necessary to change section 2 which outlines when design, landscaping and access schemes will be required, and make a number of other minor changes to the document.

## **RECOMMENDATION**

- That a reference to access statements is added to the end of paragraph 1.1 to state: 'For these reasons certain types of planning application are required to be accompanied by a design, **landscaping and access** statements.'
- That a sentence is added to paragraph 1.3 stating making clear that the requirements for design, landscaping and access can all be incorporated into one statement.
- It is proposed the start of Policy DLA9 is reworded as follows to conform with the new requirements:

### **POLICY DLA9**

**'At its very simplest, an access statement** might simply record that the intention of the client, designer .....etc.

- As a result of the new requirements for design and access statements it is proposed that section 2 is reworded to state:

## **2.**

### **WHEN DESIGN, LANDSCAPING AND ACCESS STATEMENTS ARE REQUIRED**

#### **2.1**

From 10 August 2006, all planning applications not included in the categories listed below must be accompanied by a Design and Access Statement, incorporating landscaping information on the proposal.

#### **2.2**

The purpose of the statement is to explain and justify the design and access principles and concepts on which a development proposal is based, and how these will be reflected in individual aspects of the scheme.

### **POLICY DLA1**

**Design and Access Statements, incorporating Landscaping information, are required for all planning applications not included in the categories below.**

**Categories of development not included in this requirement are:**

- **engineering and mining operations;**



- **development of an existing house or development within the curtilage for any purpose incidental to the enjoyment of the dwelling-house (except for dwelling-houses in a conservation area);**
- **a material change of use of land or buildings.**

**Design and landscaping statements will also be required for any sites considered complex or sensitive by the Local Planning Authority or in the case of any major development sites as defined in Policies HP4 and EB5 of the Replacement Local Plan. The Local Planning Authority defines sensitive sites as those lying within or having an impact upon to following (as defined by law or no the local plan proposals maps):**

- **Metropolitan Green Belt**
- **Coastal Protection Belt**
- **Special Landscape Areas**
- **Areas of Historic Landscape Value**
- **Sites of nature conservation importance (including, but not limited to, SSSIs, SACs and SPAs)**
- **Residential areas, and**
- **Public open space and green spaces**

**Where an applicant is unsure if a site is considered sensitive they should contact the local planning authority to discuss the matter.**

- **It is proposed that section 2.3 remains unchanged.**

## **SPD8 RURAL SETTLEMENT AREAS**

<b>RESPONDENT</b>	<b>COMMENTS</b>
<b>Mr. Brian Byford</b>	After wading through this series of documents online I eventually came upon section SPD8, Rural Settlement Areas and was very surprised indeed to find that my property, number 46 High Road Hockley, was not included in the adjoining rural settlement whilst all my neighbours enjoy this privilege. May I ask you why this is?
<b>OFFICER'S COMMENTS</b> Reply sent by letter explaining that 46 High Road, Hockley, is set back from the road and separated from the other development by Home Farm. It has not been included within the rural settlement area as it is functionally separate from the main ribbon of development along the High Road.	
<b>RECOMMENDATION</b> That no changes are made to the SPD with respect to this representation.	
<b>RESPONDENT</b>	<b>COMMENTS</b>
<b>Government Office for the East of England</b>	Having looked through the Rural Settlement Areas SPD, it is our understanding that it clarifies those properties to which policy R2 applies. Therefore, we have no comments to make.
<b>OFFICER'S COMMENTS</b> None.	
<b>RECOMMENDATION</b> None.	