



Separation Distances and Amenity Supplementary Planning Document (SPD)

Consultation Statement

September 2024

Introduction

This consultation statement has been prepared in accordance with Regulation 12(a) of The Town and Country Planning (Local Planning) (England) Regulations 2012.

The statement sets out who was consulted on the Revised Separation Distances and Amenity Supplementary Planning Document (SPD), when and how, and summarises the representations received and how they have influenced the Separation Distances and Amenity SPD.

Purpose of the SPD

The purpose of the Separation Distances and Amenity SPD is to improve the overall space standards for new residential developments to ensure that existing and future residents have a good level of amenity and privacy.

The provision of adequate space between dwellings is an important element in achieving a high standard of design and layout and provides:

- adequate daylight and sunlight to rooms and rear gardens;
- reasonable privacy for dwellings within their proposed layout and to protect the privacy of existing dwellings;
- a satisfactory level of outlook, within new development and in relation to existing development;
- a reasonable area of private amenity space to allow such uses as drying washing, gardening and children's play, together with space for garden sheds, greenhouses and future adaptations to the dwelling;

A case was referred to the Local Government Ombudsman who asked for a revision to the Guidance for detailed assessment of how to undertake daylighting assessments. The consultation version of the SPD included revisions to comply with the Ombudsman decision.

The East Staffordshire Local Plan policies relating to separation distances and amenity are:

- SP24 – High Quality Design
- DP1 – Design of New Development
- DP3 – Design of New Residential Development, Extensions and Curtilage Buildings

Who was Consulted on the SPD

Notification of the revised Separation Distances and Amenity SPD consultation was sent to everyone on the Planning Policy consultation database. This included:

- Government Departments
- Statutory Consultees and Agencies

- Neighbouring Local Authorities
- Parish Councils
- Developers and Agents
- Residents who had commented previously on the SPD

How People Were Consulted

A revised draft of the Separation Distances and Amenity SPD was the subject of public consultation for 6 weeks from 7th June 2024 to 19th July 2024.

The following measures were undertaken to inform persons of the draft SPD consultation and document availability:

- Notification e-mails (or letters where e-mail addresses were unavailable) were sent to all individuals / organisations / bodies on the Planning Policy consultation database
- A Press Release was issued
- The draft SPD and details of the consultation were posted on the Council's website at <https://www.eaststaffsbc.gov.uk/planning/planning-policy/planning-policy-consultations>
- Paper copies of the draft SPD and response forms were available to view by appointment at East Staffordshire Borough Council, The Town Hall, King Edward Place, Burton upon Trent, DE14 2EB between the hours of 10am – 3pm.

The Council encouraged people to respond electronically to planningpolicy@eaststaffsbc.gov.uk. Representations were also accepted by letter.

What Issues Were Raised And How Have These Been Addressed In The Separation Distances and Amenity SPD?

Thirteen responses were received during the consultation. Appendix 1 to this document summarises the responses received to the consultation and sets out how the issues raised have been addressed in the SPD.

Appendix 1

Separation Distance and Amenity Supplementary Planning Guidance

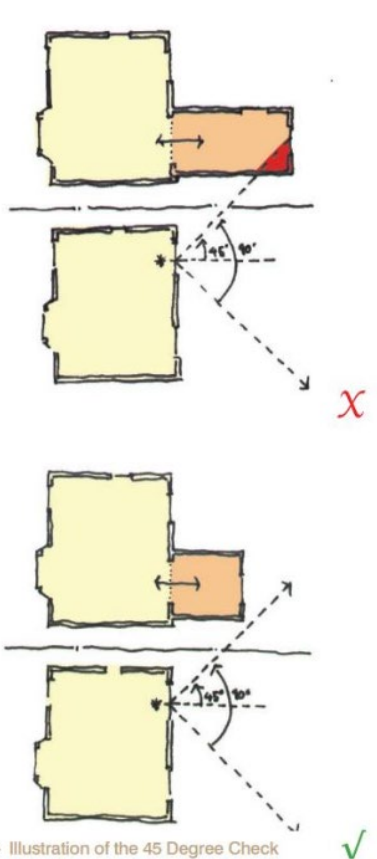
Summary of Consultation Responses

	Respondent	Comments	Council Response
1	National Forest Company	No Comment	Noted.
2	Carl Croft Managing Director Croft Architecture	Ref. 4.13 This is unclear in what circumstances the vertical centre point of a window is to be used, over the 2m height.	Change proposed. Reference added to the diagrams already included and text added advising further advice sought where the diagrams cannot be applied.
		Ref. 4.15 Don't agree this clause, it's a bit of a blunt instrument, and would appear to be overly constraining. Surely the focus ought to be in respect of design quality. Elsewhere the document goes on to suggest splayed windows etc. and illustrate the same which appear not to accord with 4.15.	Change proposed. Sentence amended and text in red added to support quality in design. 'as this can result in discordant features which do not respect the design quality and results in leads to poor design.
		Ref. 4.18 The diagrams do not clearly illustrate the text as its difficult to ascertain the solid from the transparent.	Change proposed. Improvements will be made to the illustrations for the adoption version.
		Ref. 4.20 The last point refers to "opaque windows" (OPAQUE English meaning - Cambridge Dictionary) which would suggest they do not allow transmission of any light. Surely this should read "obscured windows".	Change proposed. Text amended: <ul style="list-style-type: none"> Use opaque obscure glazing...
		Ref. 4.22 The diagrams would benefit from a clarity caption "Where the 45 degree test cannot be met, the 25 degree test will be applied"	Change proposed. Title added to the diagrams of the 25 degree rule.
		Generally – one would assume none of this to apply at a distance beyond 21m.	No change required. The standard clearly states 21metres is a minimum distance.
3	Glen Baker-Adams Development Management	Just one observation from me in that this diagram seems to use odd conventions for staying what is acceptable and not.	Noted. No change is considered necessary however changes to improve the consistency of ticks and crosses adjacent to the illustrations will be reviewed for the adoption version.

Tamworth Borough Council

I would prefer you used a consistent approach like in previous diagrams

X or **✓**



↑ Illustration of the 45 Degree Check ✓

4	National Highways	No Comment	Noted.
5	Savills on behalf of Barratt David Wilson Homes Mercia	Overall experience with the adopted SPD is that the guidance within it needs to be more flexibly applied to schemes. The SPD is a material consideration but it is important that it “should not add unnecessarily to the financial burdens on development” (Planning Practice Guidance). Applications should be determined on a site by site basis and therefore the guidance within the SPD should purely be ‘guidance’ and not so rigidly applied by the Council.	Noted. No change proposed. The SPD provides guidance and includes flexibility. Many of the standards within it are well established and have been proven to be useful and effective in protecting the amenity of existing and future residents.
		Separation Distance between Dwellings: Paragraph 4.3 - It is considered that this requirement will be unfeasible in many circumstances, particular where sites are of an irregular shape and/or size. It is assumed that this additional requirement has been added to protect the amenity of residents, however distance is not the only solution to achieving this. It is considered that this could add unnecessary financial burden on developments by reducing the number of units sites are able to deliver, which could impact upon the viability of some scheme. Important that there is some flexibility to accommodate the provision of housing on abnormally shaped sites. Concerns above also apply to the existing separation standards within the SPD (Paragraphs 4.3-4.8). These requirements can have significant implications on development proposals and the potential yield of a site placing unnecessary financial burdens on a development. Request that the wording around these requirements are amended so it adds more flexibility and acknowledges that there could be site specific circumstances where separation distances of less than those stated are appropriate	No change proposed. The guidance provides a useful base to assist in designing to safeguard the amenity of existing and future residents and create high quality, beautiful and sustainable buildings and places. Where development is being promoted on difficult sites the opportunity exists to provide supporting evidence in accompanying planning statements and separate assessments such as daylighting assessments and viability assessments to ensure the development will function well over its lifetime.
		Daylight and Sunlight Considerations: Section 4 – It is considered that as residential development often takes place on non-uniform sites	No change proposed. The document provides guidance to support policy SP24 and DP3 on how residential amenity with regard to loss of light,

		<p>where levels and plot sizes may vary due to the shape and size of the site, it is onerous to place a blanket measurement on new development to conform with. With reference to the PPG, it is considered that daylight and sunlight considerations should be dealt with on a case-by-case basis and in line with the principles already in use in the adopted policy.</p> <p>The SPD should be amended to ensure the guidance provided can be flexibly applied.</p>	<p>outlook and privacy will be assessed. The guidance provides flexibility as it enables applicants to provide a daylight assessment so applications can be considered on a case-by-case basis.</p>
		<p>Space Standards:</p> <p>Concerns are raised with other elements of the SPD that have not been amended.</p> <p>It is considered that the minimum internal space standards should be removed or be more flexibly applied through wording amendments in Section 6 to clearly state that the standards are for 'guidance' only due to ESBC Local Plan making no reference to the nationally described space standards and in reference with the PPG.</p> <p>The table found at paragraph 4.25 has been amended to refer to 1 bedroom houses requiring a minimum garden size of 50sqm and the internal spacing standards table at paragraph 6.3 has also been amended slightly to include a figure for 4 bed dwellings. Objections are raised to the SPD including internal space standard and garden size/length requirements as this can only be required through a Local Plan and the SPD is not supported by any evidence demonstrating the need or the impact of the proposals on viability. If the Council continues to the included these in the SPD, the wording around the standards should be amended to be clear that it is 'guidance' only and will be applied flexibly on a site by site basis.</p>	<p>No change proposed. The change proposed relates only to the addition of 1 bed houses which had previously been omitted and had resulted locally in 1 bed houses having no requirement for private amenity space which does not accord with DP3 4th bullet point and has resulted in poor quality homes. The addition of 33 to the table for 4 bed 5 person households is in response to an omission in the existing SPD where no figure was provided. The addition (33 sqm) adds no greater requirement to the overall floor area which remains unchanged and is easily achievable being only 1 sqm larger than Living/Dining (19sqm) and Kitchen (13sqm) giving a total of 32sqm in the existing table. It is noted that the NDSS has been updated however whilst the existing SPD refers to the NDSS the proposed amendments to the SPD have not been undertaken to reflect this and arise due to local circumstances and correcting an omission. Opportunities remain within the Local Plan and SPD to provide justification for varying from the SPD by providing supporting evidence a through planning statements and accompanying reports.</p>
6	Catherine Pearce	Supports the revised SPD Plan – The improved spacing standards for new developments will ensure that all	Noted

		residents of existing and new properties will be able to enjoy the much needed right to privacy and enjoyment.	
7	Rolleston on Dove Parish Council	The council agreed that it is happy with the document as it stands.	Noted
8	Uttoxeter Town Council	A contents page would be helpful, making clear the sections that the SPD addresses.	No change proposed. The document is short.
		Paragraph 4.27 could promote developers approaching Town and Parish Councils who may take responsibility for these areas with a financial contributions.	No change proposed. This matter is addressed in the Open Space and Playing Pitch SPD. No change proposed.
		Paragraph 4.28 attempts to address issues of neighbour amenity and privacy of rear gardens, but it effect promotes reduced natural surveillance to public footpaths. This statement encourages large boundary treatments that leave limited natural surveillance. This would be contrary to emerging AECOM Uttoxeter Design Code, which promotes natural surveillance and safe attractive non traffic routes.	No change proposed. The paragraph ensures the safety of the occupiers is considered and enables the development to be designed so it functions well over its lifetime.
		Definition of principle habitable windows is useful	Noted
		The revises internal space standards of pages 12 and 13. The Technical Housing Standards include sizes that appear to be in conflict with the suggested overall floor space area proposed in the SPD. For example, the SPD indicates an overall floor space area of 47sq for 1-bedroom 2-person accommodation. The minimum space standard sates that it should be 50sqm as a single storey development and 58sqm at two storey. No background evidence to support these revised standards and therefore considered to be in conflict with National Policy and guidance.	Change proposed: A note has been added to the document advising applicants that if they wish to use the NDSS then to outline this in the accompanying planning statement. Changes proposed in the SPD are in response to an omission from the current SPD which have resulted locally in poor quality accommodation and an omission from a table which adds no greater requirement to the overall floor area for 4bed 5 person dwellings, which remains unchanged and is easily achievable being only 1 sqm larger than Living/Dining (19sqm) and Kitchen (13sqm) giving a total of 32sqm in the existing table. The rest of the table remains unchanged. The existing SPD advises that the NDSS was considered in the preparation of the SPD in 2019. Use of the NDSS can be considered through the Local Pan review.

		<p>Apartments:</p> <ul style="list-style-type: none"> No standards for the provision of balconies and how these might be encouraged for private amenity space to occupiers of apartments or consideration of any neighbour amenity aspect, such as overlooking. Paragraph 4.26 'excludes apartment developments result from conversions' from the provision of amenity space. This does not create desirable, attractive and functional homes for people to live in and is a missed opportunity to promote better living conditions for residents. This clause suggest that new homes without any amenity space are acceptable. Inverted or external balconies could be a design features that overcome this. 	No change proposed. Comments are noted however balconies and conversions need to be assessed on a site by site basis.
9	The Coal Authority	No specific comments to make on the document	Noted
10	Staffordshire County Council Flood Risk Management	No Comments	Noted
11	Historic England	No reference to heritage assets or the historic environment within the document. May be worth including a section that considers what happens if the dwellings or within/proposed in a Conservation Area or a heritage asset/ may affect a heritage asset.	No change proposed. The SPD sets out at section 2 when the SPD is applicable. The SPD provides guidance on the consideration of the impact upon the amenity of existing and future occupiers, consideration of the impact upon heritage assets is considered on a site by site basis informed by heritage impact statements and planning statements.
		Garden design and size and front garden landscaping and layout, including separation between buildings could be a part of the local distinctiveness of an area and any impacts to this should be fully considered.	No change proposed. The SPD provides guidance on the consideration of the impact upon the amenity of existing and future occupiers, see para 4.31. Consideration of the impact upon local distinctiveness is considered in Policy SP24 and on a site by site basis informed by other planning

			evidence such as conservation area appraisals and planning statements
		Incorporating a section under other consideration from page 10 on the historic environment could address these issues and ensure that separation distances and amenity space in the context of the historic environment is fully considered.	No change proposed. The SPD sets out at section 2 when the SPD is applicable. The SPD provides guidance on the consideration of the impact upon the amenity of existing and future occupiers, consideration of the impact upon heritage assets is considered by other policies and on a site by site basis informed by heritage impact statements and planning statements.
12	Tatenhill and Rangemore Parish Council	Fully support the draft SPD.	Noted.
13	Croxden Parish Council	Can see no reference to sunlight/daylight assessment which can often demonstrate that there is no significant loss of sunlight/daylight contrary to the standards imposed and therefore suggest this be incorporate if not already.	No change proposed. Para 4.23 advises that: To assist in some circumstances applicants may be required to provide a daylight assessment.