

Title: Changes to the Parking Standards and Residential Design Guide  
SPD's and additional delegation to Head of Service  
Lead Officer: Amit Bratch (Principal Planning Officer)- 01926 and Rob Young (Business Manager- Development Management)-01926 456535  
Portfolio Holder: Councillor: Councillor Chris King (Place)  
Wards of the District directly affected: All

<b>Approvals required</b>	<b>Date</b>	<b>Name</b>
<b>Portfolio Holder</b>		Cllr Chris King (Place)
<b>Finance</b>		Andrew Rollins
<b>Legal Services</b>	14.06.24	Sue Mullins
<b>Chief Executive</b>	12.06.2024	Chris Elliott
<b>Director of Climate Change</b>	13.06.2024	Dave Barber
<b>Head of Service(s)</b>	14.06.2024	Philip Clarke
<b>Section 151 Officer</b>		Andrew Rollins
<b>Monitoring Officer</b>	12.06.2024	Graham Leach
<b>Leadership Co-ordination Group</b>		
<b>Final decision by this Committee or rec to another Cttee / Council?</b>	No as the proposals are subject to public consultation if Cabinet approves them.	
<b>Contrary to Policy / Budget framework?</b>	No	
<b>Does this report contain exempt info/Confidential? If so, which paragraph(s)?</b>	No	
<b>Does this report relate to a key decision (referred to in the Cabinet Forward Plan)?</b>	Yes, Forward Plan item – Ref. 1472	
<b>Accessibility Checked?</b>	Yes	

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## Summary

The report seeks approval to consult on the specific changes proposed to the Parking Standards, Residential Design Guide Supplementary Planning Documents and additional delegation to be given to Head of Place, Arts and Economy.

## Recommendation(s)

- (1) That the Cabinet endorses the proposed changes to the Parking Standards SPD and the Residential Design Guide, as set out in Appendix 1 and 2 to the report.
  - (2) That the Cabinet agrees to the Council undertaking a statutory six-week consultation on the changes to the Parking Standards SPD and the Residential Design Guide that have been put forward in the report.
  - (3) That Cabinet agrees that, subject to the consultation responses not requesting significant further changes beyond those outlined in this report, delegated authority be given to the Head of Service for Place, Arts & Economy, in consultation with the Portfolio Holder for Place to make the necessary minor amendments to the Parking Standards SPD and Residential Design Guide and approve the updated versions of the two SPDs. If any adverse comments are received in response to the consultation, a further report will be brought back to Cabinet for consideration.
  - (4) That Cabinet recommends to Council that the scheme of delegation is amended to delegate authority to the Head of Place, Arts and Economy to approve the designation of Neighbourhood Development Plan Areas.
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## 1 Reasons for the Recommendation

- 1.1 The Council adopted both the Parking Standards Supplementary Planning Document (SPD) and the Residential Design Guide (SPD) in June 2018. This report seeks authority to undertake consultation on proposed changes to both documents. These minor changes to the Residential Design Guide are considered to be necessary to provide clarity on matters that have arisen in appeal decisions and in a ruling by the Local Government and Social Care Ombudsman in respect of a complaint made about this Council. The proposed changes to the Parking Standards SPD will provide clarity on the way parked cars are counted to ensure that there is consistency in the methodology used when assessing compliance with the Parking Standards SPD.
- 1.2 It should be noted that this consultation will be seeking representations solely on the matters that are set out in this report. The consultation will not be seeking views on any other aspects of the adopted documents, and no significant alterations to the adopted documents are being proposed at this time. For this reason, recommendation 3 is proposing that authority is delegated to the Head of Service for Place, Arts & Economy, in consultation with the Portfolio Holder for Place to make any necessary minor amendments to the Parking Standards SPD and Residential Design Guide following the consultation process and to approve the updated versions of the two SPDs, where no adverse comments are received from the consultation. It is likely that further and wider changes will be proposed during the public consultation. If it is considered that wider changes should be made at this time to either of these documents, these will be brought back to Cabinet for consideration and decision.

1.3 There is currently no process in place for the designation of Neighbourhood Plan Areas. The additional delegation will make the process for the designation of NDP areas quicker.

#### 1.3.1 **Residential Design Guide SPD**

1.3.2 The changes to the Residential Design Guide are set out in Appendix 2. They are:

- to clarify that the 45 Degree Guideline measurement is taken from the nearest window in an extension where a neighbouring property has been extended, rather than the original rear window of the neighbouring property;
- to clarify that a Unilateral Undertaking is required where joint extensions are proposed that would breach the 45 Degree Guideline if only one of the extensions was to be constructed; and
- to omit Appendix B on refuse and recycling storage requirements.

1.3.3 The proposed changes to the 45 Degree Guideline will not alter the way in which the policy is implemented. Rather, they clarify how the policy has always been implemented.

1.3.4 The omission of Appendix B is necessary because the provisions in relation refuse and recycling storage requirements are out of date following the implementation of the new waste contract. There is a more up to date version of this document entitled Refuse and Recycling Storage Requirements published on the Council's website that will be referred to instead.

#### 1.3.5 **Parking Standards SPD**

1.3.6 The proposed changes to the Vehicle Parking Standards are set out in Appendix 1. They are:

1.3.7 to add 2 columns to each of the tables on pages 43 and 44 headed "No. of cars parking outside of PHB bays" and "Total parking stress %"; and

1.3.8 to change the parking space size referred to in the last paragraphs on pages 43 and 44 to 6m from 5m.

1.3.9 The proposed changes to the Vehicle Parking Standards relate to the methodology for undertaking parking surveys. This will not alter the way in which the policy is implemented. Rather, it provides clarity on the way that the policy has always been implemented.

1.3.10 This proposed change is considered to be necessary to address elements of the parking survey methodology that have a degree of ambiguity. This ambiguity could affect the ability to ensure strict compliance with the methodology.

#### 1.3.11 **Designation of Neighbourhood Plan Area**

1.3.12 Under the Town and Country Planning Act 1990 and Planning and Compulsory Purchase Act 2004, Local Planning Authorities have a statutory duty to advise or assist communities in the preparation of Neighbourhood Development Plans (NDP).

1.3.13 The requirement to advertise NDP area applications based on Parish boundaries is set out in the Neighbourhood Planning (General) Regulations 2012 (as amended). Following amendments, an application for an NDP area based on the Parish boundary can be immediately written-up for approval by the Council rather than having to be publicised for six weeks.

1.3.14 Warwick District Council did not receive any requests for the designation of the

NDP area as most of the NDP areas were already designated. Stoneleigh and Ashow had a unique situation whereby they were designated a Neighbourhood Area in 2014. This was then replaced by a joint Neighbourhood Area for Baginton, Bubbenhall, Stoneleigh and Ashow in July 2015, which in turn was superseded by an area designation for Baginton and Bubbenhall in September 2016. This left Stoneleigh and Ashow without a Neighbourhood Plan Area designation.

1.3.15 The Council received an NDP area designation for Stoneleigh and Ashow on 20th December 2022 based on the Parish boundary.

1.3.16 As this was the first time the Council had to designate a Neighbourhood Plan Area and without any agreed protocol, the legal Team advised that it should be done with the approval of the Portfolio Holder and the Leader of the Council. It was also acknowledged that, in future, to save time and to streamline the process, authority should be delegated to the Head of Service to designate NDP areas. It should also be noted that many authorities across the country have delegated this power to the appropriate Head of Service.

## **2 Alternative Options**

2.1 Cabinet could decide not to undertake the required consultations. This will mean that there is out of date information contained within the Residential Design Guide. Furthermore, a decision has been received from the Local Government and Social Care Ombudsman that directed the Council to rectify this issue.

2.2 Acknowledging that both documents are now a few years old an alternative option is to undertake a comprehensive review of either or both SPDs. However, it is felt that a review of the documents would be better timed upon adoption of the emerging South Warwickshire Local Plan and furthermore such comprehensive reviews would involve a significant amount of staff resource, which is not available at the current time because of other existing workstreams, most notably work on progressing the South Warwickshire Local Plan.

3 Cabinet could decide not to delegate power to the Head of Service to approve the designation of Neighbourhood Development Plan Areas. This would mean that all such designations would need to be approved by Leader of the Council and Portfolio Holder for Place in consultation with the Head of Service.

## **4 Legal Implications**

4.1 There are some specific legal implications associated with the changes suggested to the Residential Design Guide. As stated earlier in the report the Local Government and Social Care Ombudsman has directed the Council to rectify this issue. This is because there is a degree of ambiguity in the way in which the 45-Degree Guideline refers to situations where an affected neighbour has an existing extension.

## **5 Financial Services**

5.1 There are no financial implications for undertaking the consultations as the consultations will be undertaken by the members of the planning team.

## **6 Corporate Strategy**

6.1 Warwick District Council has adopted a Corporate Strategy which sets three strategic aims for the organisation. Each proposed decision should set out how the report contributes to the delivery of these strategic aims. If it does not

contribute to these aims or has a negative effect on them the report should explain why that is the case.

- 6.2 Delivering valued, sustainable services – The changes to the documents will lead to improved services as Council will not receive further appeals in terms of residential design guide. For parking standards SPD, the Council will be able to make consistent and timely decisions as the need for lengthy discussions and arguments around the number of parked cars will be minimised. The additional delegated powers will help deliver quicker and better service.
- 6.3 Low cost, low carbon energy across the district - The suggested changes will not have any significant environmental impact. It should also be noted that these changes will not have any implications in terms of the recently adopted Net Zero Carbon DPD.
- 6.4 Creating vibrant, safe and healthy communities of the future - – The changes to the documents and additional delegation will not have any impact on health, homes and communities. The changes will provide more clarity on how the 45 degree rule is implemented.

## **7 Environmental/Climate Change Implications**

- 7.1 The changes to the documents will not have any specific implications in relation to the Council’s policies and Climate Emergency Action Plan.

## **8 Analysis of the effects on Equality**

- 8.1 Consultations will be conducted in line with the Council’s adopted Statement of Community Involvement (SCI).
- 8.2 There are no further equality impacts associated with the proposals in this report.

## **9 Data Protection**

- 9.1 There are no Data Protection implications associated with the recommendations in this report.

## **10 Health and Wellbeing**

- 10.1 The proposed changes will not have any implications on the health and wellbeing of the District’s residents.

## **11 Risk Assessment**

- 11.1 Failure to make the suggested changes will most likely lead to more complaints and delays in issuing timely decisions to planning applications due to lengthy discussions to agree car parking methodology with the applicants and legal decisions from the Local Government Ombudsman.

## **12 Consultation**

- 12.1 The changes proposed to the SPD’s will be subject to a six-week statutory public consultation.

**Background papers:**

- Appendix 1: Changes to Parking Standards SPD
- Appendix 2: Changes to Residential Design Guide
- Appendix 3: Supporting Document entitled Decision Notice

**Supporting documents:**

[Parking Standards SPD \(Adopted June 2018\)](#)

[Residential Design Guide \(Adopted June 2018\)](#)

Decision Notice attached as Appendix 3