

**OVERVIEW AND SCRUTINY COMMITTEE
8 SEPTEMBER 2020**

***PART 1 – PUBLIC DOCUMENT**

TITLE OF REPORT: DRAFT DESIGN SPD

REPORT OF THE SERVICE DIRECTOR - REGULATORY

EXECUTIVE MEMBER: EXECUTIVE MEMBER FOR PLANNING & TRANSPORT

COUNCIL PRIORITY: BUILD THRIVING AND RESILIENT COMMUNITIES / RESPOND TO CHALLENGES TO THE ENVIRONMENT / SUPPORT THE DELIVERY OF GOOD QUALITY AND AFFORDABLE HOMES

1. EXECUTIVE SUMMARY

- 1.1 The Council is preparing a new Local Plan which will shape development in the District to 2031. To provide additional detail on planning policies and sites, the Council can produce Supplementary Planning Documents (SPD) to provide clarity to applicants and case officers when determining planning applications.
- 1.2 Cabinet has previously made decisions relating to the nature of the SPDs that shall be produced to support the new Local Plan.
- 1.3 Following the draft Developer Contributions SPD, that was reported to Cabinet in January 2020, the Design SPD also supports the emerging Local Plan. Cabinet are asked to note the contents of the draft Design SPD and approve a six-week public consultation which will inform any final version of the document.

2. RECOMMENDATIONS

- 2.1 That the draft Design SPD, attached as Appendix A to this report, be endorsed and approved for a six-week public consultation.
- 2.2 That Officers be instructed to report back to Cabinet following the consultation with the final Design SPD alongside the Local Plan adoption.

3. REASONS FOR RECOMMENDATIONS

- 3.1 To allow the Design SPD to be progressed so that it may be (i) adopted at the same time as, or shortly after, any future decision to adopt the new Local Plan and (ii) taken into account in relevant planning decisions.

4. ALTERNATIVE OPTIONS CONSIDERED

- 4.1 The Council could retain the existing Design SPD or delay consultation on this draft. However, the current Design SPD dates from 2011 and is not reflective of the emerging Local Plan policies or national planning policy and design guidance. Officers therefore consider it important that a revised Design SPD is prepared.

5. CONSULTATION WITH RELEVANT MEMBERS AND EXTERNAL ORGANISATIONS

- 5.1 The Executive Member and Deputy for Planning and Transport have been briefed on the matters set out above.
- 5.2 Relevant officers across Council departments have been involved in developing the draft SPD.

6. FORWARD PLAN

- 6.1 This report contains a recommendation on a key decision that was first notified to the public in the Forward Plan on 15th August 2019.

7. BACKGROUND

- 7.1 The National Planning Policy Framework (NPPF) defines Supplementary Planning Documents (SPDs) as documents which add further detail to the policies in the development plan. SPDs are capable of being a material consideration in planning decisions but are not part of the statutory Development Plan.
- 7.2 SPDs do not have the same status as the Development Plan (in North Hertfordshire's case, the Local Plan) and are not subject to an independent examination. However, SPDs must undergo public consultation and are taken into account as material consideration in planning decisions.
- 7.3 A review of the Council's current planning guidance was undertaken in 2017 following submission of the proposed new Local Plan for examination. This identified that the Council's Design SPD dating from 2011 should be prioritised for updating. This review of current Council planning guidance, and the identification of documents to be produced in the future, was considered and approved by Cabinet on 25th July 2017. Work on the SPDs since this time was delayed due to the ongoing nature of the Local Plan examination as an adopted SPD must relate to an adopted plan policy.

8. RELEVANT CONSIDERATIONS

- 8.1 The National Design Guide, commissioned by MHCLG as part of the national suite of Planning Policy Guidance (PPG), demonstrates what the National Planning Policy Framework (NPPF) means by 'achieving well-designed places'. The National Design Guide sets out the purposes and outcomes of good design but leaves it up to local guidance to define how to achieve it in detail for the local area. Good design is not just what a place looks like but how it functions and how users experience it.

- 8.2 The Design guide sets out what the local aspirations are for North Hertfordshire, setting the context in terms of the landscape and settlement pattern and what measures can be taken to create high quality development in a sustainable way which addresses climate changes. The Design SPD contains guidance to help those involved in the development process to create better buildings and places in North Hertfordshire. The aim of the document is not to overload with information but rather to highlight what we expect development to achieve in terms of design and quality and to signpost other sources of guidance and information. This is done through setting out our expectations, identifying links to other sources of information and setting out checklists to ensure that different aspects of design have been addressed.
- 8.3 The Design SPD is intended for use by everyone involved in the development process including developers, local authority officers and members, consultants, designers, parish councils and neighbourhood planning groups, self-build, and individuals. It applies to all scales of development from a house extension to a large mixed-use site. It should be used from the earliest stages in the development process when assessing the suitability of a site, through pre-application discussion with officers to the final design of the scheme.
- 8.4 The Design SPD is set out in sections which provide information and guidance from the broad district level down to the more detailed site level, including public spaces and future maintenance of schemes. Within each section there are boxes containing links to other sources of information either on the NHDC website or external websites and checklists setting out issues to be considered. Guidance is also included on house extensions and shopfronts.
- 8.5 The Design SPD links to the Council's Climate Change Strategy and refers to sustainable forms of development. Reference is also made to the current Council Plan and the final version will take into account the Council's actions for 2021 which are currently under discussion.
- 8.6 The Design SPD also includes sections on Masterplanning of large sites and Design Review Panels which are beneficial for all sites. North Hertfordshire District Council are seeking the advice of an independent, not-for-profit organisation, who promote design excellence across the south east of England. Design Review Panels are about constructive dialogue to achieve the best outcome for everyone and will assist in creating high quality development within North Hertfordshire.
- 8.7 The final form of the Design SPD is intended to be web based, including photos and diagrams and signposting other sources of information and guidance. This will also allow the Design SPD to be kept up to date with changes from other sources.
- 8.8 The draft Design SPD is attached as Appendix A. The SPD is drafted based on the current progress of the new Local Plan as it proceeds through Examination. Any significant changes to the Plan may lead to a requirement to update the draft Design SPD prior to its adoption. Compared to the Local Plan, there is far greater scope to amend a draft SPD in response to consultation responses and other matters prior to its adoption.
- 8.9 Subject to approval by Cabinet, the draft Design SPD will be made available for public consultation for a period of six weeks. This is longer than the statutory minimum of four weeks given the importance of the SPD and to afford all key stakeholders time to submit comments. It is proposed that consultation will take place in the Autumn. Any comments received will inform the final version of the SPD which would then be re-presented to Cabinet for approval and adoption as an appropriate time.

- 8.10 It is proposed to bring forward the draft Design SPD for consultation in advance of the Inspector's report on the new Local Plan for three main reasons:
- To seek the views of key stakeholders and the community on the guidance as set out in the draft Design SPD;
 - So that the preparation of the Design SPD can be completed to allow for its adoption as close to any adoption of the new Local Plan as practical; and
 - To enable use of the draft Design SPD as a material consideration in the negotiation and determination of planning applications, or in providing pre-application advice, at the earliest opportunity given the age of the current guidance.

9. LEGAL IMPLICATIONS

- 9.1 The statutory basis for Supplementary Planning Documents and their preparation is set out by a range of acts and associated regulation including the Planning and Compulsory Purchase Act 2004 (as amended) and the Localism Act 2011. Detailed requirements for the preparations of SPDs, including requirements for consultation, are stipulated in the Town and Country Planning (Local Planning) (England Regulations 2012).

10. FINANCIAL IMPLICATIONS

- 10.1 The general costs of preparing Supplementary Planning Documents are met through existing revenue budgets.
- 10.2 There are no specific revenue implications arising from this report as the costs of running the consultation for the draft Design SPD will be covered by existing budgets.

11. RISK IMPLICATIONS

- 11.1 There are no new risk implications arising from this report. Sustainable Development of the District and the Local Plan are both Cabinet top risks. However, as SPDs clarify policies which are subject to their own separate approval processes, this report is not considered to present a corporate risk in itself.
- 11.2 Nonetheless, the risks associated with not producing an updated Design SPD include:
- lack of clarity and uncertainty to case officers and applicants when preparing, negotiating and determining planning applications;
 - lack of consistency with the emerging Local Plan as well as national planning policy and guidance; and
 - a risk of not securing high quality development that contributes to the character of North Hertfordshire.

12. EQUALITIES IMPLICATIONS

- 12.1 In line with the Public Sector Equality Duty, public bodies must, in the exercise of their functions, give due regard to the need to eliminate discrimination, harassment, victimisation, to advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not.

12.2 There are not considered to be any direct equality issues arising from this report.

13. SOCIAL VALUE IMPLICATIONS

13.1 The Social Value Act and “go local” requirements do not apply to this report.

14. ENVIRONMENTAL IMPLICATIONS

14.1 A Strategic Environment Assessment Screening Determination Statement is under preparation and the relevant consultees will be notified. Supplementary Planning Documents (SPDs) are required to undergo a Strategic Environmental Assessment screening assessment by the Environmental Assessment of Plans and Programmes Regulations 2004.

15. HUMAN RESOURCE IMPLICATIONS

15.1 There are no new human resource implications arising from the contents of this report. Consultation for the draft Design SPD will be undertaken within existing staff resources.

16. APPENDICES

16.1 Appendix A - Draft Design SPD

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18. BACKGROUND PAPERS

- 18.1 Review of North Hertfordshire Planning Guidance report to Cabinet, 25 July 2017