

## LOCAL PLAN DESIGN POLICIES

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| <b>Head of Service/Contact:</b>                 | Ruth Ormella, Head of Planning   |
| <b>Urgent Decision?(yes/no)</b>                 | No   |
| <b>If yes, reason urgent decision required:</b> |  |
| <b>Annexes/Appendices (attached):</b>           | Annex 1 Development Plan Design Policies<br>Annex 2 National Design Guide MHCLG 2019<br>Annex 3 Councillor's Companion for Design in Planning MHCLG Design Network |
| <b>Other available papers (not attached):</b>   | Reports to Licensing and Planning Policy, 8 May 2018, 14 November 2019   |

### Report summary

A well-design borough that provides for the needs of the community, improves neighbourhoods, and enhances quality places and the lives of our residents is key to good planning.

The Local Development Plan includes a number of Design Policies, which along with the National Planning Policy Framework, associated planning guidance, and the National Design Guidance published in October 2019, inform policy and decision making.

The report sets out the extent of proposed design policies for the new Local Plan, and addresses the need for planning balance exercise when determining planning applications.

### Recommendations:

The Committee are requested to:

- (1) note the publication of the National Design Guidance and associated 10 characteristics which are used when assessing and determining planning applications.**
- (2) agree the key areas of focus of proposed policies being prepared for the Regulation 18 consultation for the draft Local Plan as set out in paragraph.3.7 of this report**

**1 Implications for the Council's Key Priorities, Service Plans and Sustainable Community Strategy**

1.1 The preparation of the new Local Plan contributes towards all of the Council's Key Priorities. The new Local Plan will shape the borough and ensure a well-designed sustainable approach to future development.

**2 Background**

2.1 Having a well-designed borough that provides for the needs of the community, improves neighbourhoods, and enhances quality of places and the lives of our residents is key to good planning. Well-designed places enhance and enable our health and well-being, feelings of safety, security, inclusion and belonging and our sense of community cohesion.

2.2 On this basis the borough has identified design principles of character, height and density in its 6 principles which will form the basis of the housing strategy for the new Local Plan.

2.3 With the architectural design of many current planning proposals attracting wide public comment, it is timely to set out in this report the existing design policies, the national design guidance, our approach to design and policy making, and design and decision making. The design process and tools that are used when assessing proposals is also detailed.

**Development Plan**

2.4 The existing Development Plan comprises the Core Strategy 2007, Plan E 2011: Area Action Plan for the Town Centre and the Development Management Policies 2015. The Development Plan also includes the Surrey Minerals Plan and Waste Plan, however they are not material to this report.

2.5 Planning legislation requires that applications for planning permission be determined in accordance with the Development Plan unless material considerations indicate otherwise.

2.6 The Development Plan includes a number of policies which protect, enhance or enable well-designed places. Annex 1 tabulates all of the existing policies in the Development Plan that enhance, enable or protect matters in relation to design. These are the policies for decision making that have been tested through planning appeals, and have been subject to monitoring as part of the Annual Monitoring Report.

# Licensing and Planning Policy Committee

## 23 January 2020

- 2.7 Annex 1 demonstrates that design goes to the heart of many of the existing policies, the breadth of matters which are protected, enhanced or enabled by the Development Plan sets a clear record that the borough has been concerned on these matters for some time.

### **National Planning Policy Framework**

- 2.8 When the revised draft National Planning Policy Framework (NPPF) consultation commenced, it became clear that it would have a significant impact on the borough. The impact at Epsom and Ewell Borough would be through the national imposition of the standard method objectively assessed housing need, which would remove the five year housing land supply and in so doing, engage the presumption in favour of sustainable development.
- 2.9 The significance of the absence of a five year land supply is addressed in a further section of this report. Alongside the imposition of the standard method, the NPPF strengthened chapters on promoting the effective and efficient use of land. Given the limited extent of brownfield land supply, available and deliverable sites in the existing urban area, the borough is under acute pressure to optimise the use of land, as set out in paragraph 123 of the NPPF.
- 2.10 While the public focus has been on the standard method housing number, the impact that the draft revision of the NPPF would have on the design of the borough would come to be understood, with wider effect.
- 2.11 On the 8<sup>th</sup> May 2018 the Licencing and Planning Policy Committee (LPPC) considered a report titled 'Making Efficient Use of Land – Optimising Housing Delivery'. The report explained that optimised use of land is a material planning consideration and that through its introduction the revised NPPF would give rise to policy conflicting demands from different use, densities and building heights.
- 2.12 The decision of LPPC was to acknowledge the national and local material considerations in relation to the housing need, housing land supply, and the need to optimise development land and that due weight be attached to these matters when assessing planning applications against current adopted local policies.
- 2.13 For clarity, the decision confirmed the absence of a five year housing land supply, the need to optimise sites being a material planning consideration, and accordingly reinforcing Core Strategy policy CS5 that states that 'all developments should make efficient use of land and have regard to the need to develop land in a comprehensive way'.
- 2.14 The Borough's adopted policies, which are saved, direct and shape development in the borough to the extent that they conform with the NPPF, where non conformity arises the NPPF will take precedence.

# Licensing and Planning Policy Committee

## 23 January 2020

- 2.15 For that reason, the report to LPPC of 8<sup>th</sup> May 2018, in paragraph 3.3, explains that when reaching balanced decisions greater weight may be attributed to the need to deliver homes, subject to conformity with other relevant policies. The report also states that by example, this may result in development that exceeds the density and / or height parameters of Policy DM11, Policy DM13 and Plan E Policy E7.
- 2.16 The strength of Policy DM11, Policy DM13 and Plan E Policy E7 has not been tested at planning appeal. The policies have not been removed, they remain however officers have advised that in reaching a balanced decision, in the absence of a five year housing land supply, conformity with the NPPF is a material consideration. Each case needs to be considered on its own merits.
- 2.17 On the 14<sup>th</sup> November 2019, LPPC considered the report which led to the adoption of Six Principles for setting the strategic direction for the new Local Plan's growth strategy, which along with the Borough-wide Masterplan aims at achieving the requirements of the NPPF.

### Design Process and Tools

- 2.18 Paragraphs 39-46 of the NPPF set out the importance of pre-application engagement and front loading with decision making. The more issues that can be resolved at a pre-application stage, the greater the benefits of the proposal.
- 2.19 Urban design principles key for a site, or the architectural design of a proposal, are issues which applicants are encouraged to explore through the pre-application process. Design is an iterative process, meaning that proposals evolve, are adjusted and moulded to ensure the best design outcome is secured for a site.
- 2.20 During the pre-application stage developers are encouraged to explore design issues through the Design Review Panel where appropriate. At Epsom and Ewell we encourage applicants to pay for the Design South East Panel.
- 2.21 The Panel convene in the Borough, are presented the proposal, explore the key technical issues being raised, and provide written advice for the proponent to consider in progressing an iteration, or arriving at the best outcome for the site. The Design Review Panel written advice note is publicly available once the planning application is live, however during the pre-application process the comments are confidential, as with any pre-application advice.

# Licensing and Planning Policy Committee

## 23 January 2020

- 2.22 Other tools available when assessing proposals include a Design Access Statement (DAS) that sets out the evolution and design considerations of the proposal. This is a key document which is required for major developments, proposals for one dwelling or more, or buildings being 100m<sup>2</sup> or more in a conservation area, and applications for listed building consent. A DAS should be proportionate to the complexity of the application. The requirement for a DAS comes from the national validation list.

### Design and Decision Making

- 2.23 The Development Plan provides many policies which protect, enhance and enable well-designed places. This report is supported by Annex 1 which sets out where key design words appear in policies, demonstrating the breadth of the matters in place for determining planning applications.
- 2.24 While the Development Plan has primacy in decision making, the NPPF is a material consideration and in Chapter 2 sets out how to achieve well-designed places. The whole chapter is not repeated in this report, however it should be noted that its guidance is key for making defensible decisions.
- 2.25 The absence of a five year housing land supply means that paragraph 11 of the NPPF is engaged, and footnote 7 applies. Paragraph 11(d)(ii) clearly states that applications should, in these circumstances, be favourably determined, unless adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- 2.26 This means that notwithstanding the absence of a five year housing land supply, should a scheme before the authority be of such a poor design, without adequate benefits to outweigh that design, the planning balance may be such that the development should be refused. A planning balance exercise is key when making decisions on applications. Paragraph 130 of the NPPF expands on permission being refused for development of poor design.
- 2.27 Annex 3 is a Councillor's Companion for Design in planning, prepared by MHCLG, which provides helpful guidance in relation to the NPPF and decision making on design matters.

# Licensing and Planning Policy Committee

## 23 January 2020

### 3 Proposals

#### National Design Guidance

- 3.1 MHCLG published a National Design Guide in October 2019, refer to Annex 2. The purpose of the National Design Guide is to illustrate how well-designed places that are beautiful, enduring and successful can be achieved in practice. It forms part of the Government's collection of planning practice guidance and should be read alongside the separate planning practice guidance on design process and tools.
- 3.2 The guidance sets out 10 characteristics that form good design, these being; context, identity, built form, movement, nature, public access, uses, homes and buildings, resources and lifespan.
- 3.3 The National Design Guide is the most up to date form of design guidance available nationally, and to the borough, which along with the NPPF and the Development Plan, comprehensively inform design decisions.
- 3.4 It is recommended that LPPC acknowledge the 10 characteristics within the guidance as being those which where relevant are used when assessing planning applications going forward.
- 3.5 The guidance forecasts the production of a National Model Design Code that will set out detailed standards for key elements of successful design. MHCLG advise that this will be subject to consultation.

#### Design and Policy Making

- 3.6 The new Local Plan will propose a number of policies that will be subject to public consultation in 2020. Officers are working to prepare design policies that secure well-designed places.
- 3.7 The policies being developed, for consultation are proposed to include the following key areas of focus:
  - Design – addressing height with taller buildings being in appropriate and sustainable locations rather than a single height approach across the borough. The policy would incorporate the 10 characteristics of well-designed places.
  - Character – securing quality design to enhance and complement local character, integrating into existing areas, both town and landscape. How we secure development of the right quality level in the borough is being explored, and through consultation, aspects of quality which are locally important will be confirmed.
  - Density – densities are proposed to be based on the location of sites in the context of local services and facilities. Appropriate density of development will be determined by the visual character and appearance of the wider townscape and site constraints.

# Licensing and Planning Policy Committee

## 23 January 2020

- Heritage – incorporating the boroughs conservation areas, listed buildings, locally listed heritage assets, and veteran trees this policy would seek to protect, maintain, and enhance.
- Building Standards – incorporating the nationally prescribed space standards, a local private amenity space standard, a percentage of new housing to be wheelchair accessible and fully adaptable, sustainable design and construction to secure carbon neutral homes and for non-residential buildings, including re-using and recycling.
- Trees and landscape – landscaping proposals to be a key component of development proposals incorporating native species with adaptability to the impacts of climate change.

### **4 Financial and Manpower Implications**

4.1 There are no financial or manpower implications from the contents of this report.

4.2 ***Chief Finance Officer's comments***

### **5 Legal Implications (including implications for matters relating to equality)**

5.1 There are no legal implications arising from the contents of this report.

5.2 ***Monitoring Officer's comments: none arising from the contents of this report.***

### **6 Sustainability Policy and Community Safety Implications**

6.1 Well-designed places enhance and enable our health and well-being, feelings of safety, security, inclusion and belonging and our sense of community safety cohesion. Securing well-designed places contributes towards delivering the Council's objectives.

### **7 Partnerships**

7.1 None for the purposes of this report.

### **8 Risk Assessment**

8.1 The design of development proposals can be influenced through the pre-application process. Pre-application is not a compulsory process, therefore some applicants leave negotiation on matters of design to the assessment of the application. This often leads to high levels of public comment and elevated concern.

8.2 A planning balance exercise needs to be undertaken as part of defensible decision making where matters of poor design are being given great weight in the absence of a five year housing land supply.

# Licensing and Planning Policy Committee

## 23 January 2020

### **9 Conclusion and Recommendations**

- 9.1 The Committee are requested to note the publication of the National Design Guidance and associated 10 characteristics which are used when assessing and determining planning applications.
- 9.2 The Committee are requested to agree the key areas of focus of proposed draft policies being prepared for the Regulation 18 consultation for the draft Local Plan.

**Ward(s) affected:** (All Wards);