

**TO: ENVIRONMENT, CULTURE & COMMUNITIES OVERVIEW & SCRUTINY PANEL
7 MARCH 2017**

ADOPTION OF THE DESIGN SUPPLEMENTARY PLANNING DOCUMENT

Director of Environment, Culture and Communities

1 PURPOSE OF REPORT

- 1.1 The purpose of this report is to seek the Panel's views on the proposal to adopt the Design Supplementary Planning Document (SPD), attached at Appendix A, as planning guidance and to agree the Consultation Statement for publication at Appendix B.
- 1.2 The adoption of SPDs is an Executive function and the SPD is being put before the Executive meeting on the 14th March with a recommendation that it be adopted for the purposes of development control as a material consideration in the determination of planning applications.

2 EXECUTIVE SUMMARY

- 2.1 The Design SPD is a new document and sets out design principles and best practice to guide the design quality of developments proposals in the Borough. The Design SPD:
 - Incorporates the information for householders on extending their homes as currently set out in the design leaflet entitled "Extending your Home: A Householders Guide". The design leaflet will therefore cease to have effect from the date of the adoption of the Design SPD:
 - Builds on the design guidance set out within the National Planning Policy Framework (NPPF): and
 - Builds upon the Council's own policies as set out in the Core Strategy Development Plan Document 2007; the saved policies of the Bracknell Forest Borough Local Plan 2002 and the current Streetscene SPD and Character Area Assessment.
- 2.2 A Draft SPD was approved by the Executive in September 2016 for public consultation between Monday 17th October and Monday 27th November 2016. The consultation comprised an advertisement in the local newspaper, placing the documents in local public buildings and consulting directly with all the individuals and organisations the planning database who have expressed an interest in planning matters. A total of 26 responses from the public and professionals were received during the consultation period. All responses have been considered in producing the final version of the Design SPD (Appendix A). A summary of the consultation process, the responses received and how they have been considered is provided in the Consultation Statement (Appendix B). The adopted Design SPD will replace the design leaflet entitled "Extending Your Home: A Householders Guide" and will be a material consideration in the determination of planning applications.

3. RECOMMENDATION(S)

3.1

- (i) That the Overview and Scrutiny Panel endorses the adoption of the Design SPD at Appendix A as a material consideration in the determination of planning applications**
- (ii) That the Overview and Scrutiny Panel endorses the publication of the Consultation Statement at Appendix B; and,**
- (iii) That any views expressed by the Panel on the Design SPD or Consultation Statement are reported to the Executive.**

4 REASONS FOR RECOMMENDATION(S)

4.1 The Council has reviewed its current design guidance and considers that a Design SPD would assist with:

- the implementation of current planning policies;
- support the approach to design in the emerging Comprehensive Local Plan; and,
- provide prospective applicants with a clearer idea of the Council's expectations for design.

4.2 The public consultation secured the views of the public and professionals in accordance with the Council's Statement of Community Involvement (SCI). In general, the document was welcomed as providing additional guidance of value when designing new development in the Borough and submitting planning applications. The new document will replace and update information contained in the leaflet titled "Extending Your Home: A Householders Guide". It includes additional design advice covering key design principles for new housing and commercial development in the Borough in addition to guidance for householders. The Design SPD is consistent with national and local policy and its adoption will ensure that it becomes a material consideration in the determination of planning applications from the date of adoption.

5 ALTERNATIVE OPTIONS CONSIDERED

5.1 Not adopting the Design SPD would be likely to result in more officer time being spent on assessing the standard of design included within planning applications to ensure that an acceptable standard is achieved. In addition, the Council's current guidance leaflet does not have the same legal status as a SPD which is a material planning consideration, and therefore carries less weight in planning terms.

6 SUPPORTING INFORMATION

Background to the Design SPD

6.1 The National Planning Policy Framework (NPPF) states at paragraph 153 that SPDs should be used to assist applicants to make successful applications. This new SPD, which includes many clear illustrations, will help applicants properly understand how the Council's design policies can be met. It also details the Council's desire to achieve high quality development across the Borough. The key policies relevant to this new Design SPD will be policy CS7 Design in the Core Strategy Development Plan Document 2007 and Bracknell Forest Borough Local Plan 2002 saved policy

EN20 – Design considerations in new development. The document also complements and cross references to the current Streetscene SPD, Parking Standards SPD and Character Area Assessments SPD.

The Design SPD

- 6.2 The proposed SPD is at Appendix A to this report and is structured as follows:

Chapter One - Introduction

This sets out the scope of the document, who it is aimed at, and the weight to be given to the information within it.

Chapter Two - Design and Context

This chapter details some of the more high level principles relating to understanding the site and context of the area, responding to existing character and, where needed, creating “places” with their own identity and the standards of quality expected in new development in the Borough.

Chapter Three - Built Form and Spaces

Detailed guidance is provided on the basic principles of design to create places that will provide good communities and pleasant homes for our residents in the future.

Chapter Four – Extending Your Home

This includes much of the information already set out in the “Householder’s Leaflet: A Guide to Extending Your Home”, with additional information and up to date references and sources.

Chapter Five – Design and Access Statements

The document includes information relating to what should be provided within a Design and Access Statement, checklists and where to go for additional information.

Appendix

Further sources of information

Scope of the new Design SPD

- 6.3 The new SPD is intended to be simple and easy to use and sets out key design principles to consider when proposing new buildings or extending existing properties. Its scope is wide and relevant to both small and large scale new developments. The SPD seeks to achieve the right content and tone for a wide audience of both technical professionals assessing large scale developments and the general public submitting small scale householder planning applications. The aim is to keep the document focussed and easy to use and not to reproduce design advice found in other Council documents. Cross references are made within the document to Council policy and guidance as appropriate.
- 6.4 The Design SPD has now been through the public consultation process in accordance with the Council’s Statement of Community Involvement (SCI) and all comments have been fully considered and amendments made to the document if considered appropriate. A summary of all the respondents’ comments and any subsequent amendments to the document are set out in the Consultation Statement at Appendix B.

7 Consultation

7.1 The Consultation Draft SPD was subject to full public consultation for a statutory 6 week period between Monday 17th October and Monday 25th November 2017. The consultation sought views from the public, town and parish councils, developers, agents, businesses and other interested parties. Copies of the Draft SPD and its supporting information were placed in libraries and town/parish council offices for inspection. All documentation was also made available on-line using the Council's consultation portal. The Draft SPD was also discussed at the Agents Forum meeting in November 2016.

7.2 In total there were 26 responses from members of the public, Crowthorne Parish Council and professionals. The Consultation Statement at Appendix B sets out the detail of the consultation including:

- a summary of each response;
- officer response to each comment made;
- recommendations for any appropriate changes to the SPD; and
- a reference for the location of the change within the document.

7.3 The key comments raised through the consultation process can be summarised as follows:

- A general welcoming of the new document as additional design advice.
- Additional emphasis needed on the positive contribution of green infrastructure and the need for more trees within new development.
- More reference to heritage assets, landscape character issues and maintaining views of historic assets.
- More consideration needed within new development of the existing character within neighbourhoods.
- The need to consider all within the community, particularly older people, people with dementia and young children when designing new places.
- Additional air quality, flood and Sustainable Drainage System (SuDS) information needed.
- New development should be built to higher densities to ensure a 5 year land supply is achieved and meet local needs more quickly.
- Too much development is happening all at the same time
- The need to continue to secure additional infrastructure to support new development sites and provide for existing communities.
- Some clarity needed in relation to specific diagrams and photos used.

All comments received on the draft document have been fully considered by officers. While changes to the document have been made as a result of the public consultation, these have been predominantly minor. Additionally, some of the photos and diagrams have been changed to improve clarity.

8 ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS

Borough Solicitor

Unrestricted

- 8.1 The authority to approve the Recommendations of the Report are reserved to the Executive pursuant to Part 2 of Section 5 of the Bracknell Forest Council Constitution (May 2016).
- 8.2 The Executive will be asked to note that, SPDs are local plan documents that add further detail to policies in a local plan and can be used to provide additional guidance on a particular issue, such as design. Once adopted an SPD becomes a material consideration in the determination of planning applications and will form part of the Council's statutory Local Development Framework.
- 8.3 Paragraph 7.1 of the report, advises that the Design SPD (attached at Appendix A) has completed the process of public consultation required to be undertaken prior to formal adoption in accordance with paragraph 12 of The Town and Country Planning (Local Planning) England Regulations 2012 and Section 19(3) of the Planning and Compulsory Purchase Act 2004 ("the Act") and is now at the adoption stage of the statutory process.
- 8.4 The Council is required to adhere to the public participation requirements set out in paragraph 12 of The Town and Country Planning (Local Planning) England Regulations 2012 prior to the adoption of an SPD. This includes the publication of a statement confirming the persons who have been consulted, setting out a summary of the main issues raised by those persons and explaining how those issues have been addressed in the SPD. The report confirms that this requirement has been complied with as evidenced at Appendix B.
- 8.5 The Executive is being advised that The Equality Act 2010 introduced a single public sector equality duty. This duty requires the Council to have due regard in its decision making processes to the need to:
- a) eliminate discrimination, harassment, victimisation or other prohibited conduct;
 - b) advance equality of opportunity between persons who share a relevant protected characteristic and those who do not; and
 - c) foster good relations between those who share a relevant characteristic and those that do not share it.
- The relevant protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 8.6 The report confirms that an Equalities Screening Assessment has been undertaken in relation to the SPD and appended at Appendix C.
- 8.7 Further, the SPD will potentially engage certain human rights under the Human Rights Act 1998 ('the HRA'). The HRA prohibits unlawful interference by public bodies with convention rights. The term 'engage' simply means that human rights may be affected or relevant. In the draft SPD, a number of rights are potentially engaged:-
- The right to a fair trial (Article 6) – giving rise to the need to ensure proper consultation and effective engagement of the public in the process;
 - The right to respect for private and family life (Article 8) – for instance the Design SPD could impact on viability of housing provision or re-provision.
 - Other considerations may include impacts on amenities or the quality of life of individuals based on design considerations being too prohibitive;
 - Article 1, Protocol 1 (Protection of Property) – this right prohibits interference with individuals' right to peaceful enjoyment of existing and future property/homes. It could be engaged, for instance, if the Design SPD makes future development unviable.

Unrestricted

- 8.8 It is important to note that few rights are absolute in the sense that they cannot be interfered with under any circumstances. 'Qualified' rights, including Article 6, Article 8 and Protocol 1, can be interfered with or limited in certain circumstances. The extent of legitimate interference is subject to the principle of proportionality whereby a balance must be struck between the legitimate aims to be achieved by a local planning authority in the policy making process against the potential interference with individual human rights.
- 8.9 In making their decision the Executive is being advised to have regard to human rights considerations and strive to strike a fair balance between the legitimate aims of adopting the SPD for the benefit of the community against the potential interference with individual rights.

Borough Treasurer

- 8.10 There are no direct financial implications arising from this report.

Equalities Impact Assessment

- 8.11 An Equalities Screening Record has been undertaken for the Design SPD and included as Appendix C.

Strategic Risk Management Issues

- 8.12 None as a consequence of this report.

Consultation

- 8.13 The preparation of the SPD has been informed by all the relevant technical officers across the Council including the Local Highway Authority.
- 8.14 The public consultation is detailed in paragraph 7.1 above and the Consultation Statement at Appendix B.

Background Papers

- APPENDIX A Design Supplementary Planning Document
APPENDIX B Consultation Statement
APPENDIX C Equalities Impact Assessment screening

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