

CABINET

21st December 2021

DESIGN GUIDE SUPPLEMENTARY PLANNING DOCUMENT

Report of the Portfolio Holder for Planning, Highways and Transport

Strategic Aim:	Sustainable Growth	
Key Decision: Yes	Forward Plan Reference: FP/260621	
Exempt Information	No	
Cabinet Member(s) Responsible:	Cllr I Razzell Portfolio Holder for Planning, Highways and Transport	
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Ward Councillors		

DECISION RECOMMENDATIONS

That Cabinet:

1. Endorses the report and Design Guidelines for Rutland and South Kesteven Supplementary Planning Document (as set out in Appendix 1);
2. Notes the Consultation Statement (as set out in Appendix 2);
3. Adopts the Design Guidelines for Rutland and South Kesteven Supplementary Planning Document; and
4. Commits to producing a version of the Supplementary Planning Document which is specific to Rutland.

1 PURPOSE OF THE REPORT

- 1.1 The purpose of this report is to outline the consultation undertaken on the Design Guide for Rutland and South Kesteven and to request that Cabinet adopts this as a Supplementary Planning Document (SPD).

2 BACKGROUND AND MAIN CONSIDERATIONS

- 2.1 The Council is committed to creating well designed developments. The Design Guidelines set out in Appendix 1 sets out the Council's design expectations for high quality, inclusive and sustainable places which reflect and respond to local character alongside the design process to achieve this aim. It also provides detailed guidance for the design of commercial areas to meet best practice.
- 2.2 The Design Guide was commissioned jointly by the Council with Rutland County Council. It has been fully funded by a planning delivery grant awarded by the Government on a competitive bidding basis. This was a joint bid between South Kesteven District Council and Rutland County Council and the Design Guide is therefore a joint document.
- 2.3 Each authority is responsible for undertaking its own public consultation on the joint guide and adopting the document.
- 2.4 Once adopted the Supplementary Planning Document (SPD) Design Guide will be a material consideration in determining planning applications.
- 2.5 Taking account of the Council's aspirations for quality of design, the Design Guide sets out requirements for developers, applicants and Council officers to ensure that new development is of the highest possible design quality. It outlines the design process and principles which will be encouraged across sites of all scales and which should underpin design at all stages, from site-wide master planning to the design of blocks, buildings and streets.
- 2.6 It requires new proposals submitted for planning permission to demonstrate how they have both responded to nationally recognised best practice in design and to the characteristics and features unique and distinctive to the area.
- 2.7 Nationally, greater emphasis has been placed on achieving well-designed places and the latest National Planning Policy Framework (NPPF) states that poorly designed development should be "refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents". The NPPF encourages the adoption of Design Guide SPDs to assist in this process.
- 2.8 Good design matters as it frames the places in which we live, work, socialise and do business. From the orientation of a rear garden to the amount of sunlight reaching a public square to how welcoming streets are to pedestrians, research has consistently demonstrated the link between design and people's physical and mental wellbeing.
- 2.9 Places that are designed well, function well and meet the needs of a wide range of uses and activities and can last for generations. In recognition of the challenges we are facing by our changing climate, it will also be essential to ensure that new development seeks to reduce its carbon footprint, in terms of its design, construction and use.
- 2.10 It is intended to produce a further refinement to the Design Guide would be to make this specific to Rutland and not a joint document with South Kesteven. This would not seek to amend the guidance as set out in Appendix 1 but would have the potential benefit of achieving greater "ownership" among local communities and

developers. For this reason, this approach is recommended to Cabinet.

2.11 The guidance should be used by applicants, designers and officers working in collaboration. The Design Guide is intended to be used by:

- applicants and their design teams preparing development proposals;
- planning officers, to negotiate with applicants/agents as proposals are developed, to offer pre-application advice at the outline and reserved matters stage, and to assess the quality of development proposals when determining planning applications;.
- elected Councillors when assessing development proposals advance of and at committee;
- statutory consultees providing commentary on applications;
- any design reviews of development proposals at pre-application and application stage; and
- local communities as they are consulted on applications.

3 POLICY BACKGROUND

3.1 The submitted but now withdrawn Local Plan for Rutland proposed the preparation of a Design Guide Supplementary Planning Document (SPD) in order to improve design quality in development proposals and provide guidance to assist applicants and decision makers. This was intended to provide additional guidance to the emerging Local Plan Policy EN3.

3.2 The withdrawal of the Local Plan has meant that consideration needed to be given as to whether the guide can still have weight in decision making on planning applications. Legal advice has been sought as to whether it is possible for the Design Guide can be adopted as a Supplementary Planning Document (SPD) so that it can be considered and adopted by Cabinet through the relationship of the Design Guide to the adopted planning policies of the Council set out in the Core Strategy DPD and Site Allocations and Policies DPD.

3.3 That legal advice has confirmed that it is appropriate for the document to be adopted as a SPD.

4 CONSULTATION

4.1 Prior to the consultation period, a stakeholder workshop was undertaken in January 2019, an officer workshop was undertaken in June 2019 and South Kesteven District Council (SKDC) and Rutland County Council (RCC) Member workshops were undertaken in September 2019.

4.2 This preliminary consultation work led to a draft document being produced which was approved at Cabinet in November 2020 for wider consultation.

- 4.3 This wider consultation was undertaken between 29 January to 12 March 2021 in line with the Council's Statement of Community Involvement (2018) and the Town and Country Planning (Local Planning) (England) Regulations 2012.
- 4.4 A detailed Consultation Statement can be found within Appendix 2 of this Cabinet report, and this summarises the responses to this consultation and how these have been considered in re-drafting the Design Guide. The Consultation Statement includes a log of all the amendments made to the Design Guide.
- 4.5 The Council decision in September 2021 to withdraw the submitted Local Plan in September 2021 has had a small impact on the Design Guide in terms of changing the text on the policy basis for the SPD. Consequently, following advice given to Rutland County Council by Counsel, the appropriate amendments have been made to the document to revise all references to Rutland County Council's planning policies, changing references to the forthcoming (withdrawn) Local Plan to the Core Strategy Development Plan Document (DPD) and Site Allocations and Policies DPD. As these changes do not materially impact on the guidelines, there is no requirement for further consultation.

5 ALTERNATIVE OPTIONS

- 5.1 The preferred option is that Cabinet endorse the revised Design Guide (for adoption at full Council) which takes account of responses made through the public consultation on the draft guide. This is complementary to national guidance on design.
- 5.2 The Government's White Paper on reform to the planning system in England proposes further changes to improve the quality of design. These have been the subject of consultation and will require primary and secondary legislation. Therefore, it is considered that the White Paper should not be regarded as an impediment to the Council taking forward its Design Guide and the option of withdrawing the Design Guide has been rejected.
- 5.3 In terms of changes to the National Planning Policy Framework (NPPF) and the release of the National Model Design Code in July 2021, the preparation of this guide pre-dates these changes, particularly in relation to the consultation period and process. The NPPF references both design guides and codes (The Design Guide is the former) and therefore it is in line with these policy changes and still relevant. The option of withdrawing the Design Guide in favour of the production of a design code or series of codes has been rejected. Such design codes can be produced to complement and sit alongside the Design Guide where required in the future.
- 5.4 If the Design Guide is not adopted, the Council will continue with current guidance which does not take account of the Council's ambitions for improving the quality of design in new development. The National Design Guide and National Model Design Code would instead be used, but these would not be as focused on local design issues and character. The Design Guide as set out in Appendix 1 will assist the County Council in setting the foundations to support a move towards a design led planning system.

6 FINANCIAL IMPLICATIONS

- 6.1 The total cost of the draft Design Guide has been funded by a Government planning

delivery grant awarded for this specific purpose by the Government jointly to both South Kesteven District Council and Rutland County Council. South Kesteven District Council has acted as the “accountable body” for the management and administration of this grant.

6.2 Each authority is responsible for undertaking its own public consultation on the draft Design Guide. This has been funded from existing approved budgets.

6.3 The additional cost of producing version of the document which is specific to Rutland is estimated at between £3,000 to £5,000. This will need to be found from the budget held in reserve for the preparation of the new Local Plan. The report to Council in September which recommended the production of a new plan recognised that the financial information prepared then was a best estimate and would depend upon the actions the Council takes, the challenges it faces during the course of preparing a new plan and potentially any changes imposed through the proposed Planning Bill.

7 LEGAL AND GOVERNANCE CONSIDERATIONS

7.1 There is a requirement for public participation prior to the adoption of a SPD by a local planning authority as set out in the Town and Country Planning (Local Planning) (England) Regulations 2012.

8 DATA PROTECTION IMPLICATIONS

8.1 A Data Protection Impact Assessment (DPIA) has not been completed.

9 EQUALITY IMPACT ASSESSMENT

9.1 The Design Guide includes proposals to make places and developments more accessible and inclusive and so will have a positive impact on equality. An Equalities Impact Assessment screening has been undertaken.

10 COMMUNITY SAFETY IMPLICATIONS

10.1 The Design Guide includes proposals to address community safety with the design of new developments. Although there isn't a specific chapter on this subject, it is addressed in other chapters that cover issues such as healthy lifestyles, buildings overlooking streets and strong front boundary treatments.

11 HEALTH AND WELLBEING IMPLICATIONS

11.1 The Design Guide includes proposals to address health and well-being through the good design of new developments, with the issue of healthy lifestyles included within the Guide.

12 ORGANISATIONAL IMPLICATIONS

12.1 Environmental implications – the Design Guide will set out the Council's design expectations for high quality, inclusive and sustainable places which reflect and respond to local character alongside the design process to achieve this aim. The Design Guide recognises the challenges faced by our changing climate and seeks to provide guidance as to how new development can achieve a reduced carbon footprint in terms of design, layout, construction and use. This is a cross-cutting theme throughout the document.

- 12.2 Human Resource implications – training will be provided to Officers and decision makers on the implementation of the Design Guide.
- 12.3 Procurement Implications – the procurement for the Design Guide was undertaken by South Kesteven District Council in line with their financial regulations and procedures.

13 CONCLUSION AND SUMMARY OF REASONS FOR THE RECOMMENDATIONS

- 13.1 Given the nature of future growth likely to come forward within Rutland, it is important that the Council has up to date and robust design guidance that reflect national best practice and planning policy. National guidance currently advises Councils to have local Design Guides that provide detailed design guidance; the draft Design Guide provides this local-level framework whilst reflecting the latest national-level design guidance.
- 13.2 The Design Guide will seek to achieve the Council's ambitions for improving the quality of design in the County.

14 BACKGROUND PAPERS

- 14.1 Planning White Paper:
<https://www.gov.uk/government/consultations/planning-for-the-future>
- 14.2 National Model Design Code
<https://www.gov.uk/government/publications/national-model-design-code>
- 14.3 National Planning Policy Framework
<https://www.gov.uk/government/publications/national-planning-policy-framework--2>

15 APPENDICES

- 15.1 Appendix 1 – Rutland and South Kesteven Design Guide.
- 15.2 Appendix 2 – Consultation Report.

A Large Print or Braille Version of this Report is available upon request – Contact 01572 722577.