

## **CABINET**

**THURSDAY, 13 JUNE 2019**

### **REPORT OF THE PORTFOLIO HOLDER REGULATORY AND COMMUNITY SAFETY**

#### **DESIGN SUPPLEMENTARY PLANNING DOCUMENT**

##### **EXEMPT INFORMATION**

None

##### **PURPOSE**

To seek approval to adopt the attached Draft Design Supplementary Planning Document included within Appendix 1.

##### **RECOMMENDATIONS**

It is recommended that:

1. Cabinet approves the adoption of the Design Supplementary Planning Document
2. Cabinet notes the comments received during the consultation period and the Council's response to them
3. Cabinet authorises the Assistant Director Growth and Regeneration to make minor changes to the Design Supplementary Planning Document and publish a final version of the document.

##### **EXECUTIVE SUMMARY**

Supplementary Planning Documents provide further detail and information to illustrate a Local Plan policy. In this case, Policy EN5: Design of New Development sets out an aspiration to secure high quality buildings and places to include the enhancement of the town centre, conservation areas, Sustainable Urban Extensions and Regeneration Priority Areas. Refusal is recommended where poor design or design that fails to take the opportunity to improve the character and quality of an area and the way it functions.

Chapter 12 of the National Planning Policy Framework (February 2019) – Achieving well-designed places, sets out government expectations of local authorities to produce clear design visions. Paragraph 126 requires authorities to provide maximum clarity about design expectations at an early stage and that plans and supplementary planning documents should use visual tools such as design guides and codes.

Cabinet approved the draft Supplementary Planning Document to go forward to a 4 week consultation period at its meeting of 20<sup>th</sup> December 2018. The document was consulted on between January 15<sup>th</sup> 2019 and 11<sup>th</sup> February 2019 and a summary of the comments received are included in Appendix 2 alongside the Council's response to these. Some comments have been directly addressed through changes in the new document and others have been noted in that they either did not require a response or the comments were not supported. On the whole, consultees were supportive of the Design SPD and welcomed the guidance provided.

The Design SPD will be finalised and adopted as the Council's approved design policy for all forms of development. The SPD will promote good design; provide information on planning requirements; provide basis for determining applications on design matters; improve understanding of what constitutes good design; promote sustainable development; consideration of Tamworth's diverse heritage; design guidance for the town centre; design guidance for residential and commercial development; guidance on public space, green space and public realm; materials; sustainable development and climate change; planning and design process; implementation and use of the SPD.

### **OPTIONS CONSIDERED**

The Council has not produced detailed design guidance but general aspirations are contained within policies EN5 Design of New Development and EN6 Protecting the Historic Environment. This approach could continue but in doing so the Council will not be following the guidance within the National Planning Policy Framework that strongly advocates the promotion of sustainable development through detailed design policies. The stated intention within Policy EN5 is that further detailed design guidance will be set out within the Design Supplementary Planning Document.

### **RESOURCE IMPLICATIONS**

All expenditure to date has been met through current department budgets and the process going forward to the adoption and publishing of the Design SPD will be met through existing budgets.

### **LEGAL/RISK IMPLICATIONS BACKGROUND**

The Council provides guidance to developers and agents based on policies within the adopted local plan. In some areas the guidance is provided in a general policy with detailed guidance being delegated to a further document. In the absence of detailed guidance, these policies are open to interpretation and as a result extensive dialogue may take place with a view to amend elements of an application where officers come to a different view to the applicant. There are also implications for decision making on planning applications where reasons for approving or refusing applications must be clearly set out, Where there is an absence of clear guidance to reach a decision, it opens the Council up to challenge and potential costs. The Design SPD will allow for greater transparency in decision making but also potentially lead to reduced design discussions saving staff time. Potentially, the pre-application discussions will be more focussed and allow for applications to be better informed and potentially submitted earlier.

### **EQUALITIES IMPLICATIONS**

An Equality Impact Assessment has been completed and is attached in Appendix 4.

### **SUSTAINABILITY IMPLICATIONS**

The basis of the NPPF is to promote sustainable development that is to be achieved through detailed guidance at a local level through Supplementary Planning Documents. Through adopting the Design SPD, the Council will be setting out its requirements for sustainable development and use this as a basis for refusing schemes that do not meet guidance within the SPD. A Strategic Environmental Impact Screening Statement is included in Appendix 3 as required by the Environmental Assessment of Plans and Programmes Regulations 2004.

### **BACKGROUND INFORMATION**

The draft SPD was consulted on between January 2019 and February 2019. Consultation closed on 11<sup>th</sup> February 2019 after 4 weeks. Invitations to participate in the consultation were sent to 175 organisations and individuals on the Local Plan consultation database and further publicity through the Council's website and Tamworth Herald was also organised.

In total 27 responses were received to varying levels of detail and these are summarised below:

- Lack of connection to mining history
- Staffordshire County Council need to be involved as highway authority
- Publicise heritage responsibility with property owners
- No dedicated Conservation Officer at Tamworth
- Climate Change considerations complimented
- Signage and advertisement guidance noted and changed in areas to reflect comments from a Sign and Graphics organisation
- Staffordshire County Council offer further clarification on street design and parking which are noted and no changes required.
- Staffordshire County Council – Flood Risk – text amended to accord with DEFRA technical guidance and links to SCC SUDS risk management handbook
- Conservation Officer – technical references and clarifications added
- Adoption of MHCLG Technical Design Standards drew objections from several parties. Text has been changed to say they are advisory standards that should be aspired to rather than a requirement. Similarly, external space standards will not be a minimum requirement.
- Request to define ‘tall buildings’ from different parties. Request noted but will not be actioned as any definition will vary and will be dependant on context.
- Opposition to use Design review for major schemes. This is under consideration and the option to use design review should be retained but defined to particular schemes.
- Natural England advice on green infrastructure and a strategic approach to maintaining and enhancing networks – under consideration
- Contribution of public transport to sustainable living should be highlighted as well as an aspiration for a bus station. Comments noted
- Wish to see removal of street clutter, unnecessary lighting, poor shop fronts, aerials and satellite dishes – SPD is not an enforcement tool, inappropriate development or installation will be dealt with through usual processes
- Opposition to tall buildings and high density design as a principle – such schemes can be successfully integrated with careful planning so objection not accepted
- Clarification that modern building materials may not be appropriate in all cases – accepted and text changed
- Document is long overdue. Raised issues at proposed developments and suggesting they are poorly designed
- SPD should require public toilets in town centre – out of scope
- Discourage front garden paving to avoid flooding impact – not applicable
- Comments from the County Council relating to ecology and tree protection, biodiversity, archaeology, historic environment mainly in support of the SPD and providing further detail and references.
- Relationship between canal and development is important and should be highlighted. Measures to integrate canal infrastructure and connections should be prioritised which generally are supported.
- Light pollution comments made as well as more accurate reference to Tamworth population.

## **REPORT AUTHOR**

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## **LIST OF BACKGROUND PAPERS**

Tamworth Borough Council Local Plan 2006-2031

## **APPENDICES**

- 1 – Design Supplementary Planning Document
- 2 – Summary of responses and actions from consultation
- 3 – SEA/HRA Impact Assessment
- 4 – Equality Impact Assessment