

Notice of Non-key Executive Decision

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| Subject Heading: | Council's response to Government consultation on NPPF and National Model Design Code |
| Cabinet Member: | Councillor Joshua Chapman for Housing |
| SLT Lead: | Barry Francis Director of Neighbourhoods |
| Report Author and contact details: | Linda Beard linda.beard@haverling.gov.uk |
| Policy context: | The Housing and Planning Act (2016) National Planning Policy Framework (2019) London Plan (2021) Proposed Havering Local Plan (Submission 2018) Havering Local Plan Main Modifications (2020) |
| Financial summary: | There are no financial implications or risks arising from the preparation of this consultation response. |
| Relevant OSC: | Towns and Communities |
| Is this decision exempt from being called-in? | Yes |

The subject matter of this report deals with the following Council Objectives

| | |
|-------------------------------|-----|
| Communities making Havering | [x] |
| Places making Havering | [x] |
| Opportunities making Havering | [x] |

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Connections making Havering

[x]

Part A – Report seeking decision

DETAIL OF THE DECISION REQUESTED AND RECOMMENDED ACTION

1.0 The Government has published consultation proposals on changes to the National Planning Policy Framework (NPPF) and a draft National Model Design Code (NMDC). The consultation closes on the 27th March 2021. The proposed changes to the NPPF are in response to the Building Better Building Beautiful Commission “Living with Beauty” report, minor amendments on flood risk and climate change, retention of statues, and clarification on Article 4 direction use, and are not a full review of the framework.

This Executive Decision sets out a proposed response to the consultation comprising of an overarching letter summarising the key objections to the proposals (Annex 1) and individual answers to the consultation questions (Annex 2).

Proposed changes to the NPPF

1.1 The revised National Planning Policy Framework was published in February 2019, replacing the previous National Planning Policy Framework published in March 2012, and revised in July 2018. In August 2020 the Government published for consultation a White Paper “Planning for the Future” that proposed a number of radical changes to the planning system. The proposals include a new focus on design and sustainability, with the consultation including a number of questions on how good design and sustainability can be implemented through the planning system. The Council responded to this consultation on 29 October 2020.

1.2 The current consultation is on proposed revisions to the National Planning Policy Framework and is not a full review. The changes are in response to recommendations in the Building Better Building Beautiful Commission’s “Living with Beauty” report, as well as a number of other revisions that clarify specific planning policies. The Council’s response to the consultation is set out in Annexes 1 and 2.

1.3 The Building Better, Building Beautiful Commission was established to advise the Government on how to improve the use of high-quality design for new homes and neighbourhoods. Its aims included making the planning system support better design and style. The Commission’s report, Living with Beauty (January 2020), set out the Commission’s recommendations to the Government. In its response to the report, the Government proposed taking forward the majority of the recommendations, and making changes to the NPPF and publishing the National Model Design Code for consultation.

The National Model Design Code

1.4 The National Design Guide (October 2019) is part of the Governments planning practice guidance and the National Model Design Code will form part of that guidance. The NMDC provides guidance on the production of design codes and design policies that may have a significant impact on new development and place making in the borough.

What is a design code or design guide?

1.5 Local planning authorities are expected to take the National Model Design Code into account when developing local design codes and guides, setting out ‘frameworks for creating healthier, environmentally responsive, sustainable and distinctive places’ in order to set out the requirements for the design of development’, and when determining planning applications.

The codes and guides need to consider

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- The layout of new development, including street pattern;
- How landscaping should be approached including the importance of streets being tree-lined;
- The factors to be considered when determining whether façades of buildings are of sufficiently high quality;
- The environmental performance of places and buildings ensuring they contribute to net zero targets; and
- That developments should clearly take account of local vernacular and heritage, architecture and materials.

Design codes can provide a more specific steer on what is acceptable when they are visual and numerical rather than relying on detailed policy wording, as well as being easier to understand. They can also give developers greater certainty about what may be acceptable when seeking planning permission, and can help lead to faster decisions based on whether a proposal complies with a code, which can help to speed up the delivery of development.

Codes and guides also set out a necessary level of detail in sensitive locations, for example, with heritage considerations, and they can set out specific ways to maintain local character.

Comprehensive community consultation should enable support for design proposals and so reduce objections, which can help to speed up the delivery of development.

For larger schemes, design codes and guides can help to maintain consistency in the delivery of development over a longer period of time.

Design codes and guides can also be helpful in facilitating custom-build, self-build and the use of modern methods of construction.

How would it be developed (and by whom?)

1.6 Local planning authorities are expected to work with the local community and other interested parties including landowners and developers to prepare design codes and guides.

Communities need to be involved at each stage of the process in order to gain measurable community support that is appropriate for the scale and location of new development. This will address the ambition in a new planning system to bring democracy forward so that communities decide what good design means locally and that this is enshrined in design codes and guides.

It requires a 3 stage process 1. Analysis; 2. Vision and 3. Code, with consultation at each stage.

1. Analysis

1A - Scoping: Agreeing on the geographical area to be covered by the code and the policy areas that it will address.

1B – Baseline: Bringing together the analysis that will underpin the code and inform its contents.

2. Vision

2A – Design Vision: Dividing the area covered by the code into a set of typical ‘area types’ and deciding on a vision for each of these area types.

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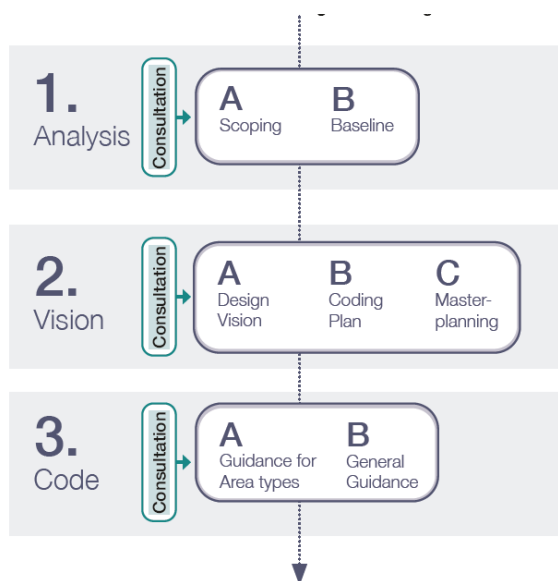
2B – Coding Plan: Preparing a plan that maps out each of the area types and also identifies large development sites from allocations in the local plan.

2C – Masterplanning: On larger sites working with land owners and developers to agree a masterplan for each of the development sites establishing the key parameters and area types.

3. Code

3A – Area Type Guidance: Developing guidance for each area type by adjusting a set of design parameters.

3B – Design Code Wide Guidance: Agree on a set of policies that will apply equally across all area types.



How would it be used?

1.7 Paragraph 132 of the National Planning Policy Framework states that development that is not well designed should be refused permission, 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 which use visual tools such as design codes and guides.

In the absence of local design guidance, local planning authorities will be expected to defer to the National Design Guide, National Model Design Code and Manual for Streets which can be used as material considerations in planning decisions.

The Council's response to the consultation on the NMDC

1.8 The draft NMDC provides guidance on the production of design codes and design policies and along with the National Design Guide published in October 2019 will form part of the Government's planning practice guidance. The NMDC may have a significant impact on new development and place making in the borough and therefore the Council has provided a detailed response set out in Annex 2. Detailed comments on the content of the NMDC are provided in a table with reference to specific pages and paragraph numbers. Key points in the Council's response are summarised below:

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- There is no link made in the document between the NMDC and the Government's Planning for the Future White Paper proposal for design codes. This means that there is not a coherent context in which to make comments. Design codes could support the current development management system and streamline planning applications by making the design requirements clear in advance of applications. However, they are not appropriate as a tool to largely replace the development management system (if this is the intention), as this would create significant gaps and development that would lack sufficient controls.
- The document does not provide guidance on how to increase resilience of new development to prevent deterioration during the lifetime of the development. There is insufficient integration of different issues in order to maximise their benefits, for example transport and the public realm. LPAs should be able to develop borough wide codes and more detailed design codes tailored to specific areas or development sites. Biodiversity and green infrastructure should be included in the list of minimum requirements for design codes. The grain of new development should facilitate all travel modes (by car, foot and cycle) and not create barriers to movement.
- A cap on the height or density of new development that is appropriate to Havering would be welcome, providing such a cap takes account of the character of an area. Guidance should be provided on how to ensure a cap does not become a target and prevent lower density schemes coming forward.
- Collaboration between LPAs should be encouraged in the production of design codes as many LPAs are developing similar types of sites. This is especially important in Outer London where context and character is very different to central, inner London
- The document also lacks clarity on the status of design code statements and how to update them. There is no guidance on alternative planning processes where communities oppose the design code or where the area is not covered by a code. It also lacks clarity on the process for who will make design codes and how to endorse these. It also requires detail on how development of a design code is supposed to interface with the pre-application process. Where design codes are produced by developers or local communities, it should be made clear that they require approval from the LPA.
- As the document proposes a greater level of community involvement, this will require sufficient resourcing and training for LPA officers to achieve genuine engagement with communities. The document needs to provide detail on how consulted communities will have agency to influence design codes and what processes to employ.

2.0 Recommendation

2.1 That the proposals set out in the consultation are noted and that the consultation response set out in Annexes 1 and 2 is approved for submission to MHCLG.

AUTHORITY UNDER WHICH DECISION IS MADE

Authority for this decision is contained within Part 3, Section 2.5 of the Constitution which delegates the following responsibility to individual Cabinet members

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b) Where there are implications for policies of the Council, to agree members of staff's responses to consultation papers from:

(i) the Government (including White and Green papers)

STATEMENT OF THE REASONS FOR THE DECISION

To provide the Council's response to the Government's Consultation on the NPPF and the National Model Design Code.

OTHER OPTIONS CONSIDERED AND REJECTED

The option of not responding to the consultation was considered and rejected. It is important that the interests of Havering's residents and businesses are represented at national level when changes to the planning system are being considered.

PRE-DECISION CONSULTATION

None

NAME AND JOB TITLE OF STAFF MEMBER ADVISING THE DECISION-MAKER

Name: Linda Beard

Designation: Senior Planning Policy Officer

Signature:

Date: March 2021

Part B - Assessment of implications and risks

LEGAL IMPLICATIONS AND RISKS

The Ministry of Housing, Communities and Local Government is consulting on changes to the NPPF. There are no legal implications or risks arising from the preparation of a response to the consultation.

Depending on the outcome of the consultation the Government will make changes to national planning policy.

The Havering Local Plan 2016-2031 was submitted to the Secretary of State in March 2018. The Havering Local Plan is now at a late stage of the examination process and is currently out for consultation on its Main Modifications and is aiming for adoption shortly after this. Any changes to legislation, national planning policy or regulations will be given full weight in planning decisions and full consideration in any future update of the Havering Local Plan.

FINANCIAL IMPLICATIONS AND RISKS

There are minimal financial implications arising from the Council's response to the actual consultation. All costs are staff related and are contained within the available budget.

The proposals, if implemented, are likely to result in a need for additional resources in order to implement them. The concerns about the possible financial implications of the proposals are set out with the Council's consultation response.

HUMAN RESOURCES IMPLICATIONS AND RISKS (AND ACCOMMODATION IMPLICATIONS WHERE RELEVANT)

There are no direct HR implications. The work on consultation responses will be undertaken by existing staff resources.

EQUALITIES AND SOCIAL INCLUSION IMPLICATIONS AND RISKS

The Public Sector Equality Duty (PSED) under section 149 of the Equality Act 2010 requires the Council, when exercising its functions, to have 'due regard' to:

- (i) The need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
- (ii) The need to advance equality of opportunity between persons who share protected characteristics and those who do not, and;
- (iii) Foster good relations between those who have protected characteristics and those who do not.

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Note: 'Protected characteristics' are age, disability, gender reassignment, marriage and civil partnerships, pregnancy and maternity, race, religion or belief, sex/gender, and sexual orientation.

The Council is committed to all of the above in the provision, procurement and commissioning of its services, and the employment of its workforce. In addition, the Council is also committed to improving the quality of life and wellbeing for all Havering residents in respect of socio-economics and health determinants.

The Government's proposals do not appear to have been subject to an EQIA, the Council's consultation response requests that a full EQIA is carried out.

HEALTH AND WELLBEING IMPLICATIONS AND RISKS

The Council is committed to the health and wellbeing of residents and to support and build a strong and resilient community.

The proposed codes and guides set out local frameworks for creating healthier, environmentally responsive, sustainable and distinctive places, benefitting the local community.

There are no health and wellbeing implications or risks arising from the preparation of a consultation response.

The Government's proposals do not appear to have been subject to a Health Impact Assessment, the Council's consultation response requests that a full HIA is carried out.

BACKGROUND PAPERS

None

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Part C – Record of decision

I have made this executive decision in accordance with authority delegated to me by the Leader of the Council and in compliance with the requirements of the Constitution.

Decision

Proposal agreed

Details of decision maker

Signed



Councillor Joshua Chapman

Name: Councillor Joshua Chapman

Cabinet Portfolio Held: Housing and Planning

Date: 26 March 2021

Lodging this notice

The signed decision notice must be delivered to the proper officer, Debra Marlow, Principal Democratic Services Officer in Democratic Services, in the Town Hall.

For use by Committee Administration

This notice was lodged with me on _____

Signed _____



Helen Oakerbee
Assistant Director of Planning

Planning
London Borough of Havering
Mercury House, Mercury Gardens
Romford
RM13SL

Ministry of Housing, Communities and Local
Government
Fry Building
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SW1P 4DF

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e helenoakerbee@haverling.gov.uk
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26th March 2021
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Dear Minister,

RE: National Planning Policy Framework and National Model Design
Code: consultation proposals

The London Borough of Havering (LBH) welcomes the opportunity to comment on the proposed changes to the National Planning Policy Framework (NPPF) and the National Model Design Code (NMDC).

LBH supports the overarching aims of the amendments to the NPPF and the introduction of the NMDC in principle. Changes to the NPPF that clarify policy are generally welcome and the NMDC could help improve the design and place making of new development. However, LBH does have concerns about certain amendments to the NPPF as well as the content and role of the NMDC.

The Council responded to the Planning for the Future White Paper in October 2020 and, whilst supportive of the overarching aims to streamline and modernise the planning system, the response raised serious concerns regarding the White Paper seeking to further centralise the planning system, its targets and funding levy, and reduce the ability of local authorities and local residents to be able to respond to planning issues, losing the opportunity for residents and their representatives to have their views heard during the planning process. This continues to be the Council's strong view and is reflected within the Council's consultation response here. LBH urges that all proposals resulting in additional burdens on Councils should be fully costed with a clear and effective funding strategy put in place.

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LBH is committed to ensuring that future development in Havering meets the needs of, and is carried out in consultation with, the local community and protects the existing character of the Borough. This is demonstrated by the Havering Local Plan 2016-2031 which was submitted to the Secretary of State in March 2018. Our new Local Plan seeks to maintain and create sustainable communities in the borough so that Havering remains an attractive place where people want to live and business wish to invest. The Local Plan is now at a late stage of the examination process following consultation on its Main Modifications in late 2020.

LBH has responded to the consultation questions and these are enclosed with this letter. This letter should be considered alongside the responses to the consultation questions as it forms part of the Council's formal response. The Council's main objections are summarised below.

National Planning Policy Framework

The Council's key concerns regarding the proposed changes to the NPPF and the introduction of the National Model Design Code are summarised below.

Chapter 2 Achieving sustainable development (Question 1)

LBH believe that good design is not only about aesthetics but also about sustainability. Sustainable buildings should not only contribute to beauty and place making but should also provide sufficient space for occupiers with enough daylight and amenity, reduce climate change emissions, reduce water use, contribute to urban greening and reduce flood risk.

Chapter 4 Decision-making (Question 3)

LBH does not agree with the proposed restrictions to using Article 4 Directions in relation to change of use to residential. LBH believes that Local Planning Authorities should be able to remove permitted development rights in line with the current wording of the NPPF and that the proposed changes will reduce the ability of local authorities to respond to local planning issues.

National Model Design Code (Question 15)

LBH is supportive of the principles of good design and the use of design codes to help create high quality places. The Council and the local community are currently able to shape development through democratic processes and scrutiny that include Havering's Quality Review Panel, the Strategic Planning Committee, Cabinet and Full Council.

The Council's key concerns on the content and implementation of the National Model Design Code are outlined below. Detailed comments are provided in the attached document.

- The NMDC does not set out its relationship to the proposals in the Government's Planning for the Future White Paper. Design Codes can be

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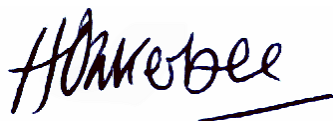
a valuable resource to support the current development management system and streamline the process for planning applications. However, if design codes are intended to replace much of the function of existing development management, there would be significant gaps that would mean that inappropriate development would not be sufficiently controlled by local authorities.

- A cap on the height or density of new development that is appropriate to Havering would be welcome as well as additional guidance on how to ensure such a cap would not prevent lower density schemes from coming forward.
- Collaboration between LPAs should be encouraged in the production of design codes as many LPAs are developing similar types of sites. LBH would be very supportive of a joint Outer London approach and guidance on how such an approach could be achieved would be very useful.
- The proposals, if implemented, are likely to result in a need for additional resources in order to implement them. The cost of producing design codes and how this will be funded is not clear. The level of community engagement proposed is significantly more than currently takes place for the majority of schemes and will require sufficient resourcing and training for LPA officers.

Public Sector Equality Duty (Question 16)

In line with the Equality Act 2010, the proposals should have “due regard to the need to eliminate unlawful discrimination, advance equality of opportunity and foster good relations”. The proposals should be accompanied by a full Equalities Impact Assessment and a Health Impact Assessment. In the absence of these documents, it is not possible to form a view on whether the duty has been appropriately met.

Yours faithfully

A handwritten signature in dark ink, appearing to read 'H Oakerbee', with a horizontal line underneath.

Helen Oakerbee
Assistant Director of Planning
London Borough of Havering

London Borough of Havering
National Planning Policy Framework and National Model Design Code
consultation proposals: Response to Consultation Questions

Context for Question 1

The proposed revisions to **Chapter 2 Achieving sustainable development** mainly address the Government's response to the Building Better Building Beautiful Commission.

1. Do you agree with the changes proposed in Chapter 2?

As set out in our response to the Planning White Paper LBH believe that good design is not solely about aesthetics. Beauty in buildings also comes with time and good quality buildings are not necessarily beautiful. Good quality, sustainable buildings should provide sufficient space for occupiers with enough daylight and amenity, reduce climate change emissions (in terms of construction materials and methods, and during occupation), reduce water use, contribute to urban greening and reducing flood risk, as well as contributing to place making and beauty.

Context for Question 2

The proposed changes to **Chapter 3 Plan-making** address the Government's response to the Building Better Building Beautiful Commission, and recent legal cases.

2. Do you agree with the changes proposed in Chapter 3?

LBH has no comments to make on the minor changes proposed in Chapter 3.

Context for Question 3

The changes proposed in **Chapter 4 Decision-making** seek to ensure Article 4 directions can only be used to remove national permitted development rights allowing changes of use to residential where they are targeted and fully justified (Paragraph 53). It is also proposed that Article 4 directions should be restricted to the smallest geographical area possible.

3. Do you agree with the changes proposed in Chapter 4? Which option relating to change of use to residential do you prefer and why?

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LBH does not agree with the proposed restrictions to using Article 4 Directions in relation to change of use to residential. Although no such Article 4 Directions removing national permitted development rights allowing change of use to residential have been implemented in Havering, it is important that Local Planning Authorities have the ability to remove permitted development rights in line with the current wording of the NPPF. The proposed changes are too restrictive and reduce the ability of local authorities to be able to respond to local planning issues.

Context for Question 4

The proposed revisions to **Chapter 5 Delivering a wide choice of high quality homes** seek to make clear existing policy and address the Government's response to the Building Better Building Beautiful Commission and recent legal cases.

4. Do you agree with the changed proposed in Chapter 5?

Refer to LBH's response to Q1 regarding beautiful buildings.

LBH has no comments to make on the minor changes proposed in Chapter 5.

Context for Question 5

The proposed changes to **Chapter 8 Promoting healthy and safe communities** aim to reflect the Building Better Building Beautiful Commission's recommendations on walkable neighbourhoods. The changes also emphasise the importance of networks of high quality open spaces for health, nature and addressing climate change.

5. Do you agree with the changes proposed in Chapter 8?

LBH has no comments to make on the minor changes proposed in Chapter 8.

Context for Question 6

The changes proposed in **Chapter 9 Promoting sustainable transport** reflect the Government's response to the Building Better Building Beautiful Commission recommendations on encouraging walking and cycling. Revisions also ensure the design of new schemes and the standards applied reflect current national guidance, guidance, including the National Design Guide and National Model Design Code.

6. Do you agree with the changes proposed in Chapter 9?

Refer to LBHs response to Q15 regarding Design Codes

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Context for Question 7

Proposed changes in **Chapter 11 Making effective use of land** reflect the Government's response to the Building Better Building Beautiful Commission recommendations. The changes emphasis the role of area-based character assessments, codes and masterplans in helping ensure efficient use of land and the creation of beautiful, sustainable places.

7. Do you agree with the changes proposed in Chapter 11?

Refer to LBHs response to Q1 and Q15 regarding Beautiful Buildings and Design Codes.

Context for Question 8

The revisions proposed to **Chapter 12 Achieving well-designed places** reflect the

Government's response to the Building Better Building Beautiful Commission and include a number of changes and additions that relate to the National Design Guide and the National Model Design Code.

New paragraph 130 seeks to ensure that all new streets are tree-lined, and that existing trees are retained wherever possible.

8. Do you agree with the changes proposed in Chapter 12?

Refer to LBHs response to Q15 regarding Design Codes.

LBH support new paragraph 130 which recognises the importance of trees for their contribution to the character and quality of urban environments and to help mitigate and adapt to climate change.

Context for Question 9

The proposed changes to **Chapter 13 Protecting the Green Belt** seek to clarify existing policy. New paragraph 149(f) has been changed slightly to set out that development, including buildings, brought forward under a Community Right to Build Order or Neighbourhood Development Order, is not inappropriate in the Green Belt providing it preserves its openness and does not conflict with the purposes of including land within it.

Neighbourhood development orders can be introduced by Neighbourhood Forums (subject to an independent examination) to grant planning permission for specific types of development in a particular area. Community development orders are a type of neighbourhood development order and can grant planning

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permission for small scale community led development such as housing, community centre, business hubs and community energy schemes.

9. Do you agree with the changes proposed in Chapter 13?

There are no designated Neighbourhood Forums in Havering, LBH has no comments to make on the minor changes proposed in Chapter 13 but wishes to make clear it opposes indiscriminate development in the Green Belt.

Context for Question 10

The changes proposed in **Chapter 14 Meeting the challenge of climate change, flooding and coastal change** aim to strengthen environmental policies and clarify aspects of policy related to planning and flood risk. New paragraphs 160 and 161 have been amended to make clear that the policy applies to all sources of flood risk. New paragraph 160(c) has been changed to ensure plans should manage any residual flood risk by making use of opportunities provided by new development and improvements in green and other infrastructure. New paragraph 163 has been changed to clarify the criteria for the exception test and new paragraph 166(b) has been expanded to define what is meant by “resilient”. The Flood Risk Vulnerability Classification has been moved from planning guidance into national planning policy (set out in Annex 3 and referred to in paragraph 162).

10. Do you agree with the changes proposed in Chapter 14?

LBH support the minor changes and clarifications proposed in Chapter 14 relating to flood risk. LBH is committed to reducing the causes and impacts of flooding.

Context for Question 11

The proposed revisions to **Chapter 15 Conserving and enhancing the natural environment** clarify existing policy and reflect the Government's response to the Building Better Building Beautiful Commission. New paragraph 175 states that that development within National Parks, the Broads and Areas of Outstanding Natural Beauty should be sensitively located and designed in order to avoid adverse impacts on the designated landscapes. New paragraph 179(d) has been amended to make clear that development whose primary objective is to conserve or enhance biodiversity should be supported and that opportunities to improve biodiversity in and around other developments should be pursued as an integral part of their design.

11. Do you agree with the changes proposed in Chapter 15?

LBH has no comments to make on the changes proposed relating to National Parks, the Broads and Areas of Outstanding Natural Beauty.

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LBH supports the proposed changes which seek to strengthen existing policy regarding biodiversity improvements.

Context for Question 12

The changes proposed to **Chapter 16 Conserving and enhancing the historic environment** reflect a change made to national planning policy by a Written Ministerial Statement on protecting our nation's heritage dated 18 January 2021.

New paragraph 197 makes clear that authorities should have regard to the need to retain historic statues, plaques or memorials, with a focus on explaining their historic and social context rather than removal, where appropriate.

12. Do you agree with the changes proposed in Chapter 16?

LBH has no comments to make

Context for Question 13

The proposed changes to **Chapter 17 Facilitating the sustainable use of minerals** make minor changes to clarify existing policy. Changes include new paragraph 209(c) which has been revised to refer to Mineral Consultation Areas in order to clarify that this is an important mechanism to safeguard minerals particularly in two tier areas, and to reflect better in policy what is already defined in Planning Practice Guidance.

13. Do you agree with the changes proposed in Chapter 17?

LBH has no comments to make on the proposed clarification regarding Mineral Consultation Areas. This reflects what is already set out in Planning Practice Guidance,

Context for Question 14

A number of amendments are proposed to **Annex 2 Glossary**.

14. Do you have any comments on the changes to the glossary?

LBH has no comments to make on the proposed changes to the glossary

Context for Question 15

The consultation is seeking views on the draft National Model Design Code which provides detailed guidance on the production of design codes, guides and policies to promote successful design.

15. We would be grateful for your views on the National Model Design

Code in terms of:

- a) The content of the guidance**
- b) The application and use of the guidance**
- c) The approach to community engagement**

LBH supports the principles of good design and the use of design codes to help create high quality places that will benefit people that live and work in the borough. Design codes can ensure that new development is appropriately designed for its location and delivers on sustainability, active travel and green infrastructure. The flexibility of design codes to provide overarching principles for an area as well as detailed specifications for particular development or types of development can be expected to improve design standards across the borough.

a) The content of the guidance

| Page number | Paragraph | Comment |
|----------------|-----------|---|
| General points | | <ul style="list-style-type: none">• The vision behind the design code for a site may never be realised due to subsequent actions of occupiers, such as removal of soft landscaping and paving over gardens. The document does not provide guidance on how to increase resilience of new development to prevent deterioration during lifetime of that development.• There is insufficient recognition of the needs of vulnerable groups, such as children, people with mobility issues and visually impaired people, in the development of design codes to ensure the built environment is fully inclusive. Successful design codes should enable freedom of movement, access to nature and open space and opportunities to interact with neighbours for these groups.• The need to integrate the different elements included in design coding should be emphasised. Otherwise, certain elements will not receive the attention needed and the full benefits of design codes will not be realised. |
| 3 | 13. | For larger schemes standards may improve over the life time of a development so it is important that the design code can be reviewed when a particular phase comes forward for development. Changes to existing design code(s) would need to be justified, for example due to higher environmental performance being required. |
| 3 | 14. | A greater level of community involvement is proposed than currently takes place for the majority of schemes. It will |

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| | | require sufficient resourcing and training for LPA officers to ensure there is genuine engagement with communities. |
| 4. | 17. | No information is provided on how the guidance in this section relates to the London Plan 2021 and the draft Good Quality Homes for All Londoners Guidance. |
| 6 | 23. | LPAs should be able to develop borough wide codes and more detailed design codes tailored to specific areas or development sites. The three options should not be mutually exclusive. |
| 6 | 27. | This list of minimum requirements should include biodiversity and green infrastructure. If they are subsumed into landscape and open spaces they are likely to be overlooked. |
| 7 | Figure 2 | <ul style="list-style-type: none"> Context should include an issue for the Landscape or Natural Environment. This should be considered to have the same significance as Heritage which is already included as an issue for this category. Artificial light is an issue that should be added to the Nature category, as it can have significant impacts on biodiversity whether in streets, open spaces or on buildings. Under Nature, it is not clear what the issues Design and Working with Water actually mean. The issues under Life Span should be required for Urban Extensions and an additional issue should be added – Monitoring. |
| 14 | Consultation box | Detailed guidance on consultation should be provided to ensure genuine community engagement takes place across a broad spectrum of the community and not just with easily identified groups of stakeholders. |
| 14 | Figure 11 | There should be greater emphasis on movement and the inclusion of local streets in the masterplan. |
| 18 | i Open spaces: Open space standards may vary etc. | The contribution the public realm can make to providing benefits of, or sharing attributes with, open space should also be considered. For example, streets with lower traffic speeds can be designed to provide seating, play space, trees and greenery. Highways can be designed to incorporate SUDs. |
| 19 | iv Grain: The pattern of plots in an urban block/area. | The grain of new development should integrate car parking into the design of new schemes, enable walking and cycling and avoid creating new barriers to a choice of travel modes. The illustration in Figure 18 Town centre courtyard blocks demonstrates how such barriers may be created. |

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| 19 | Built forms | There can be significant variations in typology within different zones, particularly in town centres, and there is a risk of approval in principle for poorly defined typologies. |
| 20 | vi Building line | Set back should take into account how that space is likely to be used by future occupiers and how it can be designed to avoid deterioration of the street scene and public realm over time. |
| 21 | vii Heights | A cap on height or density that is appropriate for Havering would be a useful component of a design code. Guidance should be provided on how to ensure a cap does not become a target and prevent lower density schemes coming forward. |
| 24 | Public space | The definition of types of streets is based on traffic movement and seems to only consider active travel modes on local streets. |
| 27 | Homes and buildings | Specifying minimum distances is helpful but there may be exceptions that should be considered (e.g. fine grain mews streets). |
| 28 | 57. | Context should include landscape as well as heritage. |
| 28. | 3.B Code Wide Guidance | It is not clear if Code Wide guidance will be needed following adoption of the London Plan 2021 or if there will be duplication of information in the Local Plan. |
| 28 | ii Active travel | Existing and new communities should be consulted on low traffic neighbourhoods. Freedom of travel choice (whether that be by car, foot or cycle) should be enabled by new development where possible. |
| 30 | 60. Nature | The nature/biodiversity example is useful but is something that could be provided in the Local Plan. The design code needs to provide detailed specifications for species and habitats, and habitat management, in order to achieve biodiversity gains. |
| 30 | 60. Nature I Green infrastructure | Green infrastructure also needs to connect within the site and to green infrastructure outside the site. It is not just about creating a new park or open spaces. |
| 30 | 60. Nature ii Water and drainage | SUDS should comply with the policy and drainage hierarchy set out in Policy SI 13 Sustainable drainage in the London Plan 2021, with surface SUDs prioritised wherever possible. The use of artificial surfaces such as permeable paving should be minimised as they provide no additional benefits such as urban greening or mitigation of extreme temperatures. |
| 30 | iii Biodiversity | Schemes should achieve at least 10% net gain in biodiversity. However, for sites with little existing biodiversity, 10% net gain is unlikely to be sufficient to achieve meaningful change or connection with biodiversity on adjacent sites. In London the Urban Greening Factor also applies and should be sign posted. |

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| 33 | 67. Lifespan | Lifespan should include monitoring. How a scheme is actually constructed may differ from approved plans; the way in which occupiers use and adapt private space can significantly impact the effectiveness of the design code; the success of green infrastructure and biodiversity interventions needs to be measured over a minimum period of 10 years; and the views of occupants on the places they live and work in should be surveyed. This information can be used to inform future design codes and improve their effectiveness. |
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b) The application and use of the guidance

- The National Model Design Code does not set out its relationship to the proposals in the Government's Planning for the Future White Paper. Therefore it is not entirely clear in what context comments on this document should be made. Design Codes could be a valuable resource to help support the current development management system and streamline the process for individual planning applications. However, if design codes are intended to replace much of the function of existing development management, there would be significant gaps that would mean development would not be sufficiently controlled.
- A cap on the height or density of new development appropriate to the characteristics of an area would be welcomed by LBH. It is important that guidance is provided on how a cap can be implemented to ensure it does not deter lower density schemes being brought forward. A cap on height or density should not be used as a reason for failing to take account of the characteristics of an area which may warrant a lower density scheme.
- There may be difficulties achieving consensus between local communities and the LPA, or the developer. The guidance does not provide advice on how LPAs should proceed in such circumstances or on alternatives to design codes.
- For areas not covered by design codes, alternative processes may be needed and guidance should be provided on this.
- Guidance should be provided on the status of the design code document and the approach to updating the document over time. If a formal consultation or adoption process is required for wider area design codes, the guidance should set out how sufficient flexibility can be built in to allow further detail to be added as individual sites come forward.
- The process for who will produce design codes (LPAs, developers or communities) and how the codes will be endorsed raises a number of issues that need clarification:

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- Competing design codes for the same area may be produced by parties with different interests and it is not clear how this could be avoided.
- It is not clear how suitable parameters for development will be established if developers produce their own design codes. Would these be in addition to design codes produced by LPAs?
- It is unclear how partnerships between developers and LPAs will be funded and if partnerships could involve multiple developers.

The LPA should retain control of the Design Codes adopted within their local authority area. Where design codes are not produced by the LPA, approval of the design code by the LPA should be required.

- Detailed information is needed on how the development of a design code will interface with the pre-application process. In effect, the pre-application process may become an assessment against design code criteria.
- Densities specified in Local Plan documents can quickly become out of date. As a result, the number of homes specified in site allocations in Local Plans may not be adhered to for individual sites when they come forward for development. It is therefore important that there is a process that allows Design Codes to be updated.
- Where large site, higher density schemes are proposed, it is important that they are accompanied by a site wide masterplan which has a high level of detail within it to ensure the site strategy can be resolved appropriately.
- Collaboration between LPAs should be encouraged in the production of design codes as many LPAs are developing similar types of sites. It would be useful to set out a method to share codes (or evidence to support codes) between LPAs. For example, a series of model design codes for different types of sites would be helpful. The opportunities for a joint Outer London approach should be explored and guidance on how such an approach could be achieved would be a useful addition to the document.

c) The approach to community engagement

- A greater level of community involvement is proposed than currently takes place for the majority of schemes. This will require sufficient resourcing and training for LPA officers to ensure there is genuine engagement with communities. (Page 4, point 19).
- The document needs to clarify how the local community being consulted will have agency to influence design codes. For example, issues around maximum heights/densities or the quality of public space or green infrastructure that are acceptable to local communities may be incompatible with the developer's viability assessment.

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- Further information should be provided on processes and mechanisms, such as ballots, to demonstrate endorsement of a design code by local people.

Context for Question 16

16. We would be grateful for your comments on any potential impacts under the Public Sector Equality Duty?

The proposals should be accompanied by a full Equalities Impact Assessment and an Health Impact Assessment.