



<b>SIGNED OFF BY</b>	Head of Planning
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<b>TO</b>	Executive
<b>DATE</b>	Thursday, 28 January 2021
<b>EXECUTIVE MEMBER</b>	Portfolio Holder for Planning Policy

<b>KEY DECISION REQUIRED</b>	N
<b>WARDS AFFECTED</b>	(All Wards);

<b>SUBJECT</b>	Local Character & Distinctiveness Design Guide Supplementary Planning Document for Consultation
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<b>RECOMMENDATIONS</b>
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- (i) **The Executive approve the revised draft Local Character and Distinctiveness Design Guide for public consultation.**
- (ii) **The Head of Planning in consultation with the Executive Member for Planning Policy be authorised to make any necessary minor factual or typographic amendments to the draft revised Supplementary Planning Document prior to consultation.**

<b>REASONS FOR RECOMMENDATIONS</b>
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Following the adoption of the Development Management Plan in September 2019, the Local Distinctiveness Design Guide Supplementary Planning Guidance (SPG) (2004) has been updated to reflect changes in national and local planning policy.

Regulation 12(b) of the Town and Country Planning (Local Planning) (England) Regulations 2012 require public consultation on draft supplementary planning documents for at least 4 weeks prior to adoption.

## **EXECUTIVE SUMMARY**

This report sets out the steps taken to produce the draft revised Local Character and Distinctiveness Design Guide Supplementary Planning Document (SPD), summarises the changes from the currently adopted SPG and outlines the proposals for consultation.

Consultation on the draft supplementary planning document is planned to be undertaken for four weeks in February 2021 with adoption planned for June 2021.

Alongside adoption of the revised Local Character and Distinctiveness Design Guide SPD, the Executive will also be asked to formally revoke the existing Local Distinctiveness Design Guide Supplementary Planning Guidance in accordance with Section 25 of the Planning Act 2008 and Regulation 15 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended).

**Executive has authority to approve the above recommendations.**

## **STATUTORY POWERS**

1. The Council has no statutory obligation to produce supplementary planning documents but has powers under planning legislation to consult on and adopt supplementary planning documents as appropriate. The Planning Act 2008, Planning and Compulsory Purchase Act 2004 (as amended) and the associated Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended), set out the requirements for the preparation and revision of supplementary planning documents.
2. The relevant Regulations require a Consultation Statement to be prepared to summarise who has been involved in the preparation of the supplementary planning document, and for this to be made available during the statutory public consultation. This Initial Consultation Statement is provided as a supporting document (as Annex 2).
3. A screening process has been undertaken to assess whether or not the supplementary planning document requires a strategic environmental assessment (SEA) and Habitats Regulation Assessment (HRA). The two screening opinions are annexed to this report and conclude that the revised Local Character and Distinctiveness Design Guide Supplementary Planning Document does not require full SEA nor HRA, a view that was confirmed by the three statutory consultation bodies.
4. The draft supplementary planning document is compliant with the Human Rights Act 1998 (Legal to Confirm). Article 8 of the Human Rights Act allows for the protection and respect to a person's home. This right to home is a right to enjoy your existing home peacefully. Planning decisions must be proportionate and no more than necessary to address the particular circumstances. The proposed Local Character and Distinctiveness Design Guide is proportionate in its approach and compliant with Article 8. Protocol 1, Article 1 the right to enjoy personal property peacefully. Situations may arise where public authorities may restrict the way in which personal property is used. Planning decisions that restrict a person's use of their personal property must only be done if it is necessary for the public interest. The proposed

Design Guide strikes a fair balance between the interests of any property owner and those of the general public as a whole, and is therefore compliant with Protocol 1, Article 1 and the Human Rights Act 1998.

## **BACKGROUND**

5. Supplementary planning documents are documents which provide guidance to assist in implementing development plan policies. They may be used to provide further guidance for development on specific sites, or on particular issues such as design. They are material considerations in planning decisions.
6. The existing Local Distinctiveness Design Guide Supplementary Planning Guidance (2004) has been updated to reflect changes in both national and local planning policy. The intention is to revoke this document in accordance with Section 25 of the Planning Act 2008 and Regulation 15 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) following the adoption of the revised document.

## **KEY INFORMATION**

7. The 2004 Local Distinctiveness Design Guide Supplementary Planning Document no longer reflects national or local policy, has become outdated in places where design has evolved over the past 16 years. The draft revised SPD updates these Policy links and seeks to address some gaps in the current guidance. The draft Local Character and Distinctiveness Design Guide includes appropriate linkages to the National Planning Policy Framework 2019, Planning Practice Guidance and National Design Guide 2019 and removes references to obsolete documents including regional strategies and old style national planning policy guidance. It also links to current local policy in the Council's adopted development plan.
8. The draft revised supplementary planning document reflects the Reigate & Banstead Core Strategy (adopted 2014 and reviewed 2019) and the Reigate & Banstead Development Management Plan (adopted 2019) including references to Core Strategy policies CS4 'Valued townscapes and the historic environment', CS10 'Sustainable development', CS11 'Sustainable construction' and CS14 'Housing needs of the community' and Development Management Plan policies DES1 'Design of new development', DES2 'Residential garden land development', DES3 'Residential Areas of Special Character', DES8 'Construction management', DES9 'Pollution and contaminated land' NHE9 'Heritage assets'.
9. The draft revised supplementary planning document provides detail and guidance on how the Council will apply the above policies. It analyses character types and general design principles; outlines and illustrates design solutions; provides guidance on how to avoid poor design; provides a consistent approach to assessing planning applications; and includes examples of how new development can be designed to reflect local distinctiveness whilst responding to national and local policy.
10. A new section has been included on the design process to assist architects and developers understand better what they need to do at what stage in the development's evolution. The SPD includes examples providing guidance for new forms of development, including higher density development within areas of high transport accessibility. Further detail has been provided with regards to development within Residential Areas of Special Character, green infrastructure networks and

green corridors. The draft revised document will enable decision makers to have a more up-to-date toolbox and will help avoid some of the gaps in the existing document. The title of the revised is Local Character and Distinctiveness Design Guide, and now includes the word “character” within the title, reflecting the enhancement of the “character” guidance.

## **OPTIONS**

11. Recommendation 1: That the Executive approve the draft revised Local Character and Distinctiveness Design Guide Supplementary Planning Document for public consultation.
  - a. Option 1: Approve the draft revised Local Character and Distinctiveness Design Guide for public consultation. This option is recommended as it would enable the Council to move towards the adoption of up-to-date guidance to provide clarity and certainty for developers, development management and others.
  - b. Option 2: Do not approve the draft Local Character and Distinctiveness Design Guide for public consultation. This option is not recommended as legislation<sup>1</sup> requires that supplementary planning document policy does not conflict with the adopted development plan.
12. Recommendation 2: That the Executive authorise the Head of Planning in consultation with the Executive Member for Planning Policy to make any necessary minor factual or typographic amendments to the draft Local Character and Distinctiveness Design Guide Supplementary Planning Document prior to consultation.
  - a. Option 1: Agree to the suggested authorisation for making any necessary minor factual or typographic amendments prior to consultation. This option is recommended.
13. Option 2: Do not agree to necessary minor factual or typographic amendments being made prior to consultation. This option is not recommended.

## **LEGAL IMPLICATIONS**

14. The updated Local Character and Distinctiveness Design Guide Supplementary Planning Document will come into effect on adoption and will become a material consideration in planning determinations where relevant. The current Local Distinctiveness Design Guide Supplementary Planning Guidance (2004) which in places conflicts with the more recently adopted development plan (Core Strategy and Development Management Plan) and national planning policy will be formally revoked on adoption of the revised supplementary planning document.

## **FINANCIAL IMPLICATIONS**

15. Detailing the design process should help encourage more developers to use the Council’s paid for pre-application advice service. The document’s clarity will help reduce the number of appeals by addressing some current SPG’s areas of ambiguity thereby providing certainty to decision makers and applications.

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<sup>1</sup> Regulation 8(3) Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended)

## **EQUALITIES IMPLICATIONS**

16. The Core Strategy and Development Management policies which the SPD provides additional guidance for have all been subject to Equalities Impact Assessment previously as part of their preparation and adoption. No negative impacts were identified.

## **COMMUNICATION IMPLICATIONS**

17. As detailed in the section above, should the Executive approve the draft revised SPD for consultation, in accordance with Regulation 12(b) of the Town and Country Planning (Local Planning) (England) Regulations 2012, the draft supplementary planning document will be subject to the statutory minimum four week public consultation before updated where necessary, and being recommended to the Executive for adoption.
18. During the consultation, the Council will invite comments on the draft revised SPD by emailing and writing to interested parties (specific and general consultees, prescribed bodies for the Duty to Co-Operate and other individuals and organisations registered on the Planning Policy database for such purpose), and will also make the documents available on the Council website and in paper format at the Town Hall and in the six libraries in the borough (subject to Covid restrictions). This consultation is currently timetabled for February 2021.

## **RISK MANAGEMENT CONSIDERATIONS**

19. No risk management considerations have been identified.

## **OTHER IMPLICATIONS**

20. No further implications have been identified.

## **CONSULTATION**

21. The preparation of the draft revised supplementary planning document has been informed by discussion with the Development Management Team, Senior Conservation officer and Development Management Advisory Group. Details of people and organisation involved and their input into drafting the revised supplementary planning document (SPD) is set out in the Initial Consultation Statement annexed to this report.
22. In accordance with Regulation 12(b) of the Town and Country Planning (Local Planning) (England) Regulations 2012, the draft revised SPD will be subject to a statutory minimum four week public consultation before being recommended to the Executive for adoption. During the consultation, the Council will invite comments by email and writing to interested parties<sup>2</sup> and we will make the documents available on the Council website and in paper format at the Town hall and six libraries in the borough, subject to Covid restrictions. This consultation is currently timetabled for February 2021.

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<sup>2</sup> Specific and general consultees, prescribed bodies for the Duty to Co-Operate and other individuals and organisations registered on the Planning Policy database for such purpose.

23. Following the formal consultation stage, the draft revised SPD will be amended to take account of consultation responses received and any further relevant information. The Initial Consultation Statement prepared to accompany the draft supplementary planning document for consultation will be updated with a list of who we consulted at the formal consultation stage, a summary of the comments received and how those comments have been addressed in finalising the supplementary planning document.

### **Resource Implications**

24. The consultation and work towards adoption of the supplementary planning documents will mainly come from the Planning Policy Team. As no Examination is required for supplementary planning documents, costs will therefore be limited to officer time, consultation, printing and production costs, all within existing budgets.

## **POLICY FRAMEWORK**

25. Supplementary planning documents are optional for the Council to produce. The updating of the existing Local Distinctiveness Design Guide Supplementary Planning Guidance (2004) will provide supplementary guidance to assist in the implementation of the Core Strategy and Development Management Plan. It is however not part of the Council's Policy Framework under the existing Constitution.

## **BACKGROUND PAPERS**

1. [Planning and Compulsory Purchase Act 2004 \(as amended\)](#)
2. [Planning Act 2008 \(as amended\)](#)
3. [Town and Country Planning \(Local Planning\) \(England\) Regulations 2012 \(as amended\)](#)

### **Annexes**

Annex 1: Draft Local Character and Distinctiveness Design Guide Supplementary Planning Document

Annex 2: Initial Consultation Statement

Annex 3: Strategic Environmental Assessment and Habitats Regulations Assessment Screening Statements