



SIGNED OFF BY	Head of Planning
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TO	Executive
DATE	Thursday, 16 November 2023
EXECUTIVE MEMBER	Portfolio Holder for Planning Policy and Place Delivery

KEY DECISION REQUIRED	N
WARDS AFFECTED	Horley Central & South, Horley East & Salfords, Horley West and Sidlow, Earlswood and Whitebushes, Meadvale and St Johns, Redhill East and Redhill West and Wray Common

SUBJECT	A23 Great Street Design Code Supplementary Planning Document (SPD) for Consultation
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RECOMMENDATIONS	
(i)	The Executive approve the draft A23 Great Street Design Code Supplementary Planning Document (SPD) for public consultation.
(ii)	The Head of Planning in consultation with the Executive Member for Planning Policy, be authorised to make any necessary minor amendments to the draft A23 Great Street Design Code Supplementary Planning Document (SPD) prior to consultation.

REASONS FOR RECOMMENDATIONS

The draft Supplementary Planning Document (SPD) will provide a set of rules and guidance material to help improve the design of development along the stretch of the A23 corridor between Redhill and Horley. It will give developers and decision makers the tools to improve

the design quality of new developments and provide a coordinated response to design development along the focus area of the A23. The Design Code will help support the Local Plan as a SPD. The council is required to consult on planning documents before they can be adopted, following which comments received will be considered before being reported back.

EXECUTIVE SUMMARY

This report provides the background to the preparation of the draft A23 Great Street Design Code Supplementary Planning Document, explains why the document has been prepared, outlines the proposals for consultation and how it will be used in the determination of planning applications.

Consultation on the draft supplementary planning document is planned to be undertaken for a minimum of 4 weeks starting in December 2023 with adoption anticipated in March 2023.

Executive has authority to approve the above recommendations.

STATUTORY POWERS

1. The Council has no statutory obligation to produce supplementary planning documents (SPDs) but has powers under planning legislation to consult on and adopt SPDs 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 of SPDs.
2. The relevant Regulations require a Consultation Statement to be prepared to summarise who has been involved in the preparation of SPD, and to be made available during the public consultation. This initial Consultation Statement is provided as an Annex to this report.
3. A screening process has been undertaken to assess whether or not the SPD requires a Strategic Environmental Assessment (SEA) and Habitats Regulation Assessment (HRA). The screening opinions are annexed to this report and conclude that the SPD does not require SEA and HRA.
4. The draft SPD is compliant with the Human Rights Act 1998.

BACKGROUND

5. Supplementary Planning Documents (SPDs) are documents which provide guidance to assist in implementing development plan policies, in this case the Core Strategy 2014 (reviewed 2019) and Development Management Plan (DMP) 2019. 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. Due to the challenges in ensuring good design of development and the need to respond

to these challenges, a draft A23 Great Street Design Code Supplementary Planning Document has been prepared in accordance with the Planning Act 2008 and the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended). The Government is intending to expand the use of design codes and to this end funded the Council in the preparation of this code, to help act as a pathfinder.

KEY INFORMATION

Reason for the Draft SPD

6. The draft SPD has been prepared to support the following key Core Strategy Policies:

- CS1 Presumption in favour of sustainable development
- CS2 Valued landscapes and the natural environment
- CS4 Valued townscapes and the historic environment
- CS5 Valued people and economic development
- CS7 Town and local centres
- CS10 Sustainable development
- CS11 Sustainable construction
- CS17 Travel options and accessibility

In addition, the following key Development Management Policies are identified that the SPD will support:

- DES1 Design of new development
- DES2 Residential garden land development
- DES5 Delivering high quality homes
- DES9 Pollution and contaminated land
- OSR2 Open space in new developments
- TAP1 Access, parking and servicing
- CCF1 Climate change mitigation
- NHE1 Landscape protection
- NHE2 Protecting and enhancing biodiversity and areas of geological importance
- NHE3 Protecting trees, woodland areas and natural habitats
- NHE4 Green and blue infrastructure
- NHE9 Heritage assets

The Local Plan policies provide overarching objectives, but the proposed SPD provides guidance on how RBBC's Local Plan and related design objectives can be delivered.

7. The National Planning Policy Framework (NPPF) 2023 states *“that local planning authorities should prepare design guides or codes consistent with the principles set out in the National Design Guide and National Model Design Code and which reflect local character and design preferences”*. Design codes are to be prepared to provide a framework for creating high quality designed places. The Local Plan provides the policies, to deliver the vision and objectives, to set out design expectation at a broad level which provide the hooks for the Design Code. The codes in the SPD provide clear indication of the design expectations and expand upon the policies already adopted.

8. The Department of Levelling Up, Housing and Communities (DLUHC) have established the new 'Office for Place' to help Councils create beautiful places. As part of this process, the Pathfinder Design Code programme was set up to help support 25 pathfinders to develop design codes that provide certainty to local communities and developers. RBBC was successful in its application for the Pathfinder programme and have been working closely with DLUHC, Design Council and other pathfinders to help develop the A23 Great Street Design Code. With the support grant provided, Urban Initiatives Studio (UIS) along with Urban Movement, were commissioned to develop the Design Code.
9. All development that interfaces the A23 Great Street will need to meet the requirements of the Design Code. It is aimed to provide certainty to developers and landowners about what is expected of them when promoting development in an area and to assure to the local community about how their area may change over time. The code will be used as a tool by a range of individuals and groups including the Council, developers, builders, design professionals, residents and town and parish councils.
10. Stakeholders and the wider public have been engaged throughout the process of the Design Code programme. The views and feedback from the engagement have been used to help inform the emerging code. More detail on the engagement is included in the initial consultation statement, provided as Annex 2 of this report.
11. Surrey County Council officers have been involved through the process and are also part of the Pathfinder programme. Surrey CC have produced their 'Healthy Streets' Design Code SPD which aims to raise the standard of street design across the county and create streets that are safe, green, beautiful, and resilient in line with the ambitions of Community Vision for Surrey 2030. Their SPD as part of their Pathfinder journey has been digitised as a web tool that is now live. The A23 Great Street Design Code uses the Surrey Healthy Streets Code as a starting point for preparing more place specific codes.
12. Whilst the draft SPD provides rules and guidance associated with existing policies, it has been designed to facilitate change to more sustainable forms of design development.

Document Structure

13. The Design Code is split into two main parts. Part A is the vision for the A23 Great Street and Part B contains the codes and guidance. Part A contains three chapters to introduce the document and develop the local context and finally to set out the ambitions for the Design Code. Part B is split into five chapters based on the characteristics of the National Design Guide and National Model Design Code. The chapters are based on movement, nature, built form, identity and streets and public space. Each chapter in Part B contains a checklist which acts as a compliance tracker for users of the code (including Council officers) to check the codes have been appropriately considered.

Benefits

14. Other local planning authorities, including those in the pathfinder programme, are progressing Design Codes to set the standard for design in their areas. These efforts are in line with the NPPF and also create tools to contribute to sustainable development by setting established design principles.

15. The draft SPD seeks to address some recognised shortfalls of design that has occurred without a comprehensive Design Code. Current standard approaches for design are reliant on Local Plan policies and the guidance provided by the Local Character and Distinctiveness Design Guide (LCDDG) SPD, which covers the whole borough. The Design Code elaborates on the policies from the Local Plan and provides a firm set of design guidance that build on the contents of the LCDDG.
16. The draft SPD outlines the Council's vision to deliver high quality of life and environment and vibrant local communities, places and spaces within the study area.
17. The draft SPD will enable the Council to have the tools to meet NPPF policies and objectives and elaborate on the Council's own design related policies. It should be noted however that it has been designed to be flexible enough to not be overly onerous.

OPTIONS

18. Recommendation 1: That the Executive approve the draft A23 Great Street Design Code Supplementary Planning Document (SPD) for public consultation.
 - a. **Option 1:** Approve the draft SPD for 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, making best use of the work undertaken.
 - b. **Option 2:** To not approve the draft A23 Great Street Design Code SPD for public consultation. This option is not recommended as it would reduce the benefits associated with the design work undertaken.
19. Recommendation 2: That the Executive authorise the Head of Planning in consultation with the Executive Member for Planning Policy to make any necessary minor amendments to the draft Supplementary Planning Document (SPD) prior to consultation.
 - a. **Option 1:** Agree to the suggested authorisation for making any minor amendments prior to consultation. This option is recommended.
 - b. **Option 2:** To not agree to necessary minor amendments being made prior to consultation. This option is not recommended.

LEGAL IMPLICATIONS

20. As required by the Environmental Assessment of Plans and Programmes Regulations 2004 and the Conservation of Habitats and Species Regulations 2017, the Council undertook Strategic Environmental Assessment (SEA) and Habitats Regulations Assessment (HRA) screening to determine whether the proposed SPD should be subject to SEA and HRA Appropriate Assessment. This assessment is appended to this report, it concluded that there is not a need for SEA or a full Appropriate Assessment under the HRA.

21. The Local Planning Regulations require the draft SPD to be subject to at least four weeks consultation, and to be updated as required in response to the comments received, and other relevant matters, before adoption.

22. The SPD will come into effect on adoption and will become a material consideration in planning determinations where relevant. The SPD will comply with the adopted development plan and latest national planning policy.

FINANCIAL IMPLICATIONS

23. Resources for consultation and finalising and adopting the SPD will mainly come from the Planning Policy Team. As no Examination is required for SPDs, costs will be limited to officer time, consultation and production costs, all within existing budgets.

24. The costs of the public consultation and subsequent adoption of the SPD will be met from existing Planning and Facilities (printing) revenue budgets and the work should not affect the timing or delivery of other planning policy work, such as the local plan.

EQUALITIES IMPLICATIONS

25. In accordance with the Council's Public Sector Equality Duty, an Equalities Impact Assessment (EqIA) screening was undertaken for the pre-submission DMP (at the Regulation 19 stage). This identified no negative equalities impacts, and identified positive equalities in relation to older people, younger people and children, disability, pregnancy and maternity, racial and specific ethnic groups. An updated EqIA was then prepared in respect of the DMP for adoption (including the Main Modifications proposed by the Inspector). This similarly identified no negative equalities, but further positive outcomes.

26. Given that no negative equalities impacts were identified for the DMP, at this stage a full EqIA is not considered to be required for this SPD, which provides guidance on implementation of the adopted Core Strategy and DMP Policies. However, prior to finalising the SPD for adoption, an assessment will be undertaken to confirm if there any equalities implications arising from the publication of the document and (as relevant) how any negative implications can be avoided or mitigated; these will be included in the final report back to the Council. Any concerns about equality issues raised as part of the public consultation will be fed into this.

COMMUNICATION IMPLICATIONS

27. As detailed in the body of the report above, following Executive approval in accordance with Regulation 12(b) of the Town and Country Planning (Local Planning) (England) Regulations 2012, the draft SPDs will be subject to a statutory minimum four-week public consultation before being updated and recommended to the Executive for adoption. As the proposed consultation will run during the Christmas period, it is recommended that the consultation period runs for an extra two weeks on top of the minimum four weeks to run for a total of six weeks. This will give sufficient time to account for the Christmas holiday

period. During the consultation, the Council will invite comments 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 we will make the documents available on the Council website and in paper format at the Town Hall and the six libraries in the borough. This consultation is currently timetabled for December 2023/January 2024.

ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

28. The Design Code SPD codes for nature as one of the chapters in the document. The chapter delivers the guidance for environmental related design development which will have implications for environmental sustainability. In producing the draft SPD for consultation, the Council along with the specialist consultations, Urban Initiatives Studio (UIS), who amongst other issues, advised on general and environmental principles for enhancing the study area with regards to blue infrastructure, green infrastructure and biodiversity, open/green space, sustainable design, and sustainable movement (including maximising opportunities for using active travel). In this regard, the SPD complements the themes and objectives within the Council's adopted Environmental Sustainability Strategy, including energy and carbon reduction and supporting nature and biodiversity.
29. The Initial Consultation Statement, provided at Annex 2 to this report, that will accompany the draft SPD for consultation includes summaries of the environmental sustainability issues raised, considered, and incorporated in the draft SPD for consultation. The draft SPD also includes the need to consider and comply with the Council's Climate Change and Sustainable Construction SPD 2021.
30. The Council has "screened" the emerging draft SPD for both Strategic Environmental Assessment (SEA) and Habitats Regulations Assessment (HRA), which both concluded that neither a full SEA nor Appropriate Assessment under the Habitats Regulations are required (see "Legal Implications" section above).

RISK MANAGEMENT CONSIDERATIONS

31. No risk management considerations have been identified for this emerging Supplementary Planning Document.

CONSULTATION

32. The preparation of the draft updated SPD has been informed by discussions with the Council's Development Management Team, Senior Conservation Officer, the Member Development Management Advisory Group, Cross Member Sustainability Group, the Council's Sustainability Project Officer and Surrey County Council's Climate Change Officer. Details of people and organisations involved and their input into the draft SPD is set out in the Initial Consultation Statement annexed to this report.
33. In accordance with Regulation 12(b) of the Town and Country Planning (Local Planning) (England) Regulations 2012, the draft 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 emailing and writing to interested parties 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. This consultation is currently timetabled for December 2023/January 2024.

34. Following the formal consultation stage, the draft 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 SPD for the consultation will be updated with a list of who we have consulted, a summary of the comments received and how those comments have been addressed in finalising the SPD.

POLICY FRAMEWORK

35. The SPD will contribute to the corporate plan place objectives to:
- Ensure new development is properly planned and sustainable, and benefits the borough's communities and the wider area
 - Drive the continued economic prosperity of the borough, facilitate improved business infrastructure and confirm the borough's reputation as a great place to do business and
 - Reduce our own environmental impact, support residents and businesses to do the same, and make sure our activities increase the borough's resilience to the effects of climate change.
36. It will also assist Local Plan policies listed at paragraph 6.

BACKGROUND PAPERS

1. Local Plan Core Strategy (2014 reviewed 2019) - https://www.reigate-banstead.gov.uk/downloads/download/1380/reigate_and_banstead_local_plan_-_core_strategy
2. Development Management Plan (2019) - https://www.reigate-banstead.gov.uk/downloads/file/5767/development_management_plan
3. Surrey County Council Healthy Streets Design Code (2023) - <https://healthystreets.surreycc.gov.uk/>
4. Local Character and Distinctiveness Design Guide SPD (2021) - https://www.reigate-banstead.gov.uk/download/downloads/id/6614/local_character_and_distinctiveness_design_guide_spd.pdf

ANNEXES

Annex 1: Draft A23 Great Street Design Code SPD for consultation

Annex 2: Draft A23 Great Street Design Code SPD initial consultation statement

Annex 3: Draft A23 Great Street Design Code SPD SEA & HRA screening statement

