



<b>SIGNED OFF BY</b>	Head of Planning
<b>AUTHOR</b>	Tomas Pugh-Cook, Senior Planning Policy Officer
<b>TELEPHONE</b>	6107
<b>EMAIL</b>	Tomas.Pugh- Cook@reigate- banstead.gov.uk
<b>TO</b>	Overview and Scrutiny and Executive
<b>DATE</b>	Thursday, 13 June and Thursday, 20 June 2024
<b>EXECUTIVE MEMBER</b>	Portfolio Holder for Planning Policy and Place Delivery

<b>KEY DECISION REQUIRED</b>	N
<b>WARDS AFFECTED</b>	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

<b>SUBJECT</b>	A23 Great Street Design Code Supplementary Planning Document (SPD) for Adoption
----------------	--

<b>RECOMMENDATIONS</b>	
	<p><b><u>Overview and Scrutiny</u></b></p> <p>(i) <b>Overview and Scrutiny notes the document and provides any comments to the Executive for consideration.</b></p> <p><b><u>Executive</u></b></p> <p>(i) <b>The Executive approve the draft A23 Great Street Design Code Supplementary Planning Document (SPD) for adoption.</b></p> <p>(ii) <b>The Head of Planning in consultation with the Executive Member for Planning Policy, be authorised to make any necessary minor amendments</b></p>

**to the draft A23 Great Street Design Code Supplementary Planning Document (SPD) prior to implementation.**

## **REASONS FOR RECOMMENDATIONS**

The draft Supplementary Planning Document (SPD) will provide a high-level 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 vision to design development along the focus area of the A23. The Design Code will help support the Local Plan as an SPD. In accordance with Regulation 12(b) of the Town and Country Planning (Local Planning) (England) Regulations 2012, public consultation on the draft SPD was undertaken 7 December 2023 to 18 January 2024.

## **EXECUTIVE SUMMARY**

Following formal consultation and subsequent amendments, the report requests that the Executive adopt the A23 Great Street Design Code SPD (Contained in Annex 1). The public consultation resulted in strong engagement with a total of 64 different responses. The majority of the responses were neutral in nature and mostly suggested amendments to the SPD. There were also supportive comments about the document and the design principles presented. Key areas for concern were towards the content of the movement chapter and what this could mean with regards to traffic increase. All issues raised have been addressed in the consultation statement, and where considered appropriate, amendments have been made. The final consultation statement is a supporting document that can be viewed in Annex 2 of this report.

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. The final Consultation Statement is provided as a supporting document.
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 2024) 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. In order to set an aspirational vision for the area, to respond to the challenges in ensuring good design of development, 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, the 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 prepare 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 time taken for change will vary, but due to the Design Code being aspirational in nature, it would require developer investment, public sector funding and traffic surveys and modelling for real visionary change. 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 and a mandatory consultation period has been undertaken. The views and feedback from the engagement have been discussed in a meeting of the Local Plan Advisory Group (LPAG) and fed back to the consultants to make relevant amendments, to help inform the emerging code. More detail on the engagement is included in the 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 National Planning Policy Framework (NPPF) and also create tools to contribute to sustainable development by setting established design principles.
15. The draft SPD is an ambitious document that aims to help solve the national grand challenges we face as a society in line with public values and opinions. The ambitions aim to deliver four principle themes of the Design Code:
  - To make the area work better for pedestrians and cyclists;
  - To improve access to open spaces and parks;
  - To identify opportunities for development; and
  - To raise the quality of design.
16. 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 and rules that build on the contents of the LCDDG.
17. 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.
18. 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.

### **Next Steps**

19. Should the Executive be mindful to adopt the SPD, the new SPD, Consultation Statement and Adoption Statement will be made public on the Council's webpages subject to any final changes.
20. Members and Development Management will be notified. Training will be offered to officers and members.
21. The Council's Planning Application Validation list will be amended to include the new SPD.

### **OPTIONS**

22. Recommendation 1: That the Executive approve the draft A23 Great Street Design Code Supplementary Planning Document (SPD) for adoption.
- a. **Option 1:** Approve the draft SPD for adoption. This option is recommended as it would enable the Council 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 adoption. This option is not recommended as it would reduce the benefits associated with the design work undertaken and undermine the NPPF and pathfinder programme.
23. 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 adoption.
- a. **Option 1:** Agree to the suggested authorisation for making any minor amendments prior to adoption. This option is recommended.
  - b. **Option 2:** To not agree to necessary minor amendments being made prior to adoption. This option is not recommended.

## LEGAL IMPLICATIONS

24. 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.
25. 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

26. Resources for consultation and finalising and adopting the SPD have mainly come from the Planning Policy Team budget. As no Examination is required for SPDs, costs will be limited to officer time, consultation and production costs, all within existing budgets.
27. DLUHC have provided a grant towards the cost of preparing the Design Code.. The costs of the public consultation of the SPD have been met from existing Planning and Facilities (printing) revenue budgets and the work has not affected the timing or delivery of other planning policy work, such as the local plan.

## EQUALITIES IMPLICATIONS

28. 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.
29. Given that no negative equalities impacts were identified for the DMP, 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. A stage 1 screening assessment has been completed 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; this is included in the final report as Annex 5. Any concerns about equality issues raised as part of the public consultation have also considered and implemented.

## **COMMUNICATION IMPLICATIONS**

30. Following Executive approval to consult in November 2023, in accordance with Regulation 12(b) of the Town and Country Planning (Local Planning) (England) Regulations 2012, the draft SPD underwent a six week public consultation between 7 December 2023 – 18 January 2024 before being recommended to the Executive for adoption. As the consultation ran during the Christmas period, the consultation period ran for an extra two weeks on top of the minimum statutory four weeks to run for a total of six weeks. During the consultation, the Council invited 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). Media coverage and borough e-news were developed to raise awareness to the consultation. The documents were made available on the Council website and in paper format at the libraries in the borough and at the Town Hall. Once adopted a press release will be prepared and shared with media outlets.

## **ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS**

31. 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.

- 32. The Consultation Statement, provided at Annex 2 to this report, 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.
- 33. 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**

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

**CONSULTATION**

- 35. 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 Head of Place and Climate Change Officer. Details of people and organisations involved and their input into the draft SPD is set out in the Consultation Statement annexed to this report.
- 36. Following the formal consultation stage, the draft SPD has been amended to take account of consultation responses received and any further relevant information. The Consultation Statement prepared to accompany the draft SPD for the consultation has been updated with a summary of the comments received and how those comments have been addressed in finalising the SPD.
- 37. The consultation comments were mostly from individuals and there was a general concern raised towards traffic/congestion. The SPD has a principle aim to enhance active travel opportunities, in tangent with SCC’s bus improvement plans, this will help ease traffic flows and has been addressed in the consultation statement, and where appropriate the SPD. Any new development schemes that reduce street width will have to take into account traffic modelling including local roads and consult with SCC as the highways authority. Active travel opportunities and design principles in the SPD have been praised and there are positive sentiments towards the concept of the plans. Further responses and amendments made can be viewed in the Consultation Statement.

**POLICY FRAMEWORK**

- 38. 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.

39. It will also assist Local Plan policies listed at paragraph 6.

## **BACKGROUND PAPERS**

1. Local Plan Core Strategy (2014 reviewed 2019 and 2024) - [https://www.reigate-banstead.gov.uk/downloads/download/1380/reigate\\_and\\_banstead\\_local\\_plan\\_-\\_core\\_strategy](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](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](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

Annex 2: Draft A23 Great Street Design Code SPD Consultation Statement

Annex 3: Draft A23 Great Street Design Code SPD SEA & HRA Screening Statement

Annex 4: Draft Adoption Statement

Annex 5: Equalities Impact Assessment (stage 1 screening)