

## CABINET 3 FEBRUARY 2020

**Report title:** Draft Design Code Supplementary Planning Document

**Wards:** All

**Portfolio:** Cabinet Member for Planning, Investment and New Homes: Councillor Matthew Bennett

**Report Authorised by:** Eleanor Purser and Sara Waller: Strategic Directors for Sustainable Growth and Opportunity

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### Report summary

This report presents the draft Design Code Supplementary Planning Document (SPD) and seeks Cabinet approval to publish the draft SPD for public consultation. The Design Code SPD is being prepared in conjunction with the partial review of the Lambeth Local Plan, which is already underway. The current consultation draft has therefore been prepared in the light of the emerging policies in the Draft Revised Lambeth Local Plan Proposed Submission Version (January 2020). The finalised SPD will support the Revised Lambeth Local Plan, once the latter is adopted.

The Draft Design Code SPD is provided at Appendix 1.

### Finance summary

The production of the Draft Design Code SPD will be funded from existing general fund budgets of the planning department.

### Recommendations

1. To approve the Draft Design Code SPD at Appendix 1 for a first round of public consultation.

## 1. CONTEXT

- 1.1 The Draft Revised Lambeth Local Plan – Proposed Submission Version (DRLLP PSV) was approved by Cabinet and Council in January 2020. It includes a range of proposed policies which seek to ensure that good design outcomes are secured through the planning process. These range from draft policies guiding the form and character of development (Q5 Local Distinctiveness, Q6 Urban Design, Q7 Building Design, Q24 River Thames, Q26 Tall Buildings; and Q27 Basements), draft policy seeking to ensure good quality, robust construction detailing (Q8 Design Quality / Construction Detailing), policies on Landscape (Q9) and Trees (Q10), and draft policy on sustainable construction (EN4) and on quality of life issues including Q1 Inclusive Environments, Q2 Amenity; and Q3 Community Safety) There is also a full complement of built heritage draft policies (Q18 Heritage Strategy, Q19 Westminster World Heritage Site, Q20 Statutory Listed Buildings, Q21 Registered Landscapes, Q22 Conservation Areas; and Q23 Local heritage List).
- 1.2 Paragraph 124 of the National Planning Policy Framework 2019 (NPPF) indicates that being clear about design expectations, and how these will be tested, is essential for achieving well-designed places. More detailed guidance than would be appropriate for development plan policy is one possible of the ways in which the Council can achieve this outcome. This type of detailed guidance can be given in more than one way. One option is the preparation of a supplementary planning document. The Planning Practice Guidance 2019 (PPG) describes the function of supplementary planning documents generally as being to aim to build upon and provide more detailed advice or guidance on policies in an adopted local plan but notes that they do not form part of the development plan itself and cannot introduce new planning policies into the development plan (Paragraph: 008 Reference ID: 61-008-20190315).
- 1.3 As regards design specifically, the PPG states that *'design codes are a set of illustrated design requirements that provide specific, detailed parameters for the physical development of a site or area'* and that *'design codes can be applied to all development types including residential, commercial, mixed use, open space, landscape or public realm requirements'* (PPG para: 008 Reference ID: 26-008-20191001). The PPG (same paragraph) envisages that design codes may be contained in a supplementary planning document.
- 1.4 Policy D2 of the draft London Plan 2019 encourages the use of design codes to deliver high quality design and place making

## 2. PROPOSAL AND REASONS

- 2.1 The Draft Design Code SPD is intended to support implementation of revised Local Plan policies to ensure good design outcomes. It applies to all types of development and is written as positive guidance, proactively encouraging applicants to optimise density through contextual development which integrates well with Lambeth's established character.
- 2.2 It sets out the key principles for good quality architecture / urban design, giving designers clear advice on the design issues that need to be considered for each type of development. It takes a 'comply or justify' approach, placing the onus on the designer to meet the Draft SPD guidance or provide a persuasive justification as to why compliance is not necessary in any particular case.
- 2.3 The objective of the document is to raise and maintain high design standards for both new buildings and conversions. For example, it includes advice to supplement policies in DRLLP PSV

about climate change mitigation and adaptation through design in relation to existing and proposed development. There is a particular focus on the quality of amenity and landscaped space.

- 2.4 The Draft SPD provides clear, positive guidance on the most common types of development proposal in Lambeth. Supplemented with illustrations and photographs, the advice is based on the most common building types in Lambeth. Hyperlinks are also provided to best practice advice provided by others. The objective is to provide applicants with a good understanding of the design issues and advice for designers on how to approach them. Where possible local examples of good design have been used throughout. The draft SPD is in five parts:

**Part 1 – Introducing Lambeth** – This explains the local policy context and provides an introduction to Lambeth’s character/ local distinctiveness based on the Lambeth Local Distinctiveness Study, 2012. It explains that Lambeth is an evolving place and stresses the borough’s commitment to delivering good design through the provision of pre-application design advice and review of schemes by Lambeth’s independent Design Review Panel.

**Part 2 – Design Advice for All Development** – This covers important over-arching considerations such as inclusive environments, amenity, community safety, public realm, outdoor space, shop fronts, building construction detailing, and boundary treatments. With each topic it identifies common issues and offers advice to designers on how these should be approached. For example, the Amenity section includes advice on matters such as visual amenity, privacy / overlooking, outlook/ sense of enclosure, daylight and sunlight, noise and vibration, odour, air quality, building lighting; and the importance of dual-aspect dwellings. It also covers urban greening, sustainable drainage and the important role played by trees in the environment.

**Part 3 - New Buildings** – This encourages a contextual approach to new design which reinforces established local character. It contains specific advice by building type (residential, tall buildings, non-residential), identifying the key consideration for each type of use and providing advice on how they might be approached. It includes a section on new housing development within residential curtilages which provides a step by step approach for applicants to take when designing this type of development including the retention of trees, the provision of adequate amenity space for existing and new dwellings, the optimisation of soft landscaping, the provision of safe and attractive access; and advice on what issues need to be considered at the street frontage.

**Part 4 – Building Alterations and Extensions** – Using illustrations and photographs to support the text this part explains the most common building types in Lambeth and provides advice on how each can be appropriately extended. It is an update of the existing Building Alterations and Extensions SPD (2015) which provides advice to householders and designers on delivering good design outcomes. The guidance in the draft has updated text/ illustrations and new content on residential conversions, upward extensions (including L-shaped dormers) and full-width rear extensions. Clearer guidance has been provided for those considering the thermal upgrade of existing properties to ensure that it is effectively delivered avoiding common issues such as thermal bridging and condensation, and where relevant addressing conservation best practice.

**Part 5 - Basements** – This provides detailed guidance on the technical considerations relating to basement development. Detailed guidance is provided on basement depth and basement extent, the quality of residential accommodation in basements and on the appearance of external alterations. A section on heritage assets explains the approach that should be taken in relation to listed buildings and to basement development in conservation

areas. There is a section on what is required in Basement Impact Assessments (BIAs) and Construction Management Plans (CMPs) and a section for neighbours of basement development proposals so that they can understand the planning process and the considerations that are and are not covered by the planning regime.

- 2.5 Once finalised, the Design Code SPD will provide guidance on implementation of the policies in the adopted revised Lambeth Local Plan. For this reason, adoption of the SPD cannot take place until the Revised Local Plan itself has been adopted.
- 2.6 The draft of the SPD that is the subject of this report provides guidance relating to the policies as drafted in the Draft Revised Lambeth Local Plan Proposed Submission Version (DRLLP PSV), which was agreed in January 2020 by Cabinet and Council for pre-submission publication and submission for examination. The examination process for the DRLLP PSV will start on submission and is likely to continue during 2020. Modifications to the DRLLP PSV may be proposed during the examination process in response to matters raised by the examining Inspector. It is open to the Council to propose 'main modifications' to the DRLLP PSV to address matters of soundness raised by the Inspector; these must undergo public consultation prior to the end of the examination, which concludes with publication of the Inspector's report. The version of the revised Lambeth Local Plan that is proposed for adoption may therefore include a number of 'main modifications' as a result of the examination process.
- 2.7 Proposals for public consultation at this stage in the SPD preparation process are set out in section 5 of this report. A second round of public consultation will take place on a revised draft of the SPD. This will enable the comments received during the first round of public consultation to be considered and reported. It will also provide an opportunity to incorporate and undertake public consultation on any amendments in the revised draft SPD arising from proposed main modifications to the relevant draft policies in the DRLLP PSV. However, should fundamental changes to the content of the DRLLP PSV be proposed as a result of the examination process that have implications for the content of the draft SPD, consideration will also be given to the need for a further round of public consultation on a further revised draft SPD to allow for full consideration of these changes.
- 2.8 The anticipated timetable for the preparation of the SPD is set out in the Lambeth Local Development Scheme October 2019. This timetable is linked to the anticipated timetable for the examination and adoption of the Revised Lambeth Local Plan. Should adoption of the Revised Local Plan be delayed, the timetable for finalisation and adoption of the SPD will be revised accordingly.

### **3. FINANCE**

- 3.1 The preparation of the Design Code SPD will be funded through existing general fund budgets within the planning department.

### **4. LEGAL AND DEMOCRACY**

- 4.1 The relevant statutory framework that governs the form and content of supplementary planning documents, as well as the process required to be followed in their preparation, is contained chiefly in the Town and Country Planning (Local Planning) (England) Regulations 2012. The 2012 Regulations require that an SPD contains a reasoned justification of the policies within it and stipulate that it must not conflict with adopted development plan policies. The National Planning Policy Framework and

the associated Planning Practice Guidance sets out national policy about the circumstances in which SPDs should be prepared and when SPDs may be appropriate.

- 4.2 The 2012 Regulations have to be interpreted as requiring a two stage process of public consultation in relation to the preparation of a proposed supplementary planning document.
- 4.3 The first stage of consultation does not include any particular timescale for representations to be made, or specify who must be consulted. Once the first stage has been undertaken, a statement must be prepared in accordance with Regulation 12 of the 2012 Regulations that explains who was consulted at the first stage, what issues were raised and how those issues have been addressed. The second stage of consultation requires that statement, together with the draft supplementary planning document, to be made available to the public. A consultation period of at least four weeks is then required.
- 4.4 This report seeks authorisation to carry out the first stage of consultation. The outcome of that first stage consultation will be reported in due course.
- 4.5 This proposed key decision was entered in the Forward Plan on 12 March 2019 and the necessary 28 clear days' notice has been given. In addition, the Council's Constitution requires the report to be published on the website for five clear days before the proposed decision is approved by Cabinet. Any representations received during this period must be considered by the decision-maker before the decision is taken. A further period of five clear days – the call-in period – must then elapse before the decision is enacted. If the decision is called-in during this period, it cannot be enacted until the call-in has been considered and resolved.

## **5. CONSULTATION AND CO-PRODUCTION**

- 5.1 The first stage of public consultation provides an opportunity for the community and stakeholders to provide comments which the Council can then consider. An eight week consultation period is proposed between 11<sup>th</sup> February and 7 April 2020 using the Commonplace consultation platform.
- 5.2 This first round of consultation on the Draft SPD is proposed to commence shortly after the six week publication period of the Draft Revised Lambeth Local Plan – Proposed Submission Version. This will allow those commenting on the Draft SPD to read it alongside the Draft Revised Local Plan design and heritage policies.
  - 5.1 The consultation approach will follow that outlined in the Council's Statement of Community Involvement 2015. Electronic notification of the consultation with links to the Draft SPD will be emailed to contacts on the planning policy consultation database, neighbouring boroughs and the GLA. Copies of the draft SPD will be made available on the council's website, via the Commonplace consultation portal, and hard copies will be made available at the Council's offices and all Lambeth libraries.
- 5.3 Comments received will be reviewed and will inform any proposed revisions to the Draft SPD. This will be the subject of a separate decision in due course.

## **6. RISK MANAGEMENT**

- 6.1 As noted in section 5 of the report, the legislation sets out the process for preparation of supplementary planning documents. The steps that are proposed to be taken in this report reflect the requirements of the legislation.
- 6.2 It is not considered that any further or specific risk management steps are required.

## **7. EQUALITIES IMPACT ASSESSMENT**

- 7.1 An Equalities Impact Assessment (EIA) of the Draft SPD has been completed and is appended to this report (Appendix 2). The EIA found limited positive impacts on those with protected characteristics and did not identify any negative impacts. The EIA of the draft SPD was reviewed by the Council's Equalities Panel on 21 January 2020.

## **8. COMMUNITY SAFETY**

- 8.1 The Draft SPD includes advice on how to design safer, more inclusive places in line with established 'Secured by Design' best practice. It aims to assist designers, Crime Prevention Design Advisers and the Council deliver improved community safety outcomes.

## **9. ORGANISATIONAL IMPLICATIONS**

### **Environmental**

- 9.1 An initial Strategic Environmental Assessment (SEA) screening assessment will be carried out on the Draft SPD in order to identify whether there are any significant environmental effects. If the Draft SPD is revised following public consultation and/or any relevant main modifications to relevant policies in the DRLLP PSV, a further SEA screening assessment may need to be undertaken.
- 9.2 As stated in para 2.3 the draft SPD provides specific guidance on how to incorporate climate change mitigation / adaptation through good design particularly in relation to existing buildings, to supplement the policies in the DRLLP PSV.

### **Staffing and accommodation**

- 9.3 None.

### **Procurement**

- 9.4 None.

### **Health**

- 9.5 None.

## **10. TIMETABLE FOR IMPLEMENTATION**

- 10.1 Subject to Cabinet approval of the recommendation set out in this report, public consultation on the Draft Design Code SPD take place for an eight week period between 11<sup>th</sup> February and 7 April 2020. Subject to the outcome of this first round of consultation and the progression of the Draft Revised Lambeth Local Plan, this will be followed by publication of a Revised Draft SPD alongside a consultation statement setting out the results of and response to the first round of public consultation.

The anticipated timetable for the production of the Design Code SPD is shown below and reflects that set out in the Lambeth Local Development Scheme October 2019.

<b>Stage</b>	<b>Indicative timings</b>
Consultation on Draft Design Code SPD	11 <sup>th</sup> February and 7 April 2020
Publication of Revised Draft SPD and consultation statement	Quarter 2 2020/21
Adoption	Quarter 4 2020/21

10.2 As explained in paragraph 2.8, these timings may change.

## AUDIT TRAIL

### Consultation

Name/Position	Lambeth directorate / department or partner	Date Sent	Date Received	Comments in paragraph:
Councillor Matthew Bennett	Cabinet Member for Planning, Investment and New Homes	-	-	-
Sara Waller and Eleanor Purser, Strategic Directors	Sustainable Growth and Opportunity	06.01.20	07.01.20	-
Rob Bristow, Assistant Director	Planning, Transport and Development	06.01.20	06.01.20	-
Catherine Carpenter, Head of Policy and Place-shaping	Planning, Transport and Development	16.12.19	17.12.19	-
Paul Badiani	Corporate Resources	18.12.19	06.01.20	-
Susan Boucher	Legal Services	18.12.19	06.01.20	-
Maria Burton	Democratic Services	18.12.19	23.12.19	-

## REPORT HISTORY

<b>Original discussion with Cabinet Member</b>	11.03.19
<b>Report deadline</b>	07.02.20
<b>Date final report sent</b>	07.02.20
<b>Part II Exempt from Disclosure/confidential accompanying report?</b>	N/A
<b>Key decision report</b>	Yes
<b>Date first appeared on forward plan</b>	12.03.19
<b>Key decision reasons</b>	1. Will amend Community Plan Outcomes Framework or Budget and Policy Framework
<b>Background information</b>	Draft Revised Lambeth Local Plan Proposed Submission Version January 2020 Draft London Plan Intend to Publish version December 2019 <a href="#">Town and Country Planning (Local Planning) (England) Regulations 2012</a> Lambeth Local Development Scheme October 2019
<b>Appendices</b>	Appendix 1 – Draft Design Code Supplementary Planning Document Appendix 2 – Equalities Impact Assessment