

MID SUSSEX DESIGN GUIDE SUPPLEMENTARY PLANNING DOCUMENT – OUTCOME OF PUBLIC CONSULTATION

REPORT OF: DIVISIONAL LEADER FOR PLANNING AND ECONOMY
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Wards Affected: All
Key Decision: Yes
Report To: Scrutiny Committee for Housing, Planning and Economic Growth
Date of meeting: 22nd January 2020

Purpose of Report

1. The purpose of this report is to inform Members of the outcome to the public consultation on the draft Mid Sussex Design Guide Supplementary Planning Document (SPD) which took place from 9th October until 20th November 2019. It asks Members to note the representations received and consider and agree the Officer recommended actions to address issues raised in the representations.

Summary

2. This report:
 - a) Provides the background and context to the preparation of the Mid Sussex Design Guide;
 - b) Summarises the representations received from the public consultation; and
 - c) Sets out recommendations to address the issues raised in the representations.

Recommendations

3. **That the Scrutiny Committee:**
 - (i) **Notes the responses to the public consultation on the draft Mid Sussex Design Guide SPD, as set out in Appendix 1 to this report;**
 - (ii) **Considers and agrees the Officer recommended actions to address the issues that have been raised; and**
 - (iii) **Notes the next steps as set out in paragraph 31.**
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Background

4. The scale of housing and employment growth in Mid Sussex is one of the most significant in the region. Alongside this, the District is characterised by a high quality landscape and by its distinctive towns and villages. If the character and quality of our towns and villages is to be maintained, it is vital that new development in Mid Sussex is responsive to its local context and is designed to a high standard.

5. District Plan Policy DP26 Character and Design sets out a series of high level design principles that new development is expected to achieve. However, further detailed guidance is needed to secure a step change in the quality of design in Mid Sussex which will also help communities better accept the growth agenda for the District.
6. This approach is in line with Government policy in the revised National Planning Policy Framework (NPPF) which places more emphasis on design. In paragraph 124, the NPPF states that the "...creation of high quality buildings and places is fundamental to what the planning and development process should achieve." Under paragraph 126 it adds: "To provide maximum clarity about design expectations at an early stage, plans or supplementary planning documents should use visual tools such as design guides and codes. These provide a framework for creating distinctive places, with a consistent and high quality standard of design."
7. To support this emphasis on design, the Government has also recently published a new National Design Guide. This encourages Local Authorities to formulate local design guides to meet the priorities of its communities based on understanding of the local context and an analysis of local character and identity.
8. The preparation of a comprehensive District-wide Design Guide as a Supplementary Planning Document (SPD) accords with the principles set out in the NPPF and the National Design Guide. It will assist landowners, developers, applicants and planners in the process of assessing the design quality of schemes. It will also help to support decision making by the Council's Planning Committees.
9. As well as providing guidance on planning applications, the Design Guide has been prepared to inform the preparation of the Site Allocations Development Plan Document (DPD), providing information on appropriate design, density and layout.

Scope and Content of Document

10. District Plan Policy DP26 Character and Design sets the overall framework for the detailed guidance provided in the draft Design Guide. The document is structured according to a series of integrated design themes, including understanding the context, establishing well defined streets and layouts, transport connectivity, parking strategies, sustainability, and optimising site potential through building heights and housing density that reduces future pressure on development in the countryside. A series of Design Principles for each theme has been prepared, supported by illustrations of good and bad practice, including through local examples.
11. The Design Guide provides guidance and best practice on the following types of development:
 - Urban extensions (residential based developments)
 - Brownfield sites / urban infill / mixed-use developments
 - Rural developments
 - New dwelling design (houses and apartments)
 - Residential extensions
 - Building conversions

- Commercial buildings / business parks / industrial estates.

Public Consultation

12. At its meeting on 18th July 2019, this Committee considered the draft Design Guide before public consultation. The Committee welcomed the draft Guide and subject to the removal of some illustrations that were not to scale, resolved to delegate authority to Cabinet Member for Housing and Planning to approve the document for public consultation.
13. Public consultation was carried out alongside the Site Allocations Development Plan Document (DPD) for six weeks from 9th October until 20th November 2019. Exhibitions were held in libraries and at the District Council Offices. In addition, the consultation was published on the Council's website and social media feeds.

Summary of Key Issues

14. A total of 41 individual respondents commented on the draft Design Guide with 231 individual responses seeking specific changes to different parts of the document. Responses were received from eight Town and Parish Councils, Highways England, Historic England, Natural England, Sport England, South East Water, Thames Water, the Mid Sussex Design Review Panel, three local interest groups, two local architects, five developers, one District Councillor and thirteen members of the public. There were two respondents (Surrey County Council and Southern Water) who had no comments to make.
15. A more detailed schedule of responses received during the consultation is available to view on the Councils' webpage at: <https://www.midsussex.gov.uk/planning-building/supplementary-planning-documents/> A copy has also been placed in the Members Room.
16. The majority of statutory consultees have welcomed the draft Design Guide and consider it will be very useful in raising design standards in Mid Sussex. The Town and Parish Councils who have responded support the document although some have also sought specific changes to different parts.
17. The key comments from Statutory Consultees, Town and Parish Councils and the Mid Sussex Design Review Panel are summarised below:
 - Natural England references the importance of Green Infrastructure and biodiversity, and the opportunities to enhance local character and local distinctiveness through the design of new development.
 - South East Water seeks more emphasis on the reduction of water consumption in Principle DG41 (energy efficient and sustainable design).
 - Sport England suggests some additions to text relating to the relationship between the built environment and health and wellbeing, and seeks further design guidance for walking and cycling infrastructure.
 - Burgess Hill Town Council, Hassocks and West Hoathly Parish Councils consider that the document should be revised to provide specific, achievable standards relating to carbon emissions.

- Balcombe, Turners Hill and West Hoathly Parish Councils request reference to village design guides, more guidance on design in villages and reference to the High Weald AONB Design Guide principles.
- The Mid Sussex Design Review Panel (DRP) raises issues regarding: the structure of the document; the need for separate Sustainability and Employment Chapters and also question the tick/cross image system which illustrates examples of good and bad design. They also comment that the last three chapters (7-9 of the document on Residential Amenity, Household Extensions and Building Conversions) appear less substantial compared to the other chapters and also, as they relate to small scale development, should be provided as part of a separate volume.

Key issues and broad actions

18. The representations seeking changes to the document can be grouped around the themes of Detailed Design Issues, Sustainability and the Structure and Format of the document. A summary of the key issues under each of these themes and proposed actions to address the issues is set out below and in more detail in Appendix 1 to this report.

Detailed Design Issues

19. 28 respondents made comments on detailed design issues, providing a total of 137 individual comments on different parts of the draft Design Guide.
20. Three rural Parish Councils have sought greater reference to rural development and to the High Weald AONB Design Guide. The Mid Sussex Design Guide already cross references the High Weald AONB Design Guide and provides guidance on development in rural areas, therefore Officers consider no further amendment in this respect is required.
21. In response to the DRP's comments regarding the scope of the guidance on residential amenity, extensions and conversions; Officers recommend that additional guidance and images relating to these topics and the provision of examples of sympathetic design solutions should be added to the Design Guide.
22. The DRP and a local architect also request that more emphasis is given to Employment and Brownfield Sites. In response to these comments it is proposed to provide a separate chapter on Employment Sites with specific guidance on layout, landscaping and the design of buildings relating to this use. It is also proposed to provide additional information on Brownfield Sites and include a reference to the Mid Sussex Brownfield Sites Register.
23. Two individuals have also commented that the section on materials needs to be expanded. Officers recommend that the draft Design Guide includes more information on appropriate, locally distinctive materials, including suitable modern or contemporary materials and their application.

Sustainability

24. 10 out of 18 respondents making comments on Sustainability consider that the Design Guide does not go far enough in addressing this issue. The DRP

considers that there should be a separate chapter on this topic and six respondents, including local residents, request that the document should require new buildings to meet specific carbon reduction standards such as Passivhaus standards.

25. In response to these comments, Officers recommend the inclusion of a new section on Sustainability in the Introduction to the document that sets out the sustainability objectives of the Design Guide. This section will clearly signpost how the Design Guide covers a wide range of interconnected sustainable design themes relating to green infrastructure, biodiversity, trees, sustainable transport, site optimisation and mixed use as well encouraging the highest standards in the design of buildings to minimise the use of resources and energy. In addition it is proposed to highlight at the start of each chapter how this particular topic helps to deliver a low carbon and climate resilient future for the District.
26. Officers recommend that there be no change to the draft Design Guide in response to representations seeking the inclusion of specific carbon reduction standards such as Passivhaus standards because:
 - 1) In early 2015, the Government announced the withdrawal of the Code for Sustainable Homes. In its Ministerial Statement in March 2015 (www.gov.uk/government/speeches/planning-update-march-2015) the Government made clear that planning policies should not duplicate other regulatory regimes such as the Building Regulations and that policies should not be used to set conditions on planning permissions with requirements above the equivalent of the energy requirement of Level 4 of the Code for Sustainable Homes (this is approximately 20% above current Building Regulations across the build mix);
 - 2) The Government in its recent consultation on 'The Future Homes Standard' has reaffirmed its approach as set out above. It proposes that in 2020, Part L of the Building Regulations will be improved to require a 20-30% reduction in carbon emissions from current levels. By 2025 all new build homes will be required to be future-proofed with low carbon heating and high levels of energy efficiency requiring a 70-80% carbon reduction. The document also clarifies the role of planning authorities in setting energy efficiency standards and is explicit that these requirements are to be delivered through the Buildings Regulations and not through separate Local Planning policies; and
 - 3) An SPD cannot introduce new policy but instead should supplement and provide additional detail to existing Development Plan policies. As set out in the paragraph 34 of the NPPF, it would not therefore be appropriate for the District Council, at this stage, to introduce new carbon reduction standards that have not been tested through a District Plan Examination in terms of their impact on the viability of development.

Structure and Format

27. Balcombe Parish Council, the DRP and a local architect consider the document could be more concise. In response to this, Officers recommend a thorough review of the Document to make it more clear and succinct in line with the advice for clarity in the NPPF, including removing any repetition in the 'reasons' sections and any overlap between chapters.

28. The DRP and the local architect also suggest that the last three chapters should be separated from the main document and provided as a second volume as these relate to smaller scale development. Officers disagree with this suggestion and recommend no change as it is considered that the Design Guide needs to be kept as a whole. These chapters cover the main routine business of the Development Management service and are therefore integral to achieving high quality design across the District.
29. In addition, the DRP has questioned the tick/cross image system which illustrates good and bad design examples. Officers also disagree with this representation and recommend the retention of these images as they clearly illustrate what constitutes good design and how to avoid common pitfalls of poor design. Therefore no change to the Design Guide in this respect is proposed.

Next Steps

30. Following consideration by this Committee, the draft Design Guide will be amended as set out above and in Appendix 1. The final draft version of the document, along with a schedule of the detailed changes, will be presented to this Committee in March 2020 for consideration, before being submitted to Full Council for adoption as an SPD.
31. Once adopted the Design Guide SPD will be a material consideration in the planning process. A training session on the effective use of the Design Guide for Members and Officers will also be delivered by the consultants appointed to prepare the Design Guide in Summer 2020.

Policy Context

32. The National Planning Policy Framework emphasises the importance of high quality design. The Mid Sussex District Plan was adopted in March 2018 and seeks to ensure that well located and designed development, that reflects the distinctive character of the towns and villages, is delivered in the District. The Draft Design Guide supplements and adds detail to the District Plan policies.

Other Options Considered

33. An option would be not to prepare a Design Guide and rely on District Plan Policy DP26: Character and Design. However, this would mean that the Council would miss an opportunity to provide clear design guidance that supplements Policy DP26, and addressing the design issues that are specific to Mid Sussex.

Financial Implications

34. The cost of the preparation of the Design Guide SPD is £30,000, which includes training sessions, and has been funded from the Development Plan Reserve.

Risk Management Implications

35. Without the detailed design guidance set out in the Mid Sussex Design Guide, it would be difficult to secure a step change in design quality in the District.

Given the growth agenda, there is the risk that this may result in adverse impacts on the character and quality of our towns and villages.

Equality and customer service implications

36. It is important that the Council is able to secure high quality design for new development that creates inclusive and sustainable neighbourhoods. The draft Design Guide has been subject to an Equalities Impact Assessment. This concludes that the document does not discriminate against any members of the community that have 'protected characteristics.'

Other Material Implications

37. Strategic Environmental Assessment (SEA) and Habitats Regulations Assessment (HRA) Screening have been undertaken on the draft Design Guide.

Appendix 1 – Summary of Consultation Responses and Broad Actions to address these

Background Papers - Mid Sussex Design Guide SPD (Consultation Draft) - https://www.midsussex.gov.uk/media/4483/mid-sussex_design_guide-supplementary-planning-document_2019.pdf