

WELWYN HATFIELD BOROUGH COUNCIL
CABINET PLANNING AND PARKING PANEL – 4 MARCH 2021
REPORT OF THE CORPORATE DIRECTOR (PUBLIC PROTECTION, PLANNING AND GOVERNANCE)

NATIONAL PLANNING POLICY FRAMEWORK – DESIGN CODE CONSULTATION

1 Executive Summary

- 1.1 The Government is consulting on changes to the National Planning Policy Framework (NPPF) as well as on proposals for a National Model Design Code and a Guidance Note for Design Codes.
- 1.2 The deadline for responding is 27 March 2021.

2 Recommendations

- 2.1 That Members comment on proposed changes to the NPPF regarding design codes and Article 4 Directions.
- 2.2 That the Head of Planning be authorised to respond to the consultation, in agreement with the Corporate Director and Executive Member for Planning.

3 Explanation

Design Codes

- 3.1 The Building Better, Building Beautiful Commission was established in 2019 to be responsible for developing practical measures to help ensure new housing meets the needs and expectation of communities, making them more likely to be welcomed rather than resisted.
- 3.2 The recommendations of the Commission were incorporated into Planning White Paper, which placed an emphasis on the importance of design, beautiful places, good place-making and community engagement as part of the planning process.
- 3.3 The Government is now consulting on proposed changes to the [NPPF](#) as well as other design code guidance to implement the original recommendations.
- 3.4 In summary, the proposed changes to the NPPF include greater reference to issues such as sustainable patterns of development, beautiful places, design quality, masterplans, design codes, tree-lined streets, climate change, pedestrian and cycle routes, secure cycle parking and area-based character assessments.
- 3.5 It is not considered that any of these changes present any fundamental challenges to the Council in terms of the current Local Plan process (as it is still being examined under the 2012 NPPF) and can easily be incorporated into the determination of planning applications.
- 3.6 The substantive proposed changes are to the following paragraphs:

127: To provide maximum clarity about design expectations at an early stage, all 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. These

provide a local framework for creating beautiful and distinctive places with a consistent and high quality standard of design. Their level of detail and degree of prescription should be tailored to the circumstances and scale of change in each place, and should allow a suitable degree of variety where this would be justified.

128: Design guides and codes can be prepared at an area-wide or site-specific scale, and to carry weight in decision-making should be produced either as part of a plan or as supplementary planning documents (although applicants may also elect to prepare codes for sites which they propose to develop). All guides and codes should be based on effective community engagement and reflect local aspirations for the development of their area, taking into account the guidance contained in the National Design Guide and the National Model Design Code. These national documents should also be used to guide decisions on applications in the absence of locally-produced guides or codes.

130: Trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change. Planning policies and decisions should ensure that new streets are tree-lined, that opportunities are taken to incorporate trees elsewhere in developments (such as community orchards), that appropriate measures are in place to secure the long term maintenance of newly-planted trees, and that existing trees are retained wherever possible. Applicants and local planning authorities should work with local highways officers and tree officers to ensure that the right trees are planted in the right places, and solutions are found that are compatible with highways standards and the needs of different users.

133: Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents which use visual tools such as design guides and codes. Conversely, significant weight should be given to: a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents which use visual tools such as design guides and codes; and/or b) outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.

- 3.7 Leading on from this, the Government has also publishing a draft [National Model Design Code](#) and a draft [Guidance Notes for Design Codes](#) that provides a checklist of design principles to consider for new developments, such as street character, building type, façade and requirements that address wellbeing and environmental impact, which councils can use as a foundation for their own local design codes. It states that “a design code is a simple, concise, illustrated design requirements that are visual and numerical wherever possible to provide specific, detailed parameters for the physical development of a site or area.”
- 3.8 The guidance note contains seven steps: (1) Analysis (a) scoping, (b) baseline; (2) Vision (a) design vision, (b) coding plan, (c) masterplanning; (3) Code (a) area type guidance, (b) design code wide guidance. The minimum issues for inclusion are: movement, access, street hierarchy, landscape and open space, land use and mix, density, heights, number of homes, identity and character of buildings and public spaces, and there is scope for many more as appropriate.
- 3.9 The Government will also create an Office for Place to support local communities to turn their designs into the standard for new buildings in their area.

- 3.10 It is anticipated that most Members and many others will welcome the proposed changes – to prepare design codes, base them on community engagement and local aspirations and refuse development that is not well designed.
- 3.11 The potential challenge that arises for the Council is in the preparation of design codes, which will require decision-making about whether to prepare a single code for the whole borough, to prepare distinct codes for different towns, villages or neighbourhoods and the level of community engagement to incorporate into this process.
- 3.12 The preparation of a design code as a supplementary planning document requires a draft version to be prepared by officers, agreed by CPPP and Cabinet, public consultation, analysis of responses, updates to the code and a final version to be agreed by CPPP and Cabinet.
- 3.13 The work will necessitate: design skills, the ability to prepare good-looking and understandable design documents and public engagement, including virtual or physical meetings with interested parties such as ward councillors, town/parish councils, resident groups, landowners, developers and others.

Article 4 Directions

- 3.14 The proposed changes to the NPPF also contain new wording on the preparation of Article 4 Directions – so that where they relate to changes of use to residential they be limited to situations where this is essential to avoid wholly unacceptable adverse impacts and that they apply to the smallest geographical area possible.
- 3.15 We do not consider this harms CPPP's recent decision to consult on two new Article 4 Directions to restrict the redevelopment of commercial buildings to residential use in strategic employment areas in order to protect office space and job opportunities and to restrict the upward expansion of blocks of flats in Hatfield in order to protect the heritage of Grade I Hatfield House and Park and other assets.

4 Legal Implications

- 4.1 The NPPF sets out the Government's planning policies and must be taken into account by councils when preparing their development plans and is a material consideration in planning decisions.

5 Financial Implications

- 5.1 There are financial implications associated with the preparation of design codes, either by officers as part of their general duties or using consultants.

6 Risk Management Implications

- 6.1 There are no risk management implications associated with this report, although it should be anticipated that the Council may start being approached by town/parish councils, resident groups and perhaps developers and landowners who are keen to prepare a design code for their area/site.

7 Security and Terrorism Implications

- 7.1 There are no security or terrorism implications associated with this report. Design codes may need to consider security and terrorism implications where appropriate.

8 Procurement Implications

- 8.1 There may be procurement implications associated with this report, if the Council is minded to use consultants to help prepare design codes.

9 Climate Change Implications

- 9.1 The Council has declared a climate change emergency and set ambitious objectives to reduce greenhouse gas emissions. It is considered that the recommendations of this report could have positive implications by incorporating climate change aspirations into design codes.

10 Human Resources Implications

- 10.1 There may be human resources implications associated with the preparation of design codes, if the Council is minded to use officers to prepare design codes.

11 Health and Wellbeing Implications

- 11.1 There are no health and wellbeing implications associated with this report. Design codes will need to consider health and wellbeing implications where appropriate.

12 Communications and Engagement Implications

- 12.1 The Council will need to consult on design codes as part of their preparation.

13 Link to Corporate Priorities

- 13.1 The subject of this report is linked to the Council's Business Plan 2018-2021 and particularly Our Environment and Our Housing.

14 Equalities and Diversity

- 14.1 An EqlA was not completed because this report does not propose changes to existing service-related policies or the development of new service-related policies. EqlAs may need to be prepared alongside design codes in future.

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