

TITLE OF REPORT: Response to Consultation - National Planning Policy Framework and National Model Design Code

REPORT OF: Sheena Ramsey, Chief Executive

Purpose of the Report

1. To endorse the responses to the Ministry of Housing, Communities and Local Government (MHCLG) in respect of the National Planning Policy Framework and National Model Design Code consultation proposals, issued on 30th January 2021 with a deadline for responses of 27th March 2021.

Background

2. The background to the consultation and proposed response is set out in Appendices 1 and 2.

Proposal

3. To endorse the response set out in Appendix 2.

Recommendation

4. It is recommended that Cabinet endorses the consultation response set out in Appendix 2.

For the following reason:

To enable the Council to contribute a response to the consultation.

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APPENDIX 1

Policy context

1. The government is proposing to make a number of changes to the National Planning Policy Framework which relate to policy on the quality of design of new development, and which respond to the recommendations of the Building Better, Building Beautiful Commission. A number of environment-related changes, including amendments on flood risk and climate change, are also proposed. The amendments also include a small number of very minor changes arising from legal cases, primarily to clarify the policy. A few minor factual changes have also been made to remove out-of-date text (for example, the early thresholds for the Housing Delivery Test), to reflect a recent change made by Written Ministerial Statement about retaining and explaining statutes, and an update on the use of Article 4 directions. The following is a link to the consultation proposals:

[National Planning Policy Framework and National Model Design Code: consultation proposals](#)

2. This is not a wholesale revision of the National Planning Policy Framework, nor does it reflect proposals for wider planning reform set out in the Planning for the Future consultation document. A fuller review of the Framework is likely to be required in due course to reflect those wider reforms, subject to decisions on how they are to be taken forward. A number of chapters remain unaltered, other than consequential changes to page, paragraph and footnote numbers (these are 1, 6, 7 and 10).
3. The government convened the **Building Better, Building Beautiful Commission** with the aim of championing beauty in the built environment, as an integral part of the drive to build the homes that our communities need.
4. The government asked the Commission to develop a range of practical measures that will help ensure new housing developments meet the needs and expectations of communities, making them more likely to be welcomed, rather than resisted. The Commission had three primary aims:
 - to promote better design and style of homes, villages, towns and high streets, to reflect what communities want, building on the knowledge and tradition of what they know works for their area
 - to explore how new settlements can be developed with greater community consent
 - to make the planning system work in support of better design and style, not against it
5. The Commission's report proposed three overall aims. These were: ask for beauty, refuse ugliness and promote stewardship, and made 45 detailed policy propositions. The Government have accepted the Commission's recommendation for a stronger focus on beauty in national planning policy, to ensure the system helps to foster more attractive buildings and places, while also helping to prevent ugliness.

6. The proposed changes reflect the Government's commitment to making beauty and place making a strategic theme in the National Planning Policy Framework. They state that poor quality schemes should be refused and, where appropriate, references to 'good design' have been replaced with 'good design and beautiful places'. Several other aspects of the Framework have been updated to reflect the Commission's recommendations.
7. The purpose of the **National Model Design Code** is to provide detailed guidance on the production of design codes, guides and policies to promote successful design. It expands on the ten characteristics of good design set out in the National Design Guide, which reflects the government's priorities and provides a common overarching framework for design. The National Model Design Code is intended to form part of the government's planning practice guidance. It is not a statement of national policy. However, once finalised, the government recommends that the advice on how to prepare design codes and guides is followed.
8. A design code is a set of illustrated design requirements that provide specific, detailed parameters for the physical development of a site or area. The draft National Model Design Code is intended to be used as a toolkit to guide local planning authorities on the design parameters and issues that need to be considered and tailored to their own context when producing design codes and guides, as well as methods to capture and reflect the views of the local community from the outset, and at each stage in the process.
9. The government believes that design codes are important because they provide a framework for creating healthy, environmentally responsive, sustainable and distinctive places, with a consistent and high-quality standard of design. This can provide greater certainty for communities about the design of development and bring conversations about design to the start of the planning process, rather than the end.
10. Views are requested on the application of the draft National Model Design Code and the model processes it sets out. Views are sought from local planning authorities, neighbourhood planning groups, developers, members of the public and anyone with an interest in the design of new development in terms of:
 - a) the content of the guidance
 - b) the application and use of the guidance
 - c) the approach to community engagement

Background

11. The consultation includes a number of questions and the Council's draft response is provided in Appendix 2.

12. MHCLG's deadline for consultation responses is 27th March 2021. Subject to Cabinet's approval the Council's proposed response will be submitted by the deadline.

Consultation

13. The Cabinet Members for Environment and Transport have been consulted on the proposed response.

Alternative options

14. The options around the implementation of the proposed changes have been considered as part of preparing the proposed response.

Implications of Recommendation

15. Resources:

- a) **Financial Implications** – The Strategic Director, Resources and Digital confirms there are no financial implications arising from this report.
- b) **Human Resources Implications** – There are no human resource implications arising from this report.
- c) **Property Implications** - There are no direct property implications arising from this report.

16. **Risk Management Implication** – No risks associated with the consultation.

17. **Equality and Diversity Implications** – None.

18. **Crime and Disorder Implications** – None.

19. **Health Implications** – None.

20. **Climate Emergency and Sustainability Implications** – None.

21. **Human Rights Implications** - None.

22. **Ward Implications** – None.

APPENDIX 2

GATESHEAD COUNCIL CONSULTATION RESPONSE

National Model Design Code - we would be grateful for your views on the National Model Design Code (NMDC), in terms of:

a) the content of the guidance

Overview

The Council welcomes the opportunity to shape national policy and guidance on design, as set out in the consultation, and in future to discuss issues relating to local design with our communities as we progress our own local guidance and policies.

The draft NMDC is clearly laid out in terms of its structure, and its content covers all the recognised and established aspects of good urban design in a thorough and comprehensive manner. It also builds on the well-established principles and objectives of good urban design previously laid out in earlier national Government guidance, such as 'By Design' and the 'Urban Design Compendium' and brings into the equation more recent design considerations to do with sustainable drainage and designing places that encourage healthier lifestyles.

It provides well illustrated examples of typical settings / scenarios and offers design options (or solutions) to demonstrate these principles in a manner that allows the resulting design code to be as prescriptive or flexible as it needs to be, giving an appropriate level of control over the design of new development relevant to its context. It is considered to be a well-considered document that provides potential authors of codes with thorough and clear guidance on how to draft bespoke design codes, tailored to suit different scales and types of new development, set within different scenarios, settings or contexts.

Specific Comments

Reference should be given to the following guidance/standards for SuDS and flood management: Non Statutory SuDS Technical Standards, Water UK SuDS Sewerage sector guidance a changed approach to surface water sewer and Code of Practice for Property Flood Resilience (CIRIA C790).

Paragraph 27 and section 1B: The surface water management strategy should be an essential component of the design code, which needs to inform and integrate with the movement and landscape strategies, to ensure resilience to climate change. In addition to the nature theme, further consideration should be given to how the SuDS management train cuts cross other themes of the code e.g. street networks/movement, built form and public space.

Page 7 Figure 2 – The table references Home Zones and this is picked up again in the Guidelines, however the reader should be directed to stand alone guidance so elements of design aren't cherry picked. Linked to this is the requirement for national guidance on shared space/surfaces. Is this going to be picked up in the new Manual for Streets (MfS)?

Page 8 Para 30: Should include reference to the cycle/PROW networks.

Page 17: In a 'Movement' section aiming to encourage design for all modes it seems incongruous that two-thirds of this page deals with car parking. Some of the wording across the document is jargon and not plain English – example here is 'Car Barn'. 'Tertiary Streets' elsewhere in the document.

Page 18: SuDS can be integrated into property, highways and landscaping in urban areas. N2ii Water and drainage – It is not always appropriate to provide public access to the water's edge.

Page 24 Public Space: This appears to be good example of where the design code and associated guidance does not reflect local situations, the widths referenced even at the lowest end of the range would likely make schemes unviable within Gateshead. This would also increase adoptable areas and impact on maintenance budgets (see also comment on street trees).

Page 29 Active Travel: The guidance reads in a very ideological manner, while the principles of what is included may be correct, in reality it is problematic to deliver the infrastructure to extent described at a local level.

Page 29 para 58 (ii): States 'Low traffic neighbourhoods may be appropriate but only where supported by the local community' which is a very open statement and does not seem to back low-traffic neighbourhoods to any degree. The statement is not clarified in the guidance notes document.

Page 29 para 58 (ii): All streets should be accessible to all members of the community – reference should be made to the guidance that must be followed (inclusive mobility). This is an example of where the likes of this code and MfS create more uncertainty/ambiguity depending on the reader.

Page 29 para 58 (ii): Says that all new streets except local and tertiary should include separate cycle lanes. There is the potential that this contradicts the requirements of Gear Change and won't be deliverable in all cases; there needs to be a level of balance and local understanding in respect of such requirements.

Page 29 para 58 (ii): Provides that 'junctions should be designed in accordance with Manual for Streets': This presents a concern given the feeling that junction design information is one of the weakest areas of the whole MfS package. For example, MfS is woolly when it comes to when certain approaches should and shouldn't be considered, this again creates conflict between developers and the Local Highway Authority (LHA) as to what should be deemed acceptable. Greater clarity is needed if MfS is being signposted in the code.

Page 29 para 58 (v): This section shows refuse stores on-street and again there are concerns over the practicality of this arrangement.

Page 30 para 60 (iii): The statement that 'all new streets should include street trees' needs greater flexibility; it will not always be possible to provide street trees either from an adoptions/maintenance point of view and also due to available space (see the previous comment relating to P24)

Guidance Notes for Design Code

Page 9 M.1.ii: Public transport accessibility is about much more than walking distance to a stop/station. This is important but frequency of service, days/times of operation and range of destinations served are just as important and should be included in an assessment of what has 'good public transport accessibility'.

Page 13 M.3.i: Parking with charging for electric vehicles and for car share is mentioned in the movement checklist but is not mentioned at all in this section of the document. Both should be included within the guidance notes.

Page 13 M.3.i: Coverage of non-residential parking is limited to some very specific cases, e.g. there is no coverage of parking for 'high streets'.

Page 15 M.3.ii: Cycle parking: the apartments section shows a picture of Sheffield stands. These are wholly inappropriate for safe and secure long term resident storage requirements. Also, there is significant discussion of communal stores which can, given our experience, present day to day practical difficulties, such as residents not locking communal store doors, leading other residents to choose to squeeze bikes onto balconies.

Page 15 M.3.ii: Cycle parking: the housing section includes the potential for bike pods/communal storage on-road in lieu of a parking bay. The caption should be clear in stating this may be a last resort in existing terraced streets and should not really be an option on new-build.

Page 50: This section is generally positive in the way it discusses the street as public space, but the section on social interaction concentrates on specific areas for interaction rather than provision of informal settings as part of street design – including facilities for rest and the provision of shade (which is not just limited to the provision of trees).

b) the application and use of the guidance

The guidance should be used by Local Planning Authorities (LPAs) and LHAs. Good design and beautiful places secured through the planning system can also be affected by standards imposed by local highway authorities during the adoption of roads, streets etc. This can lead to places dominated by roads, problems which can be exacerbated by use of standard materials such as asphalt and tarmac and a reluctance for trees to be planted on the adopted highway. This is partly through the continuing desire of developers to put cars and utilities first but also due to lack of funding and resources to maintain places.

There should be recognition that authorities other than LPAs have important roles to play in the design and maintenance of places. This must be addressed by the Government at the national level through new/reformed legislation. Throughout the NMDC reference is made to LPAs to use this guide, these references must include LHA's if we are to make any progress in delivering better places.

As part of this new approach to design in the planning system, the Government must also look to provide the funding and support necessary to assist LPAs in setting up the frameworks and local resources to undertake the processes of community engagement and drafting of design codes because this will require a significant amount of time and money from LPAs to recruit and/or train specialists and representatives, and set up local frameworks / processes to allow for the successful drafting of design codes and the continuation of this requirement - time and money that LPAs simply do not have.

The concern about the changes to NPPF and the introduction of the NMDC is similar to the comments we have previously provided for the planning reform white paper; particularly around the resources and skillsets required to pull together a local design code/guide which will be representative to Gateshead. As noted above, there needs to be an appreciation that additional support and funding will be required to ensure that the Governments objectives for design and beauty can be achieved in locations such as Gateshead where land values are much lower and where viability is a significant challenge.

It is stated that the model design code should be read alongside the national design guide, PPG notes, MfS and other forthcoming guidance. We would suggest that it is vital that the re-write of MfS and the “forthcoming guidance” is produced and consulted on prior to roll of the design code rather than simply seeking to align these future documents.

c) the approach to community engagement

The NMDC advises in several instances that LPAs, when drafting design guides and codes, that they are done so collaboratively through community engagement, but the NMDC also suggests that developers, landowners or community groups can draft their own design codes. It should be made clear in the NMDC (and in the NPPF) that ‘engagement’ works both ways and any design codes drafted by these 3rd parties must include LPAs as part of the code drafting process, so that the outcome of the process is an agreed document, to minimise (or if possible, avoid) potential disagreements or disputes over the content of the final document.

Summary of proposed amendments to the National Planning Policy Framework

Q1. Do you agree with the changes proposed in Chapter 2? (Achieving Sustainable Development)

No comments.

Q2. Do you agree with the changes proposed in Chapter 3? (Plan Making)

It was considered that the Govt wanted LPAs to move away from design policies yet the proposed changes to para 20 ask for strategic policies to “set out an overall strategy for the pattern, scale and design quality of places...”. This should be the role of design codes/guides. Furthermore, the consideration of design aspects such as ‘pattern’ and ‘scale’ are townscape factors that relate more specifically to settlements, neighbourhoods, development sites and surrounding area (local context) and are not usually strategic considerations (i.e. Borough-wide).

Q3. Do you agree with the changes proposed in Chapter 4? Which option relating to change of use to residential do you prefer and why? (Decision Making)

It is suggested that Article 4 Directions should be justified if they are in accordance with an up-to-date Development Plan.

Q4. Do you agree with the changes proposed in Chapter 5? (Delivering a wide choice of high-quality homes)

Q4. Box above infers that the title of Chapter 5 is “Delivering a wide choice of high-quality homes” yet the title of this chapter in the draft text NPPF document is “Delivering a sufficient supply of homes” - is the intention to change the title of this chapter...?

Page 20, para 73: The addition of the reference to a choice of transport modes is welcome. It should also include a reference to the provision of good quality active travel links for emphasis, as well as the proposed genuine choice of transport modes (Settlement expansions need to be sustainably linked to the core of the settlement).

Page 22, para 80(e): The Council supports the proposed change.

Q5. Do you agree with the changes proposed in Chapter 8? (Promoting healthy and safe communities)

The links made between health, climate change and nature are welcomed. It is important to recognise that whilst addressing one of these considerations, there might be cross benefits to other considerations.

Page 27, para 92b: The additional references, particularly to cycling, are welcome.

Q6. Do you agree with the changes proposed in Chapter 9? (Promoting Sustainable Transport)

Page 30, para 105 (d): The additional references are welcomed. In addition to the reference to secure cycle parking, greater emphasis needs to be put on the location of the cycle parking to encourage use.

Page 31, para 107: Conflicts with the Design Code approach to parking provision and should be removed (see Design Code paragraph 58 (iii)).

Page 32, para 109(c) and footnote 45: The proposed changes are welcomed. However, there is concern that this only being applied to a “planning document” - ie the NPPF and without supporting changes to the Highways Act (and greater resources to local authorities for maintenance of places) there will be no compelling reason for Local Highways Authorities to change their approach. There is a need to ensure that good design is secured in an integrated fashion running both the planning and transport systems. The rewording of this paragraph should also reference local design codes/guides which LA's are being encouraged to develop, otherwise it would suggest whether in place or not the default will be the national design guide, which as reflected in the comments above has limited value to places like Gateshead. In relation to footnote 45 and the instruction to not make specific reference to DB32, what if local design guides include standards/guidance that are akin to this document?

Page 32, para 110: This needs some amendment if local authorities are to be able to deliver on the commitment in Gear Change to ‘ensure that all new housing and business developments are built around making sustainable travel, including cycling and walking, the first choice for journeys’

Q7. Do you agree with the changes proposed in Chapter 11? (Making effective use of land)

Page 36, para124: The changes are welcomed.

Q8. Do you agree with the changes proposed in Chapter 12? (Achieving well-designed places)

There is concern with the term “beautiful” in paragraphs 125 and 127 as this is subjective without further guidance on objective principles of beauty – however, people have different opinions due to it being a matter of personal preference and taste. ‘Appearance’ on the other hand can be evaluated objectively to some degree by measuring visual interest or richness; quality and choice of material and finish; attention to (and appropriateness of) detail; and quality of workmanship; contextual appropriateness etc. So, we need to treat the term ‘beauty’ or ‘beautiful’ as being related to ‘Appearance’ and continue to evaluate design aesthetics in the same way we do now.

The Council has concerns relating to para 126 and the change from ‘Neighbourhood Plans’ to ‘Neighbourhood Planning Groups’. This completely shifts the current paragraphs message from the importance of plans already approved (policy documents), to the importance of

engagement with organised public groups or representatives. There is concern regarding the lack of any promise of investment from Government to assist LPAs to establish and then continue to follow this suggested change in approach - i.e. - for the additional and considerable cost this method will bring to LPAs, both in terms of significant additional resources, expertise, learning and new skill sets required, but also time implications (by introducing a longer, more complex process). These concerns also extend to the implications of para's 127 and 128 where community engagement and the production of design guides and design codes will be significantly problematic for many LPAs due to resource constraints.

Page 38, para 127: This states LPA's should prepare design guides/codes, yet as highlighted above this is not reflected in the rewording of para 109.

Page 39, para 130: Whilst the ambition to ensure that all new streets are tree-lined, and that existing trees are retained wherever possible is supported by the Council, this is unlikely to be feasible in every case. This is due both to problems relating to land and layout, but also to resource constraints on local highway authorities and the need to take into account future maintenance liabilities in determining layouts. There will thus need to be clear updated guidance and resources for local highway authorities in order for a change in approach to be effective.

Therefore, whether this should be a requirement is questioned. There is also a view that whether this is a requirement or otherwise should be a matter for design codes and local discretion. It should also be noted that, as recognised by the Healthy Streets approach, shade and shelter are important issues but are not just about trees.

There is a concern that the cost of tree pits and the effect on land take could be cost prohibitive on small schemes and unfeasible in practice. The Government should consider making minor applications of less than 15 units exempt.

Page 40, para 133: The Council considers that this should be stronger in terms of new development complying with design policy/guidance , and not just reflect.

In order to ensure good design is achieved local authorities need to have the confidence to refuse poor design. However, the current pressure to achieve housing targets effectively means that local authorities that insist on high standards will be penalised because their housing delivery is likely to suffer. This remains a central contradiction within the current proposals that is likely to undermine their achievement, and will be an issue in locations such as Gateshead where housing delivery and viability are significant challenges. The Gear Change strategy notes that 'While many local plans already say the right things, they are not always followed consistently in planning decisions'. As it stands the revised NPPF does nothing to correct one of the main reasons for this.

Q9. Do you agree with the changes proposed in Chapter 13? (Protecting the Green Belt)

No comments

Q10. Do you agree with the changes proposed in Chapter 14? (Meeting the challenge of climate change, flooding and coastal change)

The strengthening of flood risk management policies is welcomed, particularly: an integrated approach to flood management, sequential testing for all sources of flooding and the inclusion of flood risk vulnerability classifications. The NPPG should be updated on the implementation of integrated approach to flood management and sequential approach for all sources of flooding, for plan making and planning applications.

Highway design guidance and legislation should also be updated to allow for easier inclusion and adoption of SuDS features within highways, and the draining of highway surface water into adjacent SuDS features (such as filter strips) by allowing removal of kerbs in appropriate scenarios.

Page 48, para 166 b): Proposes additional wording that suggests it's okay if new development floods as long as it can quickly be brought back into use without the need for significant refurbishment. This needs to be clearer and would benefit from additional wording to ensure that homes in new development are protected entirely from flooding – e.g. "The development is appropriately flood resistant and resilient such that, in the event of a flood, all homes are protected from flood damage and any areas of public realm designed to manage flooding could be quickly brought back into use without significant refurbishment following any flood event."

Q11. Do you agree with the changes proposed in Chapter 15? (Conserving and enhancing the natural environment)

The suggested amendments are welcomed.

Q12. Do you agree with the changes proposed in Chapter 16? (Conserving and enhancing the historic environment)

The suggested amendments are welcomed.

Q13. Do you agree with the changes proposed in Chapter 17? (Facilitating the sustainable use of minerals)

The suggested amendments are welcomed.

Q14. Do you have any comments on the changes to the glossary?

A definition for "Affordable Home Ownership" should be included.

Q15. We would be grateful for your views on the National Model Design Code, in terms of

- a) the content of the guidance
- b) the application and use of the guidance
- c) the approach to community engagement

See previous responses

Q16. We would be grateful for your comments on any potential impacts under the Public Sector Equality Duty.

No comment.