
**DARLINGTON LOCAL DEVELOPMENT FRAMEWORK
DESIGN OF NEW DEVELOPMENT SUPPLEMENTARY PLANNING DOCUMENT**

**Responsible Cabinet Member – Councillor Chris McEwan,
Economy and Regeneration Portfolio**

Responsible Director - Richard Alty, Director of Place

SUMMARY REPORT

Purpose of the Report

1. This report identifies the limited consequential changes that need to be made to the Design of New Development Supplementary Planning Document (Design SPD) following the adoption of the LDF Core Strategy and arising from changes to national legislation and planning guidance since 2009 (Cabinet June 2011).
2. It seeks Cabinet's agreement for the revised Design SPD to go before Council on the 21 July 2011 to be adopted as Council policy, following which it will be a material consideration in making decisions on planning applications and in considering development proposals.
3. The report also sets out the transitional arrangements proposed where developers are already engaged with the Council as part of pre-application negotiations. This will ensure the fair, effective and consistent implementation of the Design SPD.

Summary

4. The existing Design SPD was adopted by the Council on the 16 July 2009 (Council 16 July 2009 17(2)) to provide further detail and clarification on several 'saved' Local Plan policies, national legislation and planning guidance.
5. On the 6 May 2011, the Council adopted the LDF Core Strategy. Its policies replace several 'saved' Local Plan policies which the Design SPD elaborated upon. The Core Strategy is the principal planning document in the LDF and all planning documents must be consistent with its policies. As a result, and to provide consistency with national legislation and planning guidance that has been issued since 2009, limited consequential changes are proposed to the Design SPD. Also, and until they are superseded by the LDF Making Places/Accommodating Growth Development Plan Document (expected to be in 2013), the Design SPD will continue to provide further detail on several remaining 'saved' Local Plan policies.

6. The adopted SPD, particularly its innovative approach, has been positively received and publicly endorsed at a local, sub regional and regional level by a range of stakeholders, and was the overall winner of the Royal Town Planning Institute North East planning awards in 2010. As a result, the overall approach and broad content remains largely unchanged. The SPD will continue to set out design guidance to raise the design quality of all new development in the Borough and help guide its form and location. General design guidance will remain for movement, community safety, sustainability, green infrastructure, heritage and local distinctiveness. The zone map for the Borough will continue to ensure that accompanying design codes which set out detailed design guidance for a range of issues such as height, built form and materials can be easily applied. The proposed limited consequential changes will provide further detail and add value to the existing approach to negotiating quality design of new development.
7. The adopted Design SPD was subject to extensive formal and informal stakeholder and community consultations. Ongoing, detailed consultations have also taken place for the LDF Core Strategy, which the SPD elaborates upon. Given the very limited nature and extent of the consequential changes proposed, no further consultation is considered necessary for this Design SPD.

Recommendations

8. It is recommended that :-
 - (a) Cabinet recommend to Council that the contents of the revised Darlington Local Development Framework Design of New Development Supplementary Planning Document be agreed.
 - (b) Cabinet recommend that Council resolve to adopt the revised Design of New Development Supplementary Planning Document.
 - (c) Cabinet recommend to Council that the transitional arrangements set out in paragraph 28 be agreed.

Reasons

9. The recommendations are supported by the following reasons :-
 - (a) To continue to progress towards fulfilling the statutory requirements to have an up to date Local Development Framework in place.
 - (b) To fulfil the regulatory requirements of Local Development Framework document preparation.

Richard Alty
Director of Place

Background Papers

- (i) Darlington Local Development Framework Design of New Development Supplementary Planning Document July 2009
- (ii) Darlington Characterisation Study July 2009

- (iii) Darlington Local Development Framework Core Strategy May 2011
- (iv) Darlington Open Space Strategy 2007

Karen Johnson: Extension 2047

S17 Crime and Disorder	Crime and Disorder is a specific theme (Promoting Community Safety) considered in the Design SPD, and is supplemented by detailed design guidance on Safety and Security for new development.
Health and Well Being	The Design SPD contains general and detailed design guidance for matters such as green infrastructure, sustainable transport provision, new housing for all and environmental protection that will encourage and enable people to lead more active lifestyles and improve health and well being.
Carbon Impact	Improving Sustainability is a key theme of the Design SPD; sustainable building standards are set out and detailed guidance is provided on appropriate energy efficiency, renewable energy and micro-generation to help reduce the Borough's carbon footprint.
Diversity	The Design SPD contains general and detailed design guidance for matters such as inclusive design, homes for older people, inclusive play areas and access to new buildings that will encourage and enable all the community to enjoy new development.
Efficiency	The Design SPD emphasises the importance of pre-application negotiations and establishes the design requirements for new development. This should lead to savings in officer time and workload later in the planning application process, particularly for major and significant schemes.
Wards Affected	All
Groups Affected	All
Budget and Policy Framework	Preparation and adoption of the Design SPD can be achieved within the revenue budget allocated to the Local Development Framework for 2011/12.
Key Decision	This is not an executive decision
Urgent Decision	This is not an executive decision.
One Darlington: Perfectly Placed	The Design SPD is the spatial expression of the design elements of One Darlington: Perfectly Placed.

MAIN REPORT

Purpose of the Report

10. The purpose of this report is to highlight the limited consequential changes proposed to the Local Development Framework (LDF) Design of New Development Supplementary Planning Document (Design SPD) arising from the adoption of the LDF Core Strategy on the 6 May 2011 (Cabinet June 2011), and changes to national legislation and planning guidance issued since 2009. It also seeks Members' agreement that the final document can be recommended to Council for adoption as part of the Darlington Local Development Framework.
11. The report also sets out the transitional arrangements proposed where developers are already engaged with the Council as part of pre-application negotiations.

Context

12. The LDF will guide the development and use of land in Darlington. One of its more detailed policy documents will be the revised Design SPD, providing further detail and clarification on key Core Strategy policy CS2: Achieving High Quality, Sustainable Design which applies to all forms of development as well as several Core Strategy policies where design is one element of the policy. Once adopted by the Council, the Design SPD will carry considerable weight in making decisions on planning applications.
13. Also, until the forthcoming Making Places/Accommodating Growth Development Plan Document (DPD) is adopted (expected to be 2013), the Design SPD will continue to elaborate on several 'saved' Local Plan policies. The Making Places/Accommodating Growth DPD must be consistent with the Core Strategy, whose policies have superseded many Local Plan policies. As the Design SPD is consistent with the Core Strategy, it is envisaged that its content will remain appropriate to guide the design of new development over the long term. A list of all relevant policies is attached (**Appendix 1**).

Revised Design SPD

14. The Design SPD is closely linked to the themes in One Darlington: Perfectly Placed. Its aim is to influence and significantly raise the standard of design to help create a high quality, distinctive, safe and sustainable built and natural environment for Darlington's residents and those who wish to visit or invest in the Borough.
15. The revised Design SPD also elaborates on relevant national legislation and planning guidance that have been published since the Design SPD was adopted in 2009. These include the Flood and Water Management Act 2010 and Planning Policy Guidance Statements (PPS) 3, 4 and 5 relating to housing, economic growth and the historic environment respectively.

Community and Stakeholder Consultation Undertaken

16. In accordance with the Council's Statement of Community Involvement and to meet regulatory requirements regarding public participation in the preparation of a supplementary planning document, the existing adopted Design SPD was subject to several stakeholder and community consultations. Extensive consultation has also taken place for the LDF Core

Strategy, on which the SPD elaborates. Given the limited nature, extent and impact of the proposed consequential changes, no further consultations have been undertaken. All key proposed changes are covered in this report. A copy of the proposed revised Design SPD is attached (**Appendix 2**).

Key consequential changes to the Design SPD

Section 4.3 Achieving Sustainability: Sustainable Building Standards

17. The revised Design SPD sets out new requirements relating to how the national sustainable building standards; the Code for Sustainable Homes (residential development) and BREEAM 2008 standards (non residential development) will be implemented. Developers are expected to submit an interim Code for Sustainable Homes certificate or design stage BREEAM certificate as part of a planning application to demonstrate compliance with the appropriate standard. This will be secured via planning condition; discharge of the condition requires submission of the final Code/post construction BREEAM certificate. This is a more robust approach than has previously been used, ensuring developers and housebuilders commit to building in sustainability in the design stage when it is more cost effective.

Section 4.3 Achieving Sustainability: On Site Renewable Energy Targets

18. To be consistent with the Core Strategy, the Design SPD also sets out the percentage of decentralised and renewable or low carbon energy required from new development:
 - (a) at least 20% of predicted energy supply in the strategic development locations (except the Rest of the Urban Area);
 - (b) at least 10% of predicted energy supply in major developments (including conversions) of 10 or more dwellings or 1000m² of non residential floorspace.
19. A new approach to implementation is set out; developers will be expected to complete a simple renewable energy matrix detailing the total baseline energy consumption of their development. The appropriate percentage target will then be applied to determine the total amount required to be supplied by renewable energy. This information is required to be submitted at planning application stage as part of the Design and Access Statement along with details of the type of technology that would most appropriately achieve this target. This detailed, clear approach should give developers and housebuilders confidence that on site renewable energy targets will be applied in an equitable, robust and transparent way.

Section 4.3 Achieving Sustainability: Energy hierarchy

20. Flexibility is built in to sustainable design; a new requirement is that the design of new development should follow the three stage energy hierarchy to build in sustainability from an early stage in the design process, that is:
 - (a) first incorporate energy efficient design to meet the appropriate sustainable building standard and reduce the overall energy consumption of a development so proportionally the overall amount to be achieved through the on site renewable energy percentage target will be reduced;
 - (b) then consider a range of decentralised or renewable and low carbon technologies to achieve the appropriate percentage target; and then

- (c) use 'allowable solutions' (measures permitted for dealing with remaining residual carbon emissions) after undertaking i) and ii) above. This can include a financial contribution to a carbon management fund, to be administered by the Council, to improve the energy efficiency of existing homes in the Borough.

- 21. This three stage process will ensure that incorporating sustainability measures can be achieved in a flexible way from an early stage in the development process, when costs are lower, while continuing to promote a range of high quality development designed for the long term.

Section 4.3 Achieving Sustainability: Sustainable Drainage Systems

- 22. The Flood and Water Management Act 2010 is expected to require sustainable drainage systems be designed into most new development, to reduce the flood risk from surface water run off, from 2012. The revised SPD has been flexibly worded to ensure that any approach introduced by the Government can be easily applied in Darlington.

Section 4.4 Integrating Green Infrastructure: Open Space Standards

- 23. Previously only natural and semi natural greenspace standards were required to be designed into new development. But to provide greater flexibility to securing open space to meet identified local needs, the standards have been revised to reflect the overall open space standard of provision in the Council's Open Space Strategy (6.2ha per 1000 people with 70% of all spaces being 3* quality or above).

Section 4.4 Integrating Green Infrastructure: Darlington's Arboreal Character

- 24. Further guidance in relation to trees and development has been added to elaborate on Core Strategy policy CS15 (Protecting and Enhancing Biodiversity and Geodiversity). Detailed guidance is provided in relation to planting of fruit trees and street trees and the appropriate techniques that provide for optimal growing conditions.

Section 4.4 Integrating Green Infrastructure: Quality Landscaping Schemes

- 25. Quality landscaping schemes play an important role in enhancing the visual amenity, biodiversity value and overall quality of a development. The Design SPD provides greater detail; the use of native species and priority habitats as part of high quality planting and shrub schemes are encouraged. Developers are expected to consider using appropriate lighting schemes and public art as well as promoting inclusive landscaping schemes that allow access for all.

Section 4.5 Reflecting Heritage and Local Distinctiveness: Energy Efficiency in Traditional Buildings

- 26. Traditional buildings built before 1919 perform differently to modern buildings and have different energy efficiency requirements. New guidance has been added on natural insulation and glazing techniques to reflect the increasing emphasis in national planning guidance on heritage and climate change and to address increasing interest from the community. This approach will save developers and homeowners time and resources while providing a clear, sound basis for negotiations with officers.

Sustainability Appraisal (SA), Habitats Regulation Assessment (HRA), Equalities Impact Assessment (EQA) and a Disabilities Equalities Impact Assessment (DEIA)

27. Since 2009, the planning regulations have changed and a Sustainability Appraisal is no longer required to accompany a Supplementary Planning Document. The existing adopted SPD was accompanied by a HRA, EQA and DEIA, and all of these assessments have also since been undertaken for the Core Strategy. Given the limited nature of the proposed consequential changes, and as the Design SPD is consistent with the Core Strategy and its supporting assessments, it is not considered that there are any significant impacts arising from the changes proposed in this Design SPD that would alter the findings of these assessments. The revised Design SPD is therefore considered to address the needs of all the community, sustainability and ecological standards.

Transitional Arrangements

28. Since the adoption of the Core Strategy in May 2011, officers have been referring developers to the proposed consequential changes to the revised Design SPD. However, where developers have been engaged with the Council in extended pre-application discussions prior to this date, and where the details of proposed new design requirements have not been mentioned, it would be unreasonable of the Council to require it at a late stage in negotiations. These instances are now likely to be exceptions, but where developers have made irreversible financial commitments on the basis of advice at the time, this would be reflected in any contribution sought and would be stated in officers' reports to Planning Committee.

Monitoring and Review

29. The effectiveness of the Design SPD in helping to secure design quality will be monitored through the LDF Annual Monitoring Report. It will enable the Council to identify and monitor the number of developments that meet identified standards across the Borough. Review of the SPD may be triggered if there is a significant change in national legislation or planning guidance or through monitoring it becomes clear that the Design SPD is ineffective in delivering high quality sustainable design.

Next Steps

30. Subject to Cabinet's agreement of the recommendations, the Design SPD will be presented to Council on the 21 July, with a recommendation for its adoption as Council policy. Once adopted it will be a material consideration when assessing planning applications and considering development proposals.

RELEVANT CORE STRATEGY AND LOCAL PLAN POLICIES

1. The LDF will guide the development and use of land in Darlington. One of its more detailed policy documents will be the revised Design SPD, providing further detail and clarification on several Core Strategy policies:
 - (a) Key Core Strategy policy CS2: Achieving High Quality, Sustainable Design applies to all forms of development;
 - (b) Core Strategy policies where design is one element of the policy, relating to particular buildings or environments, or to a specific form of development:

Policy CS3: Promoting Renewable Energy;
Policy CS4: Developer Contributions;
Policy CS10: New Housing Development;
Policy CS11: Meeting Housing Needs;
Policy CS12: Existing Housing;
Policy CS13: Accommodating Travelling Groups;
Policy CS14: Promoting Local Character and Distinctiveness;
Policy CS15: Protecting and Enhancing Biodiversity and Geodiversity;
Policy CS16: Protecting Environmental Resources, Human Health and Safety;
Policy CS17: Delivering a Multifunctional Green Infrastructure Network; and
Policy CS19: Improving Transport Infrastructure and Creating a Sustainable Transport Network.

Once adopted by the Council, the Design SPD will carry considerable weight in making decisions on planning applications.

2. Also, until the forthcoming Making Places/Accommodating Growth DPD is adopted (expected to be 2013) the Design SPD will continue to elaborate on several 'saved' Local Plan policies:
 - (a) Local Plan policy that applies to all forms of development (Policy E14 Landscaping of Development);
 - (b) Local Plan policies where design is one element of the policy:
Policy E9: Protection of Parklands;
Policy E12: Trees and Development;
Policy E38: Alterations to Business Premises;
Policy E42: Street Furniture;
Policy H7: Areas of Housing Development Restraint;
Policy H12: Alterations and Extensions to Existing Dwellings;
Policy H13: Backland Development; and
Policy EP6: Prestige Development.

3. The adopted DPD must be consistent with the Core Strategy whose policies have superseded many 'saved' Local Plan policies. As the Design SPD is consistent with the Core Strategy, it is envisaged that its content will remain appropriate to guide the design of new development in the long term.