



Design of Development Supplementary Planning Document

Corporate Priority:	Priority 3: Delivering sustainable and inclusive growth in Melton Priority 4: Protect our climate and enhance our rural, natural environment
Relevant Ward Member(s):	All
Date of consultation with Ward Member(s):	10 June 2021
Exempt Information:	No
Key Decision:	No – SPD will be considered for adoption by Council
Subject to call-in:	No Not key decision

1 Summary

- 1.1 This report seeks Cabinet approval to recommend adoption of the Design of Development Supplementary Planning Document (SPD) to Council on the 16th December 2021.
- 1.2 The key objectives of the Design of Development SPD are to raise the quality of design in development in the Melton Borough. It aims to facilitate this by providing clear guidance of what good design is within a local context, complementing on the policies contained within the adopted Local Plan with greater detail.
- 1.3 Formal public consultation took place between 10th June 2021 and 22nd July 2021, following substantial prior member engagement. Virtual public consultation events took place on 6th & 15th July, for stakeholders on 19th July and Members on 13th July.
- 1.4 30 responses were received to the consultation. The consultation feedback was generally positive with some useful additions and comments received. This feedback has been taken into consideration within the now revised Design of Development SPD to produce the final document which is presented as Appendix A to this report.

2 Recommendations

That Cabinet:

- 2.1 Notes the comments received during the consultation period and the amendments made to Design of Development Supplementary Planning Document (SPD) as a result;**
- 2.2 Recommends to Council that the final version of the Design of Development SPD, included as Appendix A, is adopted as a formal Supplementary Planning Document**

3 Reason for Recommendations

- 3.1 Formal adoption of the Design of Development SPD is sought in order to support the Local Plan objective of securing improved quality of design. It provides additional guidance and information to help implement and interpret the design related policies in the Melton Local Plan. This includes but is not limited to the main design policy (D1). As design is a cross cutting theme, a number of other policies in the Melton Local Plan are also relevant to the SPD including those relating to environmental enhancements, character, heritage and transport / parking.
- 3.2 The six week public consultation from 10th June 2021 – 22nd July 2021 resulted in 30 responses which were generally positive with some useful additions and comments received. This feedback has been incorporated where possible within the Design of Development SPD to produce the final document.
- 3.3 It is considered that the finalised SPD will be a valuable tool towards achieving the aim and objective of raising the quality of design and development in the Borough.

4 Background

- 4.1 The key objectives of the Design of Development SPD are to provide further detail in regards to the policies contained within the Melton Local Plan. In particular, to assist in the objective of raising the quality of design of development in the Melton Borough. It achieves this by providing additional guidance of what good design is within a local context.
- 4.2 The Design of Development SPD is split into sections relating to the Core Design Principles and General Guidance. It gives advice regarding all types of developments, from major residential schemes, through to industrial and commercial, and extensions to dwellings. The core design principles for which guidance is provided are:
 - Working with nature
 - Making room for water
 - Positive public spaces
 - Accessible and legible streets
 - Locally distinctive places
 - Adaptable and resilient buildings
- 4.3 The SPD goes on to give further guidance as to the 'character' of the various areas around the Borough, to ensure that development is sensitively designed. This includes

consideration of materials, heights, massing and roofscape, landscape and topography amongst others. The Character Areas are:

- Melton Mowbray Town Centre
- Melton Mowbray Edge of Centre
- Melton Mowbray Suburbs
- The Northern Villages
- The Southern Villages

4.4 The General Guidance contained within the document gives detail regarding the following:

- Residential Parking Guidance
- Cycle Parking Guidance
- Renewable and Low Carbon Energy
- Residential Separation Distances

4.5 Scoping consultations were carried out in 2019 with Members and officers prior to a specialist design consultant being appointed to undertake the preparation of the SPD.

4.6 A copy of the Draft SPD was circulated to officers and Members for pre-consultation feedback. Virtual pre-consultation events were held in February 2021, with the purpose of presenting the work produced to date to gain feedback and discuss any thoughts on the Draft prior to formal public consultation.

4.7 Formal public consultation took place between 10th June 2021 and 22nd July 2021. Further detail of the consultation exercise is provided in section 7 of this report. The responses received, alongside a summary of how they have influenced the final content of the SPD, are included in Appendix B to this report.

5 Main Considerations

5.1 Adoption of the Design of Development Supplementary Planning Document will provide detailed guidance in order to support the implementation of relevant Melton Local Plan policies by providing more clarity on what local design expectations are, provide guidance how they can be achieved and explains how they will be tested.

5.2 The adoption of a Design SPD is also expected to:

- Help to ensure that planned growth aligns well with our other aims to promote aspiration, provide good quality homes that meet local needs and build safe, happy and healthy communities.
- Reduce the potential costs of poor design
- Help to produce development that is well designed and less likely to require public resources to retrospectively change or manage, as well as provide better positive outcomes in terms of sustainability, safety, health and well being.
- Provide better quality clear information for applicants leading to better quality application submissions and improved efficiency in the processing of applications; and
- Provide greater transparency and improved consistency in decision making, less protracted negotiations with developer and a reduced risk of losing appeals on design decisions (with their associated cost).

6 Options Considered

- 6.1 Not to produce and adopt a Design of Development SPD. This would mean that the Council must rely solely on any national design guidance, the policies within the Melton Local Plan, and completed Neighbourhood Plans. Design is subjective and national guidance can be vague as it does not relate to specific places. Neighbourhood Plans are not in place in all areas of the Borough, and the Local Plan has no specific guidance contained within it to suggest what the Council considers to be good design or how it can be achieved. This option was not considered appropriate for these reasons.
- 6.2 Create a Design of Development SPD to provide clarity on the Council's expectations for new development, based on the adopted policies and providing information to help it be achieved. The SPD would support the policies within the Melton Local Plan, provide greater clarity for agents and applicants when submitting planning applications, and aid Planning Officers and Members when making decisions. Therefore, it is considered that the adoption of the SPD is the necessary next step for this project.
- 6.3 Not adopt the SPD, which would result in the scenario as set out at paragraph 6.1.

7 Consultation

- 7.1 Formal public consultation took place for 6 weeks between 10th June 2021 and 22nd July 2021. The draft SPD was emailed to all the organisations and individuals on the Planning Policy consultees database.
- 7.2 An article and press notice appeared in the Melton Times, and the consultation sessions were advertised on 'The Eye' radio station to notify members of the public and raise awareness of the consultation. An email was sent to all stakeholders to notify them of the consultation. This included Councillors; Parish Councils; developers; house builders; planning and land agents; registered providers; Homes England; the County Council; neighbouring councils; Leicester City and Leicestershire County Council and relevant internal members of staff.
- 7.3 A copy of the draft SPD was made available online and paper copies were available on request. A survey monkey questionnaire was also made available and advertised within the press notice, radio announcement, on social media and online.
- 7.4 Four separate virtual consultation meetings took place for Members, stakeholders and two meetings for the general public. These events were also advertised within the press notice, radio announcement, on social media and online. Posters were provided for Parish Councils to display on their Parish Notice Boards.
- 7.5 30 responses were received to the consultation. The consultation highlighted that there is general concern over the parking and highways impact of new large scale developments, including the provision of cycle parking within plots and the provision of more bridleways and footpaths. This included concern over the viability of wider streets, street trees, avoidance of tandem parking and visitor parking. Full details of consultation responses are provided in Appendix B to this report.
- 7.6 The consultation also highlighted that there was a requirement to add sections and to ensure that the SPD relates more clearly to the adopted policies on the following topics:
- Climate Change, Health and Wellbeing, and Local Character.
 - Careful design of waste storage and provision within developments.

- Policy matrix.
- Reference and Resources.

7.7 There was also a general view that the wording within the draft Design of Development SPD could be stronger, especially with regard to the provision of renewable energy solutions and the importance of public open spaces.

7.8 Following the consultation feedback, the Design of Development SPD has been amended. The main changes are listed below:

- Updated highways sections and modified drawings to reflect comments.
- Added upfront sections on Health and Wellbeing, Climate Change and Local Distinctiveness.
- Added a table of Local Plan policies.
- Added resources and references page.
- Updated wording, mainly keeping the spirit of the document the same.

8 Next Steps – Implementation and Communication

8.1 If the recommendations are agreed, the SPD will be presented to Council to be formally adopted on 16th December 2021. Subject to Council approval of the SPD, an adoption statement will be published to comply with the Town and Country Planning (Local Planning) (England) Regulations 2012, part 5, 14.

8.2 Once adopted, the SPD will be published on the Melton Local Plan webpage (www.meltonplan.co.uk), and the decision will be communicated (via email) to all relevant stakeholders, including developers and planning agents; Councillors; Parish Councils; the County Council; Leicestershire Councils; neighbouring Councils and relevant internal members of staff for immediate implementation in assessment of planning applications and pre-application discussions. A press release will accompany the publication of the adopted SPD.

8.3 Staff training for the development management team will be undertaken and the documents will be uploaded to the Council's website. Training will be provided for the Planning Committee and all officers for whom the SPD is relevant; to raise awareness and understanding of the content of the SPD and how to use the document's guidance and priorities to negotiate better design solutions.

9 Financial Implications

9.1 The original budget for the project was £15,000 but consultants have been procured to the sum of £12,600 for the production of the Design of Development Supplementary Planning Document.

9.2 The SPD will not have any adverse financial impacts on the Council. Once fully adopted the SPD will illustrate the Council's approach to good design within new development. The advice and guidance provided by the SPD will encourage more appropriately designed development being submitted, with the objective of reducing the time spent on negotiating improvements to applications by Planning Officers.

- 9.3 The Design of Development SPD also has the potential to help reduce the cost of poor design for the reasons below:
- There are higher long-term economic and social costs and poorer performance from buildings and places that are badly designed.
 - Development that is well designed is less likely to require public resources to retrospectively change or manage, as well as provide better positive outcomes in terms of sustainability, safety, health and well being.
 - Poor design can often be addressed simply and cheaply at the design stage, but can be much more costly and harder to address retrospectively, where the burden is more likely to fall upon public finances.

Financial Implications reviewed by: Corporate Services Manager (Deputy s151 Officer)

10 Legal and Governance Implications

- 10.1 The Planning and Compulsory Purchase Act 2004 (as amended) and the Town and Country Planning (Local Development) (England) Regulations 2021 provide the statutory Framework governing the preparation and adoption of SPD's. The SPD follows the guidelines set out in the Regulations and frameworks.
- 10.2 The [National Planning Policy Framework \(2021\)](#), states that supplementary planning documents should; "add further detail to the policies in the development plan. They can be used to provide further guidance for development on specific sites, or on particular issues, such as design. Supplementary planning documents are capable of being a material consideration in planning decisions but are not part of the development plan."
- 10.3 The legislation relating to Supplementary Planning Documents is found in the [Town and Country Planning \(Local Planning\) \(England\) Regulations 2012](#) specifically in Part 5 of the regulations. In addition the regulations state:
- 10.4 8 - (1) A local plan or a supplementary planning document must—
- (a) contain the date on which the document is adopted; an
 - (b) indicate whether the document is a local plan or a supplementary planning document.
- (2) A local plan or a supplementary planning document must contain a reasoned justification of the policies contained in it.
- (3) Any policies contained in a supplementary planning document must not conflict with the adopted development plan.
- (4) Subject to paragraph (5), the policies contained in a local plan must be consistent with the adopted development plan.
- (5) Where a local plan contains a policy that is intended to supersede another policy in the adopted development plan, it must state that fact and identify the superseded policy
- 10.5 Looking specifically at the decision-making implication of the SPD; the [NPPG](#) (para 008, ref: 61-008-20190315) states: SPD's should build upon and provide more detailed advice or guidance on policies in an adopted local plan. As they do not form part of the development plan, they cannot introduce new planning policies into the development plan. They are however a material consideration in decision-making. They should not add unnecessarily to the financial burdens on development. The SPD should contain a

reasoned justification of the policies within in and for it not to conflict with adopted development plan policies.

- 10.6 The Design of Development SPD is a document produced to support delivery of policies, particularly Policy D1, in the Council's Local Plan, which was adopted in October 2018. The Local Plan has been prepared in accordance with legal requirements set out in the Planning & Compensation Act 2004 and accords with the Government's National Planning Policy Framework. The Local Plan is consistent with the Council's Corporate Plan vision and priorities.

Legal Implications reviewed by: Natasha Taylor (Deputy Monitoring Officer) 01.10.21

11 Equality and Safeguarding Implications

- 11.1 The purpose of the Design of Development SPD is to provide guidance to policies contained within the Melton Local Plan, therefore does not need an EIA as there are no equality and safeguarding implications.

12 Community Safety Implications

- 12.1 Although the SPD does not have direct implications on community safety, part 2 of the Positive Public Spaces section details how the design of developments can help to limit crime and anti social behaviour through the use of lighting and boundary treatments. This ensures that people understand how new developments contribute to making the community a safer environment.

13 Environmental and Climate Change Implications

- 13.1 The Design of Development SPD has strong linkages to environment and climate change issues. It encourages developers to work with nature, make room for water and reduce climate change within new developments. These include:
- retaining natural features
 - creating wildlife corridors
 - using green roofs and walls
 - creating and maintaining new habitats including more trees
 - restoring existing watercourses
 - use of renewable and low carbon energy
 - harvesting and storing rainwater
 - creating accessible and legible streets to promote walking and cycling

14 Other Implications (where significant)

- 14.1 The Design of Development SPD encourages more connectivity, accessible and legible streets and positive public spaces, providing walking and cycle routes. This would have a positive impact upon healthy lifestyles and would encourage more people to walk or cycle rather than drive.

15 Risk & Mitigation

Risk No	Risk Description	Likelihood	Impact	Risk
1	If adoption of the Design of Development SPD is delayed there would continue to be no detailed way of supporting the Local Plan objective of improved design.	Low	Critical	Medium Risk
2	The Cabinet does not recommend to Council to adopt the SPD	Very Low	Critical	Medium Risk
3	The SPD is not adopted by Council	Very Low	Critical	Medium Risk
4	The SPD is subject to a legal challenge post-adoption	Low	Critical	Medium Risk

		Impact / Consequences			
		Negligible	Marginal	Critical	Catastrophic
Likelihood	Score/ definition	1	2	3	4
	6 Very High				
	5 High				
	4 Significant				
	3 Low			1, 4	
	2 Very Low			2, 3	
	1 Almost impossible				

Risk No	Mitigation
1	Officers have worked closely with Members to produce the final draft of the SPD, incorporating their comments where possible following the early (pre-public) consultation undertaken
2	Officers have worked closely with Members to produce the final draft of the SPD, incorporating their comments where possible following the early (pre-public) consultation undertaken
3	Officers have worked closely with Members to produce the final draft of the SPD, incorporating their comments where possible following the early (pre-public) consultation undertaken
4	The necessary procedures have been followed when producing the SPD including a comprehensive consultation, reducing the risk of a legal challenge.

16 Background Papers

16.1 Adopted Melton Local Plan 2011-2036

17 Appendices

17.1 Appendix A – Design of Development Supplementary Planning Document

17.2 Appendix B – Consultation Feedback

Report Author:	Sarah Legge , Local Plans Manager Sara Hullott , Planning Policy Officer
Report Author Contact Details:	01664 502380 SLegge@melton.gov.uk
Chief Officer Responsible:	Jim Worley , Assistant Director for Planning and Delivery
Chief Officer Contact Details:	01664 502359 jworley@melton.gov.uk