

<b>REPORT TO:</b>	<b>CABINET - 22 June 2022</b>
<b>SUBJECT:</b>	<b>Revocation of Croydon suburban design guide supplementary planning document (SPD2)</b>
<b>LEAD OFFICER:</b>	<b>Nick Hibberd – Corporate Director of Sustainable Communities, Regeneration and Economic Recovery</b>  <b>Heather Cheesbrough – Director of Planning and Sustainable Regeneration</b>  <b>Steve Dennington - Head of Spatial Planning (&amp; Interim Head of Growth and Regeneration)</b>
<b>CABINET MEMBER:</b>	<b>Cabinet Member for Planning and Regeneration – Cllr Jeet Bains</b>
<b>WARDS:</b>	<b>All</b>

## **SUMMARY OF REPORT:**

Executive Mayor Perry made a clear manifesto pledge in the 2022 pre election period to revoke the Croydon suburban design guide supplementary planning document (SPD2). The Mayor has indicated this pledge is to ensure new development respects character, is led by design over density and improves the quality of future development. This Cabinet report sets out the basis for the revocation for consideration by Council following Cabinet.

The Croydon suburban design guide supplementary planning document (SPD2) was adopted in April 2019, with an approximate 18 month production time up to adoption, in a particular context that has changed notably up to present day.

At a national level, the National Planning Policy Framework 2021 includes a chapter dedicated to 'Achieving well-designed places'. This is supplemented by the publication in 2021 of the National Design Guide and National Model Design Code that provide the framework for how to produce design guides and codes. This guidance states this is to provide and create beautiful and distinctive places with a consistent and high quality standard of design.

In May 2022 the government published the Levelling Up and Regeneration Bill, which includes a number of proposed legislative changes to the plan making process, which will need to be given regard as part of the continued work on the Local Plan Review.

Regarding the London Plan, SPD2 was produced in the context of the submitted London Plan (July 2018), which included a proposed housing target for Croydon of 2,949 per annum (2019 -2029) with a clear expectation that a large proportion of this development would be accommodated through small site development. Post the London Plan Examination process, including the planning inspectors' panel report and Secretary of State approval, the adopted London Plan 2021 includes a housing target for the borough of 2,079 per annum (2019 – 2029) inclusive of a 641 per annum small sites target (2019 – 2029)

The London Plan 2021 is proposed to be supplemented by a series of design guidance. Most notably, the Greater London Authority has published draft guidance regarding Optimising Site Capacity: A Design Led Approach and Small Sites Design Codes. This guidance, particularly once adopted, will be material to the production of the borough's Local Plan Review.

For the reasons set out in this report and the matters summarised in this section, the revocation of SPD2 is justified fully and appropriate at this time. Therefore, setting the context and requirement for recommendation 1.2.

To reflect the manifesto pledges of the Mayor and in response to representations received on the Proposed Submission Local Plan Review (December 2021) the Local Plan review is being revisited, particularly regarding the proposed policy context for achieving conformity with the London Plan 2021 small sites policy (H2), the annual small sites housing target and the policy approach to design and character.

It is recommended to produce the residential extensions and alterations part of SPD2, with revisions, as a stand alone supplementary planning document.

**FINANCIAL IMPACT**

The revocation of SPD2 in resource and budget terms can be accommodated as part of the existing Spatial Planning establishment and supplies and services budget.

It is recommended that the chapter relating to residential extension and alterations as part of the current SPD2 is progressed as a stand alone supplementary planning document. The chapter is a valuable material consideration and tool for the Local Planning Authority and planning officers in assessing and determining applications of this type. This project can be funded from the existing Local Development Framework / Local Plan earmarked reserve.

To reflect the manifesto pledges of the Mayor and in response to representations received on the Proposed Submission Local Plan Review (December 2021) the Local Plan review is being revisited.

Whilst the use of the existing earmarked reserve brought forward from 2021/22 to finance the cost of the residential extension and alterations SPD, that reserve would no longer be available to finance the costs of the planned local plan review – those equivalent costs thus will be a further budget pressure.

**FORWARD PLAN KEY DECISION REFERENCE NO: NA**

## **RECOMMENDATIONS**

The Executive Mayor, in Cabinet, is recommended to:

- 1.1 Recommend to Council the revocation of the Croydon suburban design guide supplementary planning document (SPD2) (Appendix1) in accordance with Regulation 15 (2) and (3) of the The Town and Country Planning (Local Planning) (England) Regulations 2012.
  
- 1.2 Agree to produce the residential extensions and alterations chapter of the Croydon suburban design guide supplementary planning document (SPD2) as a supplementary planning document. To be reported to Council for adoption after consultation.

## **1. Detail**

### **1.1 Current position**

1.2 The Croydon suburban design guide supplementary planning document (SPD2) was adopted in April 2019, with an approximate 18 month production time up to adoption. SPD2 was produced at a time that at the national and London level there was very limited guidance published to support Council's in the production of design guides to accommodate housing growth, especially housing supply from small sites in suburban locations. The intention was for the Council to set out design guidance in the face of a submitted London Plan housing target (2,949 per annum) that was nearly double that included in the Local Plan 2018 (1,645 per annum). SPD2 has operated as a material planning consideration to the determination of planning applications for suburban housing schemes and proposals for residential extensions and alterations. SPD2 remains a material consideration to the determination of planning applications with its weight a matter for the decision maker.

1.3 The adopted Local Plan 2018 is part of the Council's development plan and planning applications are determined in accordance with the development plan unless material consideration indicate otherwise.

1.4 The review of the Local Plan had reached its final stages with the proposed submission Local Plan Review being agreed by the then Cabinet for publication in December 2021. In early 2022, the proposed submission Local Plan Review was published for consultation. Since the conclusion of the consultation, officers have been processing and analysing representations received. The engagement in this stage is welcomed to inform the next stage of the Local Plan Review.

1.5 To reflect the manifesto pledges of the Mayor and in response to representations received on the Proposed Submission Local Plan Review (December 2021) the Local Plan review is being revisited. This opportunity to reflect will be used to understand in greater detail the manifesto pledges of the Mayor and respond to representations received on the Proposed Submission Local Plan Review (December 2021).

### **1.6 SPD2 Revocation**

1.7 The Croydon suburban design guide supplementary planning document (SPD2) was adopted in April 2019, with approximately 18 month production up to adoption, in a particular context that has changed notably up to present day. Due to these notable changes and their number it is recommended SPD2 is revoked in full to enable the following changes in circumstances to be taken into account.

1.8 What is clear from the below, is a greater emphasis and responsibility for local authorities to develop place based design guidance and codes to guide sustainable growth and help achieve housing targets.

- 1.9 At a national level the National Planning Policy Framework 2021 includes a chapter dedicated to 'Achieving well-designed places'. This chapter at paragraph 126 states *'Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process'*. Furthermore, at paragraph 127 it states *'Design policies should be developed with local communities so they reflect local aspirations, and are grounded in an understanding and evaluation of each area's defining characteristics'*. This guidance is clear that in the development of policy and / or design guidance, good design is at the core of sustainable development and design policies should be developed with communities.
- 1.10 The NPPF is supplemented by the publication in 2021 of the National Design Guide and National Model Design Code that provide the framework for how to produce design guides and codes to provide and create beautiful and distinctive places with a consistent and high quality standard of design. It is also stated that having regard to these two documents will illustrate how well-designed places that are beautiful, healthy, greener, enduring and successful can be achieved in practice. These guidance documents are material in the production of design guidance and the Local Plan Review. Furthermore, in the absence of SPD2 the National Design Guide will be material to assessing and determining development proposals.
- 1.11 The Levelling Up and Regeneration Bill, which includes a number of proposed legislative changes for the plan making process, which will need to be given regard as part of the continued work on the Local Plan Review. Proposals include simplifying and standardising the process for local plans so that they are produced more quickly, digitalising the system to make local plans easier to find, understand and engage with and are easier for communities to influence.
- 1.12 With regard to the London Plan, it is statutory requirement for the Local Plan Review to be in conformity with the London Plan. Focussing on the context of this report, that includes conformity with the London Plan 2021 housing target of 2,079 per annum (2019 – 2029), Policy H2: Small Sites and the 641 per annum small sites housing target (2019 – 2029) as part of the overall 2,079 per annum target. Policy H2: Small Sites also requires boroughs to prepare design codes for small sites, where appropriate.
- 1.13 To support boroughs with accommodating this growth in a sustainable manner the Greater London Authority (GLA) has published (early 2022) draft guidance - Optimising Site Capacity: A Design Led Approach and Small Sites Design Codes. This guidance, particularly once adopted, will be material to the production of the borough's Local Plan Review and design guidance. The GLA state the purpose of Small Sites Design Codes guidance is to *'provide information on how to prepare area-wide housing design codes on small sites for a range of character types. Where appropriate, planning authorities and neighbourhood planning groups should refer this guidance at the planning making stage when developing design codes. Once a design code is adopted*

*for a specific area, boroughs and other decision-makers are expected to use these as a basis for their decision making'. The GLA also outline that 'these design codes should pro-actively support well-designed new homes on small sites by providing clarity and certainty over the design and quality of small site residential development'.*

- 1.14 Taken as a whole, the context in which SPD2 was produced and adopted, and with the notable and numerous changes in circumstances and guidance, the revocation of SPD2 enables a reset to the borough's design guidance. It also provides the opportunity for design guidance to be produced post adoption of the Local Plan Review and define the scope of design guidance based on the content of the Local Plan Review. This review of design guidance would have been necessary regardless of the revocation of SPD2 given the change in circumstances outline in this report.
- 1.15 The SPD2 chapter regarding residential extensions and alterations remains a valuable tool for planning officers, as a material consideration in the determination of these types of planning applications and, where appropriate, prior approvals and assessment of planning conditions. Given its value as a material consideration and how it informs the assessment and management of these types of development, it is recommended to produce the residential extensions and alterations part of SPD2, with revisions, as a stand alone supplementary planning document.
- 1.16 To reflect the manifesto pledges of the Mayor and in response to representations received on the Proposed Submission Local Plan Review (December 2021) the Local Plan review is being revisited, particularly regarding the proposed policy context for achieving conformity with the London Plan 2021, Policy H2: small sites, the annual small sites housing target and the approach to design and character. This opportunity will include revisiting the policies, areas and evidence regarding the focused and moderate intensification areas included in the Proposed Submission Local Plan Review (December 2021). The necessary revised programme will accommodate the opportunity to listen to residents, residents' associations and bring about cross party working to define how the borough can accommodate sustainable growth, including the London Plan 2021 housing target.

## **2. CONSULTATION.**

- 2.1 The legislative process for the revocation of SPD2 is set out in Regulation 15 (2) and (3) of the Town and Country Planning (Local Planning) (England) Regulations 2012.
- 2.2 The process is that as soon as reasonably practicable the local authority must:
- Cease to make any documents relating to the revoked supplementary planning document available.
- Take such other steps to draw the revocation of the SPD to the attention of persons living or working in the area.
- 2.3 Furthermore, all those that made a representation on the consultation on SPD2,

form part of the Council's Local Development Framework database and statutory bodies will be notified of the revocation.

- 2.4 The residential extensions and alterations supplementary planning document will be consulted on in accordance with the the Town and Country Planning (Local Planning) (England) Regulations 2012 and the Council's Statement of Community Involvement.

### **3. REASONS FOR RECOMMENDATIONS/PROPOSED DECISION**

- 3.1 The Croydon suburban design guide supplementary planning document (SPD2) was adopted in April 2019, with an approximate 18 month production time up to adoption, in a particular context that has changed notably up to present day.
- 3.2 At a national level the National Planning Policy Framework 2021 includes a chapter dedicated to 'Achieving well-designed places'. This is supplemented by the publication in 2021 of the National Design Guide and National Model Design Code that provide the framework for how to produce design guides and codes. This guidance states this is to provide and create beautiful and distinctive places with a consistent and high quality standard of design.
- 3.3 In May 2022 the government published Levelling Up and Regeneration Bill, which includes a number of proposed legislative changes to the plan making process, which will need to be given regard as part of the continued work on the Local Plan Review.
- 3.4 Regarding the London Plan, SPD2 was produced in the context of the submitted London Plan (July 2018), which included a proposed housing target for Croydon of 2,949 per annum (2019 -2029) with a clear expectation that a large proportion of this development would be accommodated through small site development. Post the London Plan Examination process, including the planning inspectors' panel report and Secretary of State approval, the adopted London Plan 2021 includes a housing target of 2,079 per annum (2019 – 2029) inclusive of a 641 per annum small sites target (2019 – 2029)
- 3.5 The London Plan 2021 is proposed to be supplemented by a series of design guidance. Most notably, the Greater London Authority has published draft guidance regarding Optimising Site Capacity: A Design Led Approach and Small Sites Design Codes. This guidance, particularly once adopted, will be material to the production of the borough's Local Plan Review and Design Guidance.
- 3.6 For the reason set out in this report, the revocation of SPD2 is justified fully and appropriate at this time. Therefore, setting the context and requirement for recommendation 1.2.
- 3.7 To reflect the manifesto pledges of the Mayor and in response to representations received on the Proposed Submission Local Plan Review (December 2021) the Local Plan review is being revisited, particularly regarding the proposed policy context for achieving conformity with the London Plan 2021

small sites policy (H2), the annual small sites housing target and the policy approach to design and character.

#### **4. OPTIONS CONSIDERED AND REJECTED**

- 4.1 The alternative would be not to revoke SPD2 at this stage, but having full regard, and taken as a whole, to the priorities of the Mayor and the notable and numerous changes in planning framework it is considered this option is not the preferred option.

### **5 FINANCIAL AND RISK ASSESSMENT CONSIDERATIONS**

#### **1 Revenue and Capital consequences of report recommendations**

- 5.1.1 The revocation of SPD2 (Recommendation 1.1) in resource and budget terms can be accommodated as part of the existing Spatial Planning establishment and supplies and services budget.
- 5.1.2 Recommendation 1.2 will require existing resource and budget prioritisation and additional resource and budget.
- 5.1.3 It is proposed that the existing dedicated earmark reserve for the Local Development Framework / Local Plan (£100k) be used to fund recommendation 1.2.
- 5.1.4 Once the scope of the revisit of the local plan review is understood then an assessment will be made of the costs of any further work and stages required to progress the Local Plan Review to adoption. This review of costs will also have regard to any associated design guidance that might be required post adoption of the local plan review. These costs will be considered and reported to Cabinet as part of future reports on local plan review.
- 5.1.5 To produce the residential extensions and alterations chapter of the Croydon suburban design guide supplementary planning document (SPD2) as a supplementary planning document (recommendation 1.2) will require resource to produce the guidance across the programme, one stage of consultation and adoption. It is considered this recommendation inclusive of production costs, staff costs and taking account of inflation, would be up to £100k. Therefore, the costs can be met by the existing dedicated earmark reserve for the Local Development Framework / Local Plan.
- 5.1.6 The proposed use of the existing earmarked reserve brought forward from 2021/22, will result in those reserves being unavailable to finance the costs of the local plan review – such costs as incurred on the latter will thus become a budgetary pressure in year.

#### **5.2 The effect of the decision**

- 5.2.1 The decision will commit the Spatial Planning Service to the revocation of SPD2.

5.2.2 Recommendation 1.2 will require existing resource and budget prioritisation and additional resource and budget. This will be achieved through the process outlined in Section 5 of this report.

### **5.3 Risks**

5.3.1 It is unlikely that that cost of producing the residential extensions and alterations supplementary planning document will exceed the funding available. This risk will be mitigated by ensuring that the scope of the process is tailored to enable the costs to be managed within budget.

### **5.4 Options**

5.4.1 The alternative would be not to revoke SPD2 at this stage, but having full regard and taken as a whole, the priorities of the Mayor and the notable and numerous changes in planning framework it is considered this option is not the preferred option.

### **5.5 Future savings/efficiencies**

5.5.1 In the context of recommendation 1.2, having up to date supplementary planning guidance decreases the risk of 'planning by appeal' and the considerable costs that are incurred through the planning appeal process.

5.6 Approved: Matt Davis (Interim Director of Finance)

## **6. LEGAL CONSIDERATIONS**

6.1 As explained in this report, the Local Planning Authority has the power to revoke any supplementary planning document in accordance with Regulation 15 (2) and (3) of the Town and Country Planning (Local Planning) (England) Regulations 2012 (the Regulations).

6.2 Should the recommendation to revoke SPD2 be approved, the Council should, as soon as reasonably practicable:

- Cease to make any documents relating to the revoked supplementary planning document available; and
- Take such other steps to draw the revocation of the supplementary planning document to the attention of persons living or working in the area.

6.3 The recommendations in this report seek approval to fully revoke SPD2. The Regulations do not specifically make provision for a partial revocation of a supplementary planning document.

6.4 The Council has sought external legal advice in respect of the recommendation to revoke SPD2.

Approved by Kiri Bailey, Head of Commercial & Property Law on behalf of the Interim Director of Legal Services & Deputy Monitoring Officer.

## **7. HUMAN RESOURCES IMPACT**

- 7.1 The decision will commit the Spatial Planning Service to undertake the revocation of SPD2. This can be accommodated within existing Spatial Planning staffing resource establishment.
- 7.2 Recommendation 1.2 will require existing resource prioritisation and / or additional staffing resource. This will be established in tandem with the approach outlined in section 5. In the event that additional staffing resource is required, this will need to be costed and an appropriate budget/funding source identified. As with any addition to establishment this will need to be approved by the Council's Spend Control Panel. Any new staffing should also take into consideration the Council's Equality and Diversity Strategic aims of employing a workforce that is representative of the community we serve.
- 7.2 Approved by : Dean Shoesmith, Chief People Officer

## **8. EQUALITIES IMPACT**

- 8.1 The appended Croydon suburban design guide supplementary planning document – Revocation - Equality Analysis, concludes no major changes are required as a consequence of this report.
- 8.2 Approved by: Denise McCausland - Equality Programme Manager

## **9. ENVIRONMENTAL IMPACT**

- 9.1 A Sustainability Appraisal (SA) was prepared for the Croydon Local Plan 2018. Given that SPD2 only supplemented the policies within the Local Plan, it is that the environmental benefits of the Local Plan 2018 are unaltered.

## **10. CRIME AND DISORDER REDUCTION IMPACT**

- 10.1 There are no known direct crime and disorder impacts.

## **11. DATA PROTECTION IMPLICATIONS**

- 11.1 **WILL THE SUBJECT OF THE REPORT INVOLVE THE PROCESSING OF 'PERSONAL DATA'?**

**YES**

Personal data will be handled in accordance with the Planning and Compulsory Purchase Act 2004, the Town and Country Planning (Local Planning) (England) Regulations 2012 and the Council's longstanding and agreed practices regarding Local Development Framework engagement through the Local Development Framework database.

- 11.2 **HAS A DATA PROTECTION IMPACT ASSESSMENT (DPIA) BEEN**

## **COMPLETED?**

**YES – reference number 521257**

- 11.3 The Corporate Director of Sustainable Communities, Regeneration and Economic Recovery confirms that a DPIA has been completed and is currently under review.

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**CONTACT OFFICER:** Steve Dennington Head of Spatial Planning (& Interim Head of Growth and Regeneration)

## **APPENDICES TO THIS REPORT**

Appendix 1 – Croydon suburban design guide supplementary planning document (SPD2)

Appendix 2 – Croydon suburban design guide supplementary planning document – Revocation - Equality Analysis

## **BACKGROUND PAPERS**

Croydon suburban design guide supplementary planning document (SPD2) – Adoption Cabinet and Council Report -

<https://democracy.croydon.gov.uk/documents/s14460/Suburban%20Design%20Guide%20report.pdf>