



# Cabinet



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<b>Report for:</b>	Cabinet
<b>Title of report:</b>	Paradise Design Code – Draft Supplementary Planning Document (SPD)
<b>Date:</b>	12 <sup>th</sup> July 2022
<b>Report on behalf of:</b>	Councillor Alan Anderson, Portfolio Holder for Place
<b>Part:</b>	I
<b>If Part II, reason:</b>	N/A
<b>Appendices:</b>	<p>Appendix A: Paradise Design Code – Draft Supplementary Planning Document</p> <p>Appendix B: Code Compliance Checklist</p> <p>Appendix C: Community Impact Assessment Paradise Design Code – Draft Supplementary Planning Document (SPD)</p>
<b>Background papers:</b>	<p>The Core Strategy (2006-2031)  Site Allocations Development Plan Document (2006-2031)  Hemel Garden Communities Spatial Vision  Dacorum Strategic Design Guide SPD</p> <p>Digital Engagement Hub:  <a href="https://yourhemelhempstead.commonplace.is/">https://yourhemelhempstead.commonplace.is/</a></p> <p>Briefing to SPAEOSC on 24/11/2021.  The committee noted the report introducing the design code.  <a href="https://democracy.dacorum.gov.uk/ieListDocuments.aspx?CId=177&amp;MId=2823">https://democracy.dacorum.gov.uk/ieListDocuments.aspx?CId=177&amp;MId=2823</a></p>
<b>Glossary of acronyms and any other abbreviations used in this report:</b>	<ul style="list-style-type: none"> <li>• DBC: Dacorum Borough Council</li> <li>• DSDG: Dacorum Strategic Design Guide</li> <li>• DLUHC: Department of Levelling Up, Housing and Communities.</li> <li>• HCC: Hertfordshire County Council</li> <li>• HGC: Hemel Garden Communities</li> <li>• NMDC: National Model Design Code</li> <li>• SCI: Statement of Community Involvement</li> <li>• SPD: Supplementary Planning Document</li> </ul>

<b>Corporate Priorities</b>	The Draft Paradise Design Code SPD promotes the achievement of all the corporate priorities as set out below: <ul style="list-style-type: none"> <li>• A clean, safe and enjoyable environment</li> <li>• Building strong and vibrant communities</li> <li>• Ensuring economic growth and prosperity</li> <li>• Providing good quality affordable homes, in particular for those most in need</li> <li>• Ensuring efficient, effective and modern service delivery</li> <li>• Climate and ecological emergency</li> </ul>
<b>Wards affected</b>	Hemel Hempstead Town Centre
<b>Purpose of the report:</b>	1. To seek Cabinet approval to consult on the Paradise Design Code – Draft Supplementary Planning Document (SPD)
<b>Recommendation (s) to the decision maker(s):</b>	<ol style="list-style-type: none"> <li>1. That Cabinet notes the views of Strategic Planning and Environment Overview and Scrutiny Committee.</li> <li>2. That Cabinet approves the Paradise Design Code draft Supplementary Planning Document for public consultation.</li> <li>3. That Cabinet delegates authority to the Strategic Director (Place) following consultation with the Portfolio Holder for Place, to agree the timing of the public consultation on the Paradise Design Code – draft Supplementary Planning Document.</li> </ol>
<b>Period for post policy/project review:</b>	Once the Paradise Design Code is adopted as a Supplementary Planning Document (SPD), a review of its impact and continuing relevance should be undertaken within 5 years.

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## **1. Introduction/Background:**

- 1.1 The Government is moving towards greater use of design codes as part of wider planning reform proposals. This has been demonstrated by amendments to the National Planning Policy Framework (NPPF) in 2021.
- 1.2 In April 2021, Dacorum Borough Council was one of 14 local authorities nationally to be awarded DLUHC pilot funding, to develop locally led design codes to steer design quality in emerging developments. This programme was supported by DLUHC's newly established Office for Place as part of the Phase 1 of the National Model Design Code Testing Programme.
- 1.3 The draft SPD sets out a framework of design requirements for new development in the Paradise and Wood Lane area, which is currently allocated in the Site Allocations DPD (Reference MU/3). These requirements are site-specific, clear and detailed. Once adopted, the Paradise Design Code will provide clarity about design expectations to applicants, and it is expected to enhance the character of the local area and ensure future design quality of developments coming forward. It has been prepared with the needs of design teams and officers in mind, and will be used by applicants, planning officers, statutory consultees and the wider community.
- 1.4 This document supports the emerging Town Centre Strategy as part of the Hemel Place Plan and it will steer the design quality of emerging development in the town centre.

## **2. Summary of the Draft SPD:**

- 2.1 The project team has consisted of officers from the Development Management and Strategic Planning teams. Tibbalds are the lead consultant who have provided external support on the design and masterplan. The project is using the National Model Design Code to consider the design principles for the Paradise industrial area of Hemel town centre.
- 2.2 The Council appointed the following external consultants to support the project's development:
  - Tibbalds Urban Design and Planning – Masterplan Lead
  - Commonplace – Digital Engagement Lead
  - PRD Solutions – Viability Reporting
- 2.3 The vision, principles and codes for the area, as set out in the draft SPD, have been influenced by a contextual analysis of the wider town, and are informed by the pillars set out in the Hemel Garden Communities Spatial Vision, to ensure the site is considered as a part of the wider town. The preparation of the draft SPD has been steered with 1:1 sessions and collaborative roundtables with DLUHC and the Office for Place, which have occurred twice a month during the 6-month programme. The draft SPD has embedded feedback from wider engagement with officers, stakeholders and the local community.

## Structure of the Draft SPD

- 2.4 The introductory section of the draft SPD sets out how the document is structured, the status of the content and how it should be used, alongside a brief summary of the analysis and engagement undertaken to inform the content. The introduction also establishes the vision for the area and explains the key priorities and objectives that have been identified to address opportunities and constraints.
- 2.5 The Regulatory Plan, (Figure 1.6 p. 14), provides the framework for development and establishes the key urban design principles for the site. An illustrative masterplan, (Figure 1.7 p. 16), for the site has also been prepared, however it is not the intention of the SPD that designers replicate this, the purpose is to demonstrate how the principles established within the code could be applied spatially.
- 2.6 The main body of the draft SPD comprises four key sections, which reflect the structure and guidance established in the NMDC:
- **Movement:** This section provides coding for the movement network within the site, including the street hierarchy, parking access and servicing. It provides the framework for the site to create a safe and usable movement network within its boundaries, and into the wider area.
  - **Built Form:** This section provides coding for the massing of the built form, block structures, density and heights. It also provides a strategy for the design of ground-floor uses within the site.
  - **Identity:** This section sets out the key character drivers for the site, materials, building features and public realm. This section also provides a strategy for the open spaces within the site.
  - **Use:** This section establishes the use strategy across the site, including the configuration of residential and non-residential uses.
- 2.7 The codes within the draft SPD specify both mandatory and discretionary elements. Where the requirement is mandatory applicants will be expected to demonstrate compliance with this, in the case of discretionary elements applicants will be required to demonstrate that they have tested the feasibility of compliance. This approach reflects current best practice to ensure that a high standard of design will be secured, whilst offering applicants flexibility.
- 2.8 Due to the site being in multiple ownership, Appendix A establishes an 'interdependency plan', which details how sites in separate ownership can come forward as part of a wider development to deliver a more comprehensive outcome. Appendix B sets out the contextual analysis of the Paradise area in the context of the wider town, which informed the codes.

## Policy Provision for the Draft SPD

- 2.9 The NPPF (pp.129) states that in order to carry weight in decision-making, design codes should be produced as either part of the development plan, or as SPDs.
- 2.10 The SPD sits under Policy CS11 of the Dacorum Core Strategy, (adopted 2013), which states 'The quality of neighbourhood design in towns and large villages will be reinforced through a Supplementary Planning Document on Urban Design'. It also sits under the DSDG (Adopted February 2021), which states that 'DBC is in the process of preparing detailed guidance for other types of applications, to complement the DSDG'. This SPD sets out site-specific requirements for design, which go beyond the Borough-wide guidance established in the DSDG.

### **Next Steps**

- 2.11 The next step in the preparation of the SPD will be a formal public consultation in accordance with the Council's SCI. Following the consultation, the Council will consider the views raised and make any changes it feels are necessary to the document before returning this to SPAEOSC, Cabinet and Full Council for adoption. Once adopted, the SPD will become a material planning consideration.

## **3. Options and alternatives considered**

- 3.1 Whilst applying for the DLUHC funding, other sites in the town centre were also considered for the production of a design code to steer development and improve development quality. From this, the Paradise area was selected due to the emerging Local Plan, and the fact that the ownership of the site is heavily fragmented and would benefit from a comprehensive development framework.
- 3.2 Design Codes were chosen as the policy direction for this site due to the flexibility in approach, which allows for individual character of development whilst safeguarding quality.
- 3.3 Not preparing the SPD was not an option due to the risk of schemes of a lower design quality coming forward within the area.

## **4. Consultation and Engagement**

- 4.1 The following have been consulted on the work undertaken to date:

- The Department for Levelling Up, Housing and Communities
- Development Management
- Conservation and Design
- Strategic Planning
- Hemel Garden Communities
- Housing Development and Needs
- Clean, Safe and Green
- Community Partnerships

- Hertfordshire County Council
- 4.2 All 15 landowners on the site were contacted during the summer of 2021 with an invitation to meet via letter.
  - 4.3 1:1 meetings were then held with 9 of the landowners in July and October to feed into the developing masterplan and codes.
  - 4.4 Two virtual stakeholder workshops hosted by the Council and Tibbalds took place in August and October 2021. The invites went out to landowners, local businesses, stakeholders, residents and subscribers to the project Commonplace platform. Flyers were distributed in the local area to promote the workshops. These were attended by Paradise landowners and business owners.
  - 4.5 Targeted community involvement on the Paradise Design Code has taken place with a youth group ran by YC Hertfordshire (August 2021).
  - 4.6 Engagement with members has involved a members' walking group to the Paradise Area, (August 2021), project briefings with the Portfolio Holder and a briefing at SPAEOSC to provide a project update (November 2021).
  - 4.7 Wider public engagement has taken place using the Commonplace consultation on the Town Centre and Paradise site, <https://yourhemelhempstead.commonplace.is/>. This consultation took place between June 2021 and November 2021. Flyers and paper surveys were distributed in person to local businesses, residents and West Herts College. The commonplace consultation generated a substantial response, with 187 respondents producing 479 contributions.
  - 4.8 When exploring the comments from this consultation relating to the wider Hemel town centre, the key themes of positive comments were the place being close to nature, having attractive design and having a strong sense of community. In contrast, key themes of negative comments were the place feeling unsafe, having no sense of community and being bad for pedestrians.
  - 4.9 When specifically focusing on the existing Paradise site the overall sentiment from respondents was mostly negative. Key themes from the responses included that the area feels unsafe, especially at night, the area is poorly connected, the area should facilitate safe movement for pedestrians and cyclists, and that with more homes being built, these should be attractive and high quality, and should be provided with more outdoor green spaces.
  - 4.10 Following the statutory consultation on the draft SPD, a full engagement report will be prepared to inform the final version of the document.

## **5. Financial and value for money implications:**

- 5.1 The Council received £50,000 grant funding from the Department of Levelling Up, Housing and Communities (DLUHC), as part of a national pilot scheme to

test and apply the National Model Design Code (NMDC). In addition to this, £8,500 from the Place Budget was used to appoint consultants to review the draft SPD to ensure what was being proposed is financially viable.

- 5.2 The consultants were appointed through a formal procurement process where quality, cost and value for money considerations were reflected in the scoring criteria.
- 5.3 There are no financial implications in adopting the Paradise Design Code as an SPD, it would be expected that it would optimise the development management process in the Paradise and Wood Lane area, therefore saving internal resource and cost.

## **6. Legal Implications**

- 6.1 There are no legal implications directly associated with this report.
- 6.2 Following the completion of the committee process, the draft SPD will be consulted on and made publicly available, in accordance with the Council's adopted SCI (2019). This will ensure full compliance with the relevant statutory requirements for SPDs, as set out in the Town and Country Planning (Local Planning) (England) Regulations 2012.
- 6.3 A screening assessment to carry out Strategic Environmental Assessment (SEA) and Habitats Regulations Assessment (HRA) will be required prior to the adoption of the SPD, and will be undertaken following the consultation.

## **7. Risk implications:**

- 7.1 The site was proposed for mixed-use development in the Emerging Strategy for Growth consultation document in 2020. Since this time, a number of landowners have expressed an interest in developing their site and have come forward for pre-application discussions with the Council.
- 7.2 Alongside this, there are emerging masterplans for both the adjacent Hemel Hospital site and the Paradise Fields Housing site. Because of this active planning context, there is a clear need for a development framework to steer quality and bring forward comprehensive redevelopment.
- 7.3 Adopting this SPD will help to steer the development and delivery quality of schemes on sites in the area through guidance on density, uses, character, green spaces and quality, amongst others. If this SPD is not adopted, there would be a risk of schemes of a lower design quality coming forward and the strategic place making objectives set in the design code not being delivered.
- 7.4 Having an adopted SPD will ease the development management process, by establishing metrics for key parameters such as heights, build form and materials for applicants to comply with.

- 7.5 One area of risk on implementing the SPD is the interface with the Council's car parking standards, set out in the separate Car Parking SPD. The Paradise Design Code does not change these standards; it merely provides guidance on design. In certain development scenarios, particularly if build costs continue to increase and sales values stagnate, it may prove challenging to deliver fully policy compliant car parking across the site, which is a risk to implementation.

## **8. Equalities, Community Impact and Human Rights:**

- 8.1 A Community Impact Assessment has been undertaken and is annexed to this report. This assesses the potential positive and negative impacts on people who share protected characteristics, which may arise from the adoption of the SPD. This identifies that by setting out requirements for the design of development, the Paradise Design Code SPD will have a positive impact on communities within both new and existing neighbourhoods within the area.
- 8.2 There are no implications for Human Rights relating directly to this report. The consultation and engagement will be optional and there will be free text boxes to capture all feedback. This would not contravene respect for private and family life, home and correspondence, freedom of thought, belief and religion, freedom of expression and protection from discrimination in respect of these rights and freedoms.

## **9. Sustainability implications (including climate change, health and wellbeing, community safety):**

- 9.1 The Draft Paradise Design Code, once adopted, will deliver multiple benefits relating to climate change, health and wellbeing and community safety. The vision, objectives and priorities for the site as established by the draft SPD are framed around creating sustainable development and as a result, the proposals within the document set out the mechanisms for achieving this, including but not limited to:
- Implementing an open space strategy, which encourages the provision of open spaces, tree planting, urban wilding, and utilising roof space to provide enhancements to biodiversity and/or wider sustainability (such as communal growing spaces or sustainable energy generation).
  - Delivering improvements to pedestrian and cycle safety, and improving and creating connections, to encourage active travel and contribute to a modal shift away from the use of private cars – a measure that will assist in mitigating wider impacts of climate change.
  - Protecting both residential privacy and environmental features by establishing no build zones and clear setback distances from main roads, and by defining areas with sensitive building frontages.
  - Ensuring that all residential units are provided with their own outdoor space.
- 9.2 The potential implications for the nature reserve located towards the east of the site have been considered as part of the preparation process for this document.



The requirements of the SPD will ensure that the design of proposals on the site are sensitive to the character and biodiversity of the nature reserve, and that existing connections to the area from the site are retained and enhanced. This will improve community safety when moving between the site and the nature reserve, and will also promote biodiversity and landscape enhancements, and provide health and wellbeing benefits by encouraging access to open space.

- 9.3 Once adopted, the Paradise Design Code will improve the overall sustainability and biodiversity of the area.

**10. Council infrastructure (including Health and Safety, HR/OD, assets and other resources):**

- 10.1 There are no implications directly associated with health & safety and HR/OD arising from this report.
- 10.2 There is a pending scheme for consideration relating to a Dacorum owned site (Paradise Depot) which falls within the boundary of the area covered by the draft SPD. The Housing Development team has been consulted throughout the process of developing the document. The scheme is compliant with the mandatory requirements set out within the SPD.

**11. Statutory Comments:**

**Monitoring Officer**

- 11.1 The Town and Country Planning (Local Planning)(England) Regulations 2012 is the relevant statutory framework that governs the form and content of supplementary planning documents which includes the requirement for a two-stage public consultation process. The recommendations in this report will ensure that the consultation requirements of the 2012 Regulations are met.

**Section 151 Chief Finance Officer**

- 11.2 There are no financial implication of the implementation of the proposed design code, and government funding is expected to fund the remainder of this project through the consultation phase.

**12. Conclusions:**

- 12.1 The draft Paradise Design Code SPD has been produced as part of a collaborative process, and the content has been informed by extensive engagement with Council officers, members and the wider community.
- 12.2 The next stage in preparing the Design Code is to undertake formal public consultation. This will allow the views of the community to be taken into account as the document develops. The Council will carefully consider the views received and revise the document as necessary.
- 12.3 Once adopted, this SPD will be a material consideration in determining planning applications and will steer the quality of schemes proposed. The

existing development context relating to this site is currently active, with multiple sites coming forward for pre-application during the preparation of this document. By establishing parameters and instructions for applicants to comply with, this SPD will ensure the creation of a distinctive, attractive and sustainable place; therefore, it is key the draft SPD progresses to consultation to ensure it is adopted in a timely manner.