



<b>Report for:</b>	Cabinet
<b>Title of report:</b>	Paradise Design Code – Supplementary Planning Document (SPD)
<b>Date:</b>	21 <sup>st</sup> March 2023
<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 – Supplementary Planning Document (SPD)</p> <p>Appendix B: Paradise Design Code SPD - Code Compliance Checklist</p> <p>Appendix C: Paradise Design Code SPD - Consultation Statement</p> <p>Appendix D: Paradise Design Code SPD - Draft Adoption Statement</p> <p>Appendix E: Paradise Design Code SPD - SEA and HRA Screening Determination</p> <p>Appendix F: Paradise Design Code SPD - Updated Community Impact Assessment</p>
<b>Background papers:</b>	<p><b>Statutory Engagement on Paradise Design Code - Draft SPD:</b></p> <ul style="list-style-type: none"> <li>• Draft Documents and published responses to consultation: <a href="https://consult.dacorum.gov.uk/kse/event/37164">https://consult.dacorum.gov.uk/kse/event/37164</a></li> <li>• SPAEOSC on 06/07/2022. <a href="https://democracy.dacorum.gov.uk/ieListDocuments.aspx?CId=177&amp;MId=3316">https://democracy.dacorum.gov.uk/ieListDocuments.aspx?CId=177&amp;MId=3316</a></li> <li>• Cabinet on 12/07/2022 approved the Paradise Design Code draft Supplementary Planning Document for public consultation. <a href="https://democracy.dacorum.gov.uk/ieListDocuments.aspx?CId=157&amp;MId=3337">https://democracy.dacorum.gov.uk/ieListDocuments.aspx?CId=157&amp;MId=3337</a></li> </ul> <p><b>Supporting Documents:</b></p> <ul style="list-style-type: none"> <li>• The Core Strategy (2006-2031)</li> <li>• Site Allocations Development Plan Document (2006-2031)</li> <li>• Dacorum Strategic Design Guide SPD (2020)</li> <li>• Hemel Garden Communities Spatial Vision</li> <li>• Hemel Hempstead Town Centre Vision (Draft) March 2023</li> </ul>
<b>Glossary of acronyms and any other abbreviations</b>	<p>CIA: Community Impact Assessment</p> <p>DBC: Dacorum Borough Council</p> <p>DPD: Development Plan Document</p> <p>DSDG: Dacorum Strategic Design Guide</p> <p>DLUHC: Department of Levelling Up, Housing and Communities.</p> <p>HCC: Hertfordshire County Council</p>

<b>used in this report:</b>	<p>HRA: Habitats Regulations Assessment</p> <p>HGC: Hemel Garden Communities</p> <p>NMDC: National Model Design Code</p> <p>NPPF: National Planning Policy Framework</p> <p>SCI: Statement of Community Involvement</p> <p>SEA: Strategic Environmental Assessment</p> <p>SPAEOSC: Strategic Planning and Environment Overview and Scrutiny Committee</p> <p>SPD: Supplementary Planning Document</p> <p><i>Please note that any reference to 'Regulation [x]' within the report will be referring to the relevant regulation(s) as set out within the Town and Country Planning (Local Planning) (England) Regulations 2012, unless clearly stated otherwise.</i></p>
-----------------------------	--

<p><b>Report Author: Keeley Mitchell – Assistant SPAR Officer</b></p> <p><b>Responsible Officer: James Doe – Strategic Director of Place</b></p> <p> </p> <p>James.doe@dacorum.gov.uk / 01442 228583 (ext. 2583)</p>
--

<b>Corporate Priorities</b>	<p>Paradise Design Code – Supplementary Planning Document (SPD) promotes the achievement of all the corporate priorities as set out below:</p> <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>	To seek Cabinet’s agreement to adopt the Paradise Design Code – Supplementary Planning Document (SPD), following statutory consultation in 2022.
<b>Recommendation (s) to the decision maker (s):</b>	<ol style="list-style-type: none"> <li>1. That Cabinet recommends to Council that the Paradise Design Code Supplementary Planning Document be adopted.</li> <li>2. That authority to make any changes to the SPD documents, including any necessary to reflect the Cabinet or Council discussion and decision, be delegated to the Strategic Director for Place in consultation with the Portfolio Holder for Place.</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.
--	---

## **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. In April 2021, Dacorum 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.
- 1.2 The Paradise Design Code 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 is expected to enhance the character of the local area and ensure future design quality. 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.
- 1.3 On the 12th July 2022, the Council's Cabinet approved the Paradise Design Code - draft Supplementary Planning Document for statutory public consultation. This consultation began on the 28th October 2022, and ran for four weeks, closing on the 28th November 2022. More detail on the outcome of the consultation can be found in section 4 of this report.
- 1.4 The Council has produced a final 'adoption version' of the Paradise Design Code SPD, which reflects the responses made to the consultation. This report was presented to SPAEOSC on the 14<sup>th</sup> March 2023. Following the Cabinet meeting the SPD will progress to Full Council for adoption.

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

- 2.1 The project team has consisted of officers from Development Management and Strategic Planning. Tibbalds are the lead consultant who have provided external support on the design and masterplan. The project used the National Model Design Code to consider the design principles for the Paradise industrial area of Hemel town centre and was steered by DLUHC throughout the 6 month development programme.
- 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 lead
- 2.3 The adoption version of the SPD has embedded feedback received from organisations and individuals during the statutory public consultation.

### **Structure of the SPD:**

- 2.4 The introductory section of the 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 SPD comprises four key sections, which reflect the structure and guidance established in the NMDC:
- a. 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.
  - b. Built Form: This section provides coding for the massing of the built form, block structures, density and heights. It also provide a strategy for the design of ground-floor uses within the site.
  - c. 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.
  - d. 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 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 of the SPD 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 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'.
- 2.11 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. The relationship between the Paradise Design Code SPD and the DSDG is set out in the introduction of the Paradise Design Code SPD (p.12).
- 2.12 The SPD will only relate to development coming forward on the site 'MU/3 Paradise and Wood Lane', which is currently allocated for mixed use development in the adopted Site Allocations DPD (adopted 2017).

## **Corporate priorities being delivered by the SPD**

- 2.13 The Paradise Design Code SPD promotes the achievement of all the following corporate priorities for Dacorum Borough Council.
- 2.14 The SPD will support the emerging Town Centre Strategy as part of the Hemel Place Plan, steering design quality of emerging development in the town centre. The vision, principles and codes in the SPD 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.

## **Next Steps**

- 2.15 The next step, following the public consultation, is to return the final version of the document to Cabinet and Council to approve the formal adoption of the SPD in accordance with Regulation 14. Once adopted, the SPD will become a material planning consideration.
- 2.16 Following the approval by Council to adopt the SPD, the Council will be required to publicise this, in line with the provisions established by the Council's adopted SCI. The process for this will include:
  - a. Publishing the adopted documents, an Adoption Statement, and the Consultation Statement on the Council's website.
  - b. Making all documents mentioned above available for inspection at the deposit points.
  - c. Sending a copy of the Adoption Statement to the database of participants.

The adoption statement will also be published in the 'Hemel Gazette' Newspaper and the 'Hemel Today' online news website, and the adoption will be promoted in the Council's digital newsletter 'Dacorum Life'.

- 2.17 A draft Adoption Statement has been appended to this report (Appendix D) for reference.

## **3 Options and alternatives considered**

- 3.1 Whilst applying for the DLUHC funding, other sites in the town centre were considered for the production of a design code to steer development and improve development quality. From this, the Paradise area was selected due to its allocation status within the adopted and emerging Local Plan for the Borough, 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**

- 4.1 The statutory public consultation took place between 12pm on the 28th October 2022 and 11:59pm on the 28th November 2022. The consultation on the Paradise Design Code – Draft Supplementary Planning Document (SPD) was undertaken in accordance with Regulations 12 and 13, and was also carried out in accordance with the requirements set out in the SCI (2019). The consultation sought views and opinions from residents, businesses and organisations on a full draft version of the SPD.

- 4.2 Prior to the adoption of the SPD, the Council has prepared a Consultation Statement in accordance with Regulation 12a, which is appended to this report (Appendix C).
- 4.3 Section 2 of this statement is a Consultation Report. This sets out the engagement methods used, the individuals invited to respond, how responses were invited, and the overall level of response. Section 3 of the statement is the Analysis of Responses. This identifies the key points raised in the responses to the consultation, and the officer response to these (table 3.1). It also sets out the tracked changes to the SPD (table 3.2) following the consultation, demonstrating how the responses have been taken into account when preparing the final document. Section 4 details the next steps for the SPD.
- 4.4 This document also provides copies of the key material used to advertise the consultation. It also contains full copies of all the individual responses made.
- 4.5 The statutory public consultation followed an extensive programme of community engagement, which took place in the summer and autumn of 2021. Full details of this can also be found in the Consultation Statement.

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

- 5.1 The Council received £50,000 grant funding from DLUHC, as part of a national pilot scheme to test and apply the 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. The consultants were appointed through a formal procurement process where quality, cost and value for money considerations were reflected in the scoring criteria.
- 5.2 There are no financial implications in adopting the Paradise Design Code SPD, it is 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 We do not anticipate that there will be any legal implications directly associated with this report.
- 6.2 Prior to the adoption of the SPD, the Council has prepared a Consultation Statement in accordance with Regulation 12a (Appendix C). Under Section 23 (1) of the Planning and Compulsory Purchase Act 2004, the Council has modified the content of the SPD to take account of representations which were received during the statutory public consultation. These modifications are detailed in the Consultation Statement.
- 6.3 Following the completion of the committee process, the SPD will be adopted 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.
- 6.4 The Council must prepare and publish an Adoption Statement for the SPD, as required by Regulation 14. The provisions for this are set out in Regulation 11. A draft Adoption Statement has been appended to this report (Appendix D).
- 6.5 Any person with an interest in the decision to adopt an SPD may apply to the High Court for permission to Judicially Review that decision. Any application for a Judicial Review must be made within three months after the date of the adoption of the SPD.

- 6.6 A screening assessment to carry out SEA and HRA has been undertaken to inform the adoption version of the SPD. This process is required under European Directive 2011/42/EC (the Directive) and associated Environmental Assessment of Plans and Programmes Regulations 2004 (the Regulations), and the Conservation of Habitats and Species Regulations (2017). The determination of this assessment is appended to this report (Appendix E).

## **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. Because of this active planning context, there is a clear need for a development framework to steer quality and bring forward comprehensive redevelopment.
- 7.2 Adopting this SPD would help 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 placemaking objectives set in the design code not being delivered.
- 7.3 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.
- 7.4 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 (CIA) was prepared to support the preparation of the Paradise Design Code SPD, and was entered into the CIA database on the 21st June 2022, prior to the Cabinet meeting on the 12<sup>th</sup> July 2022. This document has been reviewed, and it was deemed that no major changes are required following the statutory public consultation on the SPD. The CIA is appended to this report (Appendix F).
- 8.2. There are no implications for Human Rights relating directly to this report. Participation in the statutory consultation was optional, and free text boxes were provided 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 Paradise Design Code SPD 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 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:
- a. 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).

- b. 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.
- c. 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.
- d. Ensuring that all residential units are provided with their own outdoor space.

9.2. Following the formal consultation, a number of changes have been made to the document in relation to sustainability measures, to reflect responses made. These are set out in detail within the Consultation Statement (Appendix C), but include:

- a. An objective has been expanded within the Movement section relating to the route to the wildlife site, to include the provision of tree planting.
- b. An objective has been added to the Built Form section regarding addressing the Climate Crisis.
- c. A note regarding a buffer zone to the locally designated wildlife site to the east has been included within Built Form section.
- d. A code has been added regarding biodiversity optimisation and SuDS inclusion within the Open Space Strategy, which applies to all open spaces on the site.
- e. A code has been added regarding providing for urban wildlife within the façade design of buildings in the Identity section.

9.3. Overall, once adopted, the Paradise Design Code SPD 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 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:**

All relevant legal implications are set out in the report.

### **S151 Officer:**

There are no direct financial consequences of the adoption of these supplementary planning documents.

## **12 Conclusions:**

12.1 The Paradise Design Code SPD has been produced as part of a collaborative process, and the content informed by extensive engagement with council officers, members and the

wider community, and representations received during the formal public consultation have been taken into account within the adoption version of the document.

- 12.2 Following the Cabinet meeting on the 21<sup>st</sup> March, the Paradise Design Code SPD will progress to Council. This will be to approve the formal adoption of the SPD. Once this has been approved by Council, the SPD will be adopted in accordance with Regulation 14.
- 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.