



Cabinet
12 November 2018

**Report from the Strategic Director
of Regeneration and Environment**

Brent Design Guide Supplementary Planning Document (SPD1) Adoption

Wards Affected:	All except parts of those wards in Tokyngton, Stonebridge, Harlesden, Kensal Green that fall within the Old Oak and Park Royal Development Corporation boundary
Key or Non-Key Decision:	Key
Open or Part/Fully Exempt: <small>(If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)</small>	Open
No. of Appendices:	Three: <ul style="list-style-type: none"> • Consultation Statement • Brent Design Guide • Equality Analysis
Background Papers:	<p><u>Two:</u></p> <ul style="list-style-type: none"> • Design Guide for New Development Supplementary Planning Guidance (SPG17) • Consultation Draft Design Guide May 2018 (SPD1)
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1.0 Purpose of the Report

1.1 The paper outlines the consultation responses received between 24 May 2018 and 5 July 2018 on the draft Brent Design Guide Supplementary Planning Document (SPD1). The consultation responses received have resulted in minor amendments, with revised text now providing clearer guidance. When adopted by Cabinet the document will replace the existing Design Guide for New Development (SPG17) adopted in 2001, which will need to be revoked.

2.0 Recommendations

- 2.1 Cabinet approves the proposed amendments as set out in Appendix 1 and adopts the Brent Design Guide Supplementary Planning Document (SPD1) as set out in Appendix 2.
- 2.2 Cabinet revokes the existing Design Guide for New Development (SPG17) adopted in 2001.

3.0 Detail

- 3.1 The Design Guide for New Development Supplementary Planning Guidance (SPG17) was adopted in October 2001. Since its adoption, local circumstances, national, regional and local planning policies have substantially changed. Many of these changes go beyond limitations and good practice which were considered appropriate when SPG17 was adopted.
- 3.2 It is good practice for Local Planning Authorities to periodically review development plan policies to ensure that they are up to date. The same is true of associated supplementary guidance. This is likely to result in sustaining its elevated status as a material consideration in the determination of planning applications. The date of the existing SPG17 hinders the weight that can be attached to it with regards to parts of its content, even though it is still referred to in the determination of planning applications.
- 3.3 Its replacement with the Brent Design Guide Supplementary Planning Document (SPD1) seeks to provide up-to-date guidance. It takes account of current policy and good practice urban design principles and Brent's ambition to support well-designed development. It is part of the suite of documents that seek to continue to raise the quality of the development that will take place in the Borough. It sets out guidance specific to Brent and the need for a design response tailored to these circumstances.
- 3.4 On 23 June 2017 the Strategic Director Regeneration and Environment in consultation with the then Cabinet Member for Regeneration, Growth, Employment and Skills approved the draft SPD1 for consultation. Authority for the Strategic Director to make these decisions was delegated by Cabinet decision related to the paper 'Updating the Council's Planning Strategy' agreed 13 February 2017.
- 3.5 Following significant changes to the previous version, on 18 May 2018 the Strategic Director Regeneration and Environment in consultation with the Cabinet Member for Regeneration, Highways and Planning approved the updated draft SPD1 for consultation once more.
- 3.6 The 2017 consultation resulted in 13 responses and the 2018 consultation received 11. Appendix 1 takes account of representations received and proposes amendments to the document. It is recommended that SPD1 (amended) as set out in Appendix 2 is adopted by Cabinet. To provide clarity on the status of the existing SPG17, it is recommended that Cabinet formally revoke this document so that it is no longer regarded as a material consideration in the determination of planning applications.

4.0 Financial Implications

- 4.1 There are not considered to be any significant financial implications. A notification of adoption will be sent to responders and relevant organisations on the planning policy database. The adopted supplementary planning document will be available to download from the Council's website, which will reduce the requests for paper copies. Financial costs of meeting these commitments have been accounted for in the Spatial Planning budget.

5.0 Legal Implications

- 5.1 Regulations provide for Local Planning Authorities to adopt supplementary planning documents. These documents are to provide more detailed guidance on how a development plan policy will be interpreted in the determination of planning applications. Supplementary planning documents cannot introduce new policy or allocate sites for development. Regulations¹ set out a period of three months to challenge the adoption of an SPD through judicial review. The risk of this happening is considered small.

6.0 Equality Implications

- 6.1 The Equality Act 2010 introduced a new public sector equality duty under section 149. It covers the following nine protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. The Council must, in exercising its functions, have "due regard" to the need to:

1. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
2. Advance equality of opportunity between people who share a protected characteristic and those who do not.
3. Foster good relations between people who share a protected characteristic and those who do not.

- 6.2 An Equalities Impact Assessment screening opinion was undertaken (Appendix 3). This identified that allowing occupants to extend their homes and make amendments to ensure homes better met their needs would have a positive impact for those with the following protected characteristics: disability, age, race, religion and maternity / pregnancy.

7.0 Consultation with Ward Members and Stakeholders

- 7.1 Public consultations were undertaken twice for six weeks between 6 July and 17 August 2017 and between 24 May 2018 and 5 July 2018. Notice was provided on the Council's website. The draft SPD1 was made available on the Council's website to download and hard copies were available at local libraries. In addition, relevant stakeholders on the Council's Planning Policy consultation database were notified (residents' groups and statutory consultees; consistent with the regulations).
- 7.2 Thirteen responses were received to the 2017 consultation and eleven to the 2018 consultation (excluding 'no comment' responses). These are set out in

¹ Regulation 11(2)(d) of The Town and Country Planning (Local Planning) (England) Regulations 2012

detail in Appendix 1, along with officer comments and where appropriate recommended amendments to SPD1. Other proposed amendments to the document are also recommended for the final version to be adopted, reflecting it no longer being a consultation document and to improve the users' understanding of what is being sought.

8.0 Human Resources/Property Implications (if appropriate)

- 8.1 None arising specifically from the SPD. The SPD will apply equally to private developments as it will to Council or other public sector developments.

Report sign off:

AMAR DAVE

Strategic Director of Regeneration and Environment