

## Report for: **Cabinet**

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<b>Date of Meeting:</b>	18 <sup>th</sup> November 2021
<b>Subject:</b>	Approval to consult on the Small Sites Design Code Supplementary Planning Document (SPD)
<b>Key Decision:</b>	Yes – affects entire borough
<b>Responsible Officer:</b>	Dipti Patel - Corporate Director, Community; Beverley Kuchar - Interim Chief Planning Officer
<b>Portfolio Holder:</b>	Cllr Graham Henson - Leader of the Council and Portfolio Holder for Strategy, Regeneration, Partnerships and Devolution
<b>Exempt:</b>	No
<b>Decision subject to Call-in:</b>	Yes
<b>Wards affected:</b>	All
<b>Enclosures:</b>	Appendix 1 – Draft Small Sites Design Code Supplementary Planning Document – draft version for consultation

## **Section 1 – Summary and Recommendations**

This report introduces a proposed Supplementary Planning Document (SPD) for a design code for small site developments, defined as sites less than 0.25 hectares. The purpose of the design code is to set out design standards and expectations for such developments within the borough and reflects the requirements of Policy H2 of the London Plan (2021). It covers borough wide principles (including matters such as massing, design, parking, servicing urban greening and also residential alterations to existing dwellings) as well as site-typology specific principles looking at a number of case studies, which are considered to be reflective of common development type opportunities within the borough. Once adopted as a Supplementary Planning Document, the Design Code will be a material planning consideration for any planning applications that meet the definition of a small site development.

This report seeks Cabinet's agreement to consult on the draft document. The document will be amended in response to the consultation (where appropriate) and presented to Cabinet for final adoption.

### **Recommendations:**

Cabinet is requested to:

1. Approve the draft Small Sites Design Code SPD, attached as Appendix 1, for public consultation.
2. Delegate authority to the Interim Chief Planning Officer, following consultation with the Leader of the Council and Portfolio Holder for Strategy, Regeneration, Partnerships and Devolution to consider and agree any minor amendments and consultation arrangements required to finalise the document for consultation.

### **Reason: (for recommendations)**

Preparation and adoption of a Small Sites Design Code SPD provides specific design guidance to assist in the determination of planning applications that fall within the definition of a small site development. The production of a Design Code SPD will ensure general conformity with London Plan (2021) Policy H2 (small sites), and will assist applicants in bringing forward such sites, whilst meeting good design standards, which are by their nature often awkward to deliver. The Small Sites Design Code SPD will assist in increasing housing delivery from this potential source and furthermore will assist in enabling Harrow to meet its housing targets as set out in The London Plan (2021).

## **Section 2 – Report**

### **Introductory paragraph**

- 1.1 Policy H2 (Small Sites) of the London Plan (2021) states that boroughs should pro-actively support well-designed new homes on small sites (below 0.25ha hectares in size) through plan-making and decision-taking on individual planning applications. This is encouraged so as to;
- 1) Significantly increase the contribution of small sites to meeting London's housing needs
  - 2) Diversify the sources, locations, type and mix of housing supply
  - 3) Support small and medium-sized housebuilders
  - 4) Support those wishing to bring forward custom, self-build and community-led housing
  - 5) Achieve the minimum targets for small sites as a component of the overall housing targets (as set out in the London Plan (2021)).
- 1.2 The policy indicates a range of measures boroughs should implement to boost housing delivery from small sites, including where appropriate, preparing site-specific briefs, masterplans and housing design codes for small sites.
- 1.3 Table 4.2 of the London Plan (2021) sets out annualised targets for London boroughs for small site net housing completions, and for Harrow this is 375 dwellings per year. This is as part of the overall housing target for Harrow which is 802 dwellings per year (table 4.1 London Plan (2021)).
- 1.4 Historically, windfall delivery from small sites in Harrow has been around 220-250 per year, and therefore this delivery is substantially below the annualised target as set out within the London Plan.
- 1.5 The policy direction noted above in the London Plan (2021) is also supported by the National Planning Policy Framework (2021). Paragraph 69 notes that small and medium sites can make an important contribution to meeting the housing requirement of an area. Furthermore, it identifies tools such as area-wide design assessments (such as the draft SPD) to assist in bringing forward such developments.

### **Draft Small Sites Design Code Supplementary Design Code**

- 1.6 The draft Small Sites Design Code SPD follows extensive evidence base work, which commenced in March 2020 with the appointment of the consultant team (Troy Planning + Design & Hawkins Brown Architects) to undertake the work. The process to date has involved a Part A small sites capacity study, which in part facilitated the Part B element, which is the production of the Small Sites Design Code SPD. In developing the Small Sites Design Code SPD, the consultant team has followed Regional and National Guidance in developing design codes.
- 1.7 The draft Small Sites Design Code SPD provides borough wide principles for development coming forward on sites that would constitute small sites,

and also specific examples of common site typologies across the borough where there is identified (theoretical) capacity for more housing to be delivered.

- 1.8 The draft SPD proposes a traffic light system for the design priorities for delivering a satisfactorily designed scheme. Specifically, the SPD will set out a Priority 1 (denoted by a red marker) which provides a minimum design requirement that must be provided as part of a development. Where an application comes forward and does not provide a Priority 1 requirement, must be clearly justified in any supporting information. Following this, a Priority 2 (denoted by a yellow marker) will provide strongly encouraged design elements that would demonstrate good quality design.
- 1.9 The draft SPD subsequently provides a number of small site typologies that are representative sites that are relatively common and could potentially come forward for redevelopment. The proposed SPD provides typologies that demonstrate appropriately designed examples of how such a site could be brought forward and would meet the requirements / standards as set out in the design code.
- 1.10 Lastly, the design code SPD will provide design guidance in relation to extensions and alterations to existing residential properties. It will seek to provide an update and eventually replace the existing Residential Design Guide SPD (2010) that has assisted in planning applications to date.
- 1.11 The SPD does not (cannot) introduce new policy as SPDs do not form part of the development plan, rather it can only provide guidance to adopted policy(ies). Specifically, the proposed Small Sites Design Code SPD will build upon and provide more detailed advice or guidance to policies within the existing Harrow Local Plan (Harrow Development Management Policies Local Plan: DM1 (Achieving a High Standard of Development) / DM2 (Achieving Lifetime Neighbourhoods) / DM24 (Housing Mix) / DM50 (Planning Obligations), and also any new policies in any replacement Local Plan. An adopted SPD will be a material consideration in decision making.

## **2. Consultation on the draft Small Sites Design Code SPD**

- 2.0 In undertaking consultation on the draft SPD, this will need to follow the statutory process for the preparation and adoption of SPDs, including consultation in accordance with the Harrow Statement of Community Involvement (SCI).
- 2.1 Due to the Covid-19 global pandemic a minor amendment to the SCI was made (under delegated authority) to reflect that Covid-19 may mean that not all the traditional avenues for consultation will be possible due to social distancing requirements. Whilst many of the social distancing restrictions have been lifted, the timing of the consultation would fall over the winter period, which may lead to concerns for potential consultees attending public meetings if the predicted rise in Covid-19 cases and social distancing restrictions re-introduced. It is therefore considered (in

discussions with Harrow Communication Team) that face to face consultation may not be the best approach to engagement. Accordingly, the following is proposed to form the basis of the consultation strategy for the draft Small Sites Design Code SPD:

- Published on Harrow Commonplace site, which will include a consultation questionnaire.
- Harrow Council website – Local Plan page
- Harrow Press notice
- Harrow Council social media
- Email to be sent to MyHarrow accounts
- Emails sent to consultees on the Local Plan database, who have indicated they are interested in Planning Policy consultations;
- Two online public presentations with question and answer session.

2.2 The consultation will be open for a minimum period of six weeks and will commence as soon as practicable following the approval by Cabinet. However, it is noted that this period of time would result in consultation over the Christmas period, and therefore it is proposed to extend the six-week consultation period by two weeks to allow for this. Officers will liaise with Harrow Communications team to ensure the consultation is publicised as widely as possible. The outcome of the consultation, and any resulting amendments to the SPD, will be reported back to Cabinet as part of the adoption process. In accordance with the requirements of the Town and Country Planning (Local Planning) (England) Regulations 2012, the Council must publish a consultation statement explaining how any issues raised in representations have been addressed in the SPD

### **3.0 Options considered**

3.1 There is one alternative option which would be to adopt the design code without consultation. Such an option would be contrary to Council commitments in relation to engagement and consultation and would also lessen the weight that can be given to the code when assessing planning applications as without consultation, it cannot be adopted as a SPD. This option is not the preferred way forward. An alternative to the adoption of an SPD is to do nothing (i.e. not to progress with a SPD at all). If the 'do-nothing' option was pursued Council officers, the Planning Committee and in certain cases, Planning Inspectors, would continue to exercise judgement when making decisions on specific proposals that developers put forward, but without the guidance the SPD would provide. However, such an approach without this overall agreed framework for future development for small sites across the borough may give rise to greater uncertainty for both developers and also the public, and longer decision making. Either option would conflict with the funding allocation provided by the Greater London Authority (GLA) and as such would be required to be returned, noting that the funding already secured has largely been drawn down.

3.2 The absence of a SPD would not allow for the more strategic consideration of small sites developments across the borough, which

would firstly be in direct conflict with Policy H2 of The London Plan (2021). Furthermore, it would not set out key borough wide design principles, site specific design standards for common small site development typologies across the borough. The adoption of a Small Sites Design Code SPD would provide a coherent approach that would ensure a minimum standard of design is achieved across this development typology. Lastly, the failure to not bring forward the SPD would fail to bring forward an increase in housing from small sites, as identified by Policy H2 of The London Plan, in a way that would be appropriate in a Harrow context.

### **Ward Councillors' comments**

- 3.3 The draft Small Sites Design Code SPD, was presented to the cross-party Planning Policy Working Group (PPWG) on 22 September 2021. It has not been considered practical to directly consult with all ward members prior to the formal consultation period, given this is a SPD that would cover the entire borough. The following provides the minutes of the PPWG meeting in relation to the draft Small Sites Design Code SPD;

*The Group received two presentations regarding evidence base work in relation to small sites capacity study and small sites design code supplementary planning document. The first presentation provided by Troy Planning + Design (consultants preparing Part A of the study) related to the evidence base work relating to the small site capacity study within Harrow, which set out the policy reason for undertaking the work by way of the requirements within the NPPF 2019 and London Plan (2021). The presentation set out that Part A was an evidence base piece of work rather than policy but would assist in the policy direction within the new Local Plan. Members were given a background to the policy context, specifically the London Plan (2021) small sites housing target of 375 homes per year to be delivered through this source, which almost 50% of the overall housing target of 802 homes per year. Following this, the presentation set out that historically Harrow delivered circa 250 homes through similar sized developments. Members were led through the process of how the capacity study was undertaken, following relevant policy and guidance which assisted in providing the agreed sieving process to determine suitable site typologies and developable sites. Following this background and explanation of the process, draft capacity figures were provided to demonstrate the potential number of homes that could be delivered, which equated to approximately 340 homes per year (small sites + windfall sites). Capacity studies would be reviewed once the design coding in part B was finalised.*

*At the end of this presentation members welcomed the study. However, there was caution regarding the use of figure in relation to windfall sites, especially where it involved House of Multiple Occupancy and flat conversions of traditional single-family homes in the borough. The conversion of dwellings into these noted typologies were cited as being significant in complaints from residents and relying on this as a reliable source going forward. Members also acknowledged the 'policy on' and 'policy off' approach, noting that some of the policy on constraints resulted in a significant reduction in potential housing capacity; noting potential changes to conservation area boundaries or employment land as examples. Members were advised that constraints such as conservation areas did not prevent development occurring in that*

*area, rather greater care would be required in bringing forward development. It also highlighted the issues with delivering the housing numbers, whilst taking into consideration other evidence base pieces of work, and highlighted that other evidence base work / monitoring may need to occur. Members were advised that through the use of GIS layers, layers could be removed to show capacity without constraints.*

*The second presentation was provided to members by Hawkins Brown (consultants preparing Part B of the study), who are developing the design code for small sites. Members were informed as to the purpose of the document, how it followed on from the capacity study work, and sought to be consistent with the Characterisation and Tall Building Study (prepared by Allies & Morrison and presented to PPWG 8 July 2021). Following this, Members were taken through the borough wide design principles which would be expected to be followed in bring forward small site developments. The presentation then set out specific design guidance for residential developments.*

*At the end of presentation, members again welcomed the work and presentation. Members raised concern with regard to what fundamentally did the draft design code change from the existing Residential Design Guide SPD (2010), noting that the existing SPD (2010) has served the Council well in allowing residents to extend their dwellings. Officers noted the success of the RDG SPD (2010), and whilst not wishing to fundamentally change the intent of that document, noted that it needed to be updated and reflect current guidance whilst still allowing flexibility for residential conversions. It was stated to members that this document would supersede the RDG SPD (2010) once adopted. Members asked for a breakdown to set out what the changes between the two documents would be, which officers confirmed would be able to be provided. Members also asked if ward boundaries would be able to overlaid to show where the main areas of development would be following the capacity study work. Again, officers confirmed that this would be able to be demonstrated by way of GIS.*

- 3.4 Once formal public consultation has been undertaken (as per above) the consultation responses will be collated and then reported back to the PPWG. Where appropriate, amendments will be made to the draft Small Sites Design Code SPD prior to seeking adoption by Cabinet.

## **Performance Issues**

- 4.0 The London Borough of Harrow's adopted Core Strategy contains a detailed schedule of monitoring indicators, with associated targets, triggers and contingency actions, to ensure that the delivery of Harrow's spatial vision remains on track (and if necessary, brought back on track) throughout the plan period (2009-2026). These indicators are monitored through the continuing publication of the Authority's Monitoring Report (AMR).
- 4.1 The purpose of the proposed SPD is to assist Harrow in firstly meeting the delivery of housing that is set for each of the boroughs within the London Plan (2021) and monitored by Government through the annual Housing Delivery Test. Furthermore, it will also seek to ensure that the borough will

increase the amount of housing from small sites (in part why policy H2 of The London Plan (2021) was brought forward), which there is a strategic target to achieve over the 10 years of the London Plan. For Harrow, this is set at 3,750 (375 per annum).

### Environmental Implications

4.2 Sustainability appraisals for supplementary planning documents are only required in exceptional circumstances, but the Council must still consider whether there is a requirement for strategic environmental assessment (SEA). The Harrow Core Strategy (2012) and the policies contained within it were subject to a Sustainability Appraisal, as was the London Plan 2021 (including Policy H2: Small Sites. The proposed SPD does not (cannot) introduce new policy but simply supplements / guides new development within the borough in relation to housing development policies located within the current London Plan and Harrow Local Plan, and new policy within any revised Local Plan.

### Data Protection Implications

4.3 Consultation will be undertaken in a manner that complies with the relevant requirements of the General Data Protection Regulations (GDPR), including the collection, processing, retention and disposal of personal data of those responding.

### Risk Management Implications

Risk included on Directorate risk register? **No**  
 Separate risk register in place? **No**

The relevant risks contained in the register are attached/summarised below.  
**N/A**

The following key risks should be taken onto account when agreeing the recommendations in this report:

Risk Description	Mitigations	RAG Status
Non-compliance with regulatory requirements for the preparation of the SPD	<ul style="list-style-type: none"> <li>▪ Public participation is required, and meaningful feedback sought</li> <li>▪ Recognition that the SPD is not new policy</li> <li>▪ Consultation managed to ensure it complies with regulatory requirements</li> </ul>	Green
General conformity with requirements as set out in Policy H2 (Small Sites) of the London Plan (2021)	<ul style="list-style-type: none"> <li>▪ Notification of the draft SPD to the Mayor of London as part of the consultation process.</li> <li>▪ Adoption of the Small Sites Design Code SPD</li> </ul>	Green

	<ul style="list-style-type: none"> <li>▪ Ongoing monitoring of the performance of the adopted SPD (including the outcomes of any appeals against decisions made using the SPD as a reason)</li> </ul>	
Unsatisfactory work prepared and submitted by the consultant team.	<ul style="list-style-type: none"> <li>▪ Harrow procurement process followed with competitive bid and tender to ensure right consultants for the project</li> <li>▪ Planning Policy Team has managed the process and reviewed any outputs from the consultants</li> <li>▪ Final payment at the end of the process once work is satisfactory.</li> </ul>	Green
Residents and Members not satisfied with the document	<ul style="list-style-type: none"> <li>▪ Consultation feedback addressed and amendments made to SPD to address appropriate comments received</li> <li>▪ It may however not be possible for fully address any concerns raised in relation to the draft document given the broader policy context and range of competing views.</li> </ul>	Amber
Consultation process inadequate due to Covid-19 restrictions (unable to undertake face to face and public meetings)	<ul style="list-style-type: none"> <li>▪ The consultation undertaken, including two on-line public presentations meeting will exceed the statutory requirements for consultation on a draft SPD.</li> <li>▪ Statement of Community Involvement (SCI) updated to reflect Covid-19 context</li> </ul>	Green

## Procurement Implications

4.4 The preparation of the SPD is funded by the Mayor of London's Homebuilding Capacity Fund, which was successfully secured by LB Harrow. The document has been prepared by consultants that were procured with the full involvement of the Procurement Team. Consequently, it is considered that there are limited procurement implications for Harrow as a result of the project nor this Cabinet report.

## Legal Implications

4.5 Section 38(6) of the Planning and Compulsory Purchase Act (2004) states that, if regard is to be had to the development plan for the purpose of any

determination to be made under the planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

- 4.6 The Town and Country Planning (Local Planning) (England) Regulations 2012 provide guidance on the preparation and adoption of supplementary planning documents.
- 4.7 Although the proposed SPD is not a development plan document it will, on adoption, be a material consideration in the determination of small site development proposals within Harrow.
- 4.8 The Council is required by law to consult on the SPD and to take into account all consultation responses received before adopting the SPD. As soon as reasonably practicable after adopting an SPD, the Council must (i) make available the SPD and an adoption statement and (ii) send a copy of the adoption statement to any person who asked to be notified of the adoption of the SPD.

## **Financial Implications**

- 4.9 The cost of preparing the SPD is funded by the Mayor of London's Homebuilding Capacity Fund, which was successfully secured by London Borough (LB) of Harrow. The funding secured was then used to procure (following LB Harrow procurement process) external consultants to undertake a Small Sites Capacity Study, which would then be used to assist in informing the Small Sites Design Code SPD (procured as part of the same commission). Failure to consult on and subsequently adopt the SPD would however most likely result in the grant funding having to be repaid to the GLA. The cost associated with public consultation and officer time in progressing the work is being met from the Planning Policy Team revenue budget.

## **Equalities implications / Public Sector Equality Duty**

- 4.10 By definition, supplementary planning documents cannot introduce new policies nor modify adopted policies and do not form a part of the development plan. Rather, their role is to supplement a 'parent' policy in a development plan document. The draft SPD the subject of this report supplements adopted policies within The Core Strategy and subsequent Development Management Policies Local Plan. A full equalities impact assessment was carried out at each formal stage in the preparation of the Core Strategy. Similarly, the London Plan (including Policy H2: Small Sites) was subject to an Equalities Impact Assessment as part of the broader Integrated Impact Assessment of the Plan.

## **Council Priorities**

1. **Improving the environment and addressing climate change**

The draft SPD does not create new policy for development, however, provides guidance around current policy to assist in new development. Within London, the strategic Plan, the London Plan sets out a number of policies in relation to improving the environment and addressing the climate change. These include policies relating to greenspaces, drainage, energy and building fabric, and any development would need to be in compliance with these. The draft SPD will refer to these and provide site-specific guidance where appropriate.

## **2. Tackling poverty and inequality**

A key objective of the SPD to increase housing delivery within Harrow. The draft SPD will assist in delivering an increase in small sites across the borough, in accordance with the site size and geographical requirements as set out within The London Plan (2021). Developments that would be coming forward would be required to be policy compliant, which would result in a proportion of the housing quantum to be genuinely affordable to local residents where viably able to do so.

## **3. Building homes and infrastructure**

A key objective of the SPD to increase housing delivery within London. The draft SPD will assist in delivering homes across Harrow. This will assist in providing more housing choice, which would include both market and affordable housing tenure. Much of the development coming forward would be required to pay the Community Infrastructure Levy which will assist in funding critical infrastructure associated with new development.

## **4. Addressing health and social care inequality**

Much of the development coming forward would be required to pay the Community Infrastructure Levy which is able to be utilised to assist in funding healthcare services (subject to other infrastructure priorities). Furthermore, dependent on the scale of development coming forward, through planning negotiations, a healthcare facility may be delivered, and secured by way of a S.106 legal agreement. Promotion of high-quality development on small sites will also have a positive impact on health of residents.

## **5. Thriving economy**

The emphasis of the SPD is to increase housing numbers across the borough from small sites but focused on sustainable areas which are in close proximity to transport nodes and / or town centres. The ability to house residents in these locations will ensure that they are able to access their local economy for goods and services. Facilitation of increased delivery small sites also represents an opportunity for small to medium sized developers.

## **Section 3 - Statutory Officer Clearance**

**Statutory Officer: Jessie Man**

Signed on behalf of the Chief Financial Officer

**Date:** 4<sup>th</sup> November 2021

**Statutory Officer: Jimmy Walsh**

Signed on behalf of the Monitoring Officer

**Date:** 2<sup>nd</sup> November 2021

**Chief Officer: Dipti Patel**

Signed off by the Corporate Director

**Date:** 8<sup>th</sup> November 2021

**Head of Procurement: Lisa Taylor**

Signed on behalf of the Head of Procurement

**Date:** 15<sup>th</sup> October 2021

**Head of Internal Audit: Susan Dixon**

Signed by the Head of Internal Audit

**Date:** 27<sup>th</sup> October 2021

## **Mandatory Checks**

**Ward Councillors notified:** No as it impacts on all Wards (see paragraph 3.3 above). Members will be notified of the consultation process if agreed by Cabinet.

**EqIA carried out:** NO – refer to paragraph 4.10 above

**EqIA cleared by:** N/A

## **Section 4 - Contact Details and Background Papers**

**Contact:** Callum Sayers, Planning Policy Officer,  
[callum.sayers@harrow.gov.uk](mailto:callum.sayers@harrow.gov.uk)

**Background Papers:**

- National Planning Policy Framework (2021)
- London Plan (2021)

- [Harrow Local Plan](#)
- [Harrow Statement of Community Involvement \(2013\)](#)
- [Amendment to Statement of Community Involvement to Covid-19 \(2020\)](#)
- [Harrow Residential Design Guide Supplementary Planning Document \(2010\)](#)

**Call-in waived by the Chair of Overview and Scrutiny Committee**

**NO**