

<b>Decision maker:</b>	<b>Director for economy, communities and corporate</b>
<b>Decision date:</b>	<b>Tuesday, 12 June 2018</b>
<b>Title of report:</b>	<b>Hereford City Centre Design Supplementary Planning Document</b>
<b>Report by:</b>	<b>Team leader strategic planning</b>

## **Classification**

Open

## **Decision type**

Non-key

## **Wards affected**

Widemarsh, Greyfriars, Central, Eign Hill and Hinton & Hunderton.

## **Purpose and summary**

To approve the procurement of a consultant to prepare the development of a Hereford city centre design guide supplementary planning document ("SPD") in partnership with the NMiTE University

The production of a Hereford city centre design guide SPD ("design SPD") will provide the basis for a comprehensive and effective approach to achieving good quality design. The guidance, will help provide a consistent approach across the city centre and ensure the guidance is sensitive to local distinctiveness.

## **Recommendation(s)**

**That:**

- (a) a consultant be procured to prepare a Hereford city centre design guide supplementary planning guidance document in accordance with an agreed timetable within a total budget of £80k; and**
- (b) The programme director housing and growth be authorised to take all operational**

**decisions necessary to appoint a consultant.**

## **Alternative options**

1. To prepare the design SPD in-house. The preparation of a detailed design guide for a historic and sensitive area such as central Hereford will require a specialist knowledge and experience which is not available within the council.
2. Not to produce design guidance. Central Hereford is an area of rich architectural, archaeological and historic interest which is proposed for an ambitious programme of new development. These significant changes which will take place within the city as a result of new proposals will require detailed policy advice to ensure that the approach delivers a high quality environment which respects the city's heritage. The Hereford area plan will include a policy framework for the city centre but it will not provide the more detailed grain of design guidance required.

## **Key considerations**

3. The National Planning Policy Framework ("NPPF") sets out the Government's planning policies for England and how these are expected to be applied. It stipulates that supplementary planning documents should be prepared only where necessary and in line with paragraph 153 of the NPPF, whereby they will help applicants make successful applications or aid infrastructure delivery; they should build upon and provide more detailed advice or guidance on the policies in the Local Plan and they should not add unnecessarily to the financial burdens on development.
4. The Hereford area plan is being prepared for the city which will set out detailed proposals to ensure the full delivery of the targets for Hereford in the adopted core strategy. It will also include policies and proposals to guide new development that will deliver ambitious plans for the city's regeneration, including a new university.
5. It is critical that these development proposals not only regenerate the city in economic terms, but also enhance the historic and natural environment by encouraging opportunities for attractive and innovative design of new buildings that are sympathetic to the rich architectural heritage within the city centre. The preparation of a design SPD for this area would provide key evidence to help the preparation of Hereford area plan policies and, when adopted by the Local Planning Authority, will provide additional guidance to supplement the policies of the local plan.
6. The design SPD will accord with the national planning policy framework, the core strategy and emerging policies in the Hereford area plan.
7. The process for preparing the design SPD will involve consultation with stakeholders and the wider public. The consultation will be undertaken in a manner which meets the requirements of the adopted statement of community involvement. The final design SPD will be adopted by Herefordshire Council as the Local Planning Authority
8. The design SPD will set out the requirements and indicative content for masterplans, design and access statements and design briefs for developments proposed within Hereford city centre. It will also:
  - a. provide an analysis of key views into, out of and through central Hereford;

- b. outline a building heights strategy to set a context within which new development proposals can make efficient use of limited space whilst ensuring that important elements of the city's historic skyline are respected;
  - c. include advice regarding the design of the public realm; and
  - d. guide delivery of new or enhanced open space, green infrastructure, transport infrastructure and guidelines for enhancing the frontage of the River Wye.
9. The appointment of a consultant will be undertaken in accordance with Herefordshire Council's procurement processes. It is anticipated that the procurement process will be complete within a month on the approval of this report. The likely timescale for the preparation of the document is likely to be in the region of 8-9 months from the commission of the project. An indicative timescale of the proposal is set out below:

Inception meeting	Week 1
Preliminary findings/recommendations	Week 12
Draft SPD submission	Week 16
Public consultation	Weeks 20-26
Final report submission and Presentation	Week 30
Cabinet approval of SPD	Week 35

10. A map of the area to be covered by the design SPD is attached in Appendix A.
11. NMiTE have agreed to jointly fund and commission the consultant to undertake the design SPD, as they wish to ensure that the process of appointment and engagement of the consultant meets high standards, that the consultants are properly briefed in terms of ensuring the scope of the task is as broadly defined as possible and so that the design SPD will [enable the University estate to be embedded in the townscape, but with its own clear identity](#).

## Community impact

12. The design SPD will provide a key piece of evidence for the preparation of the Hereford area plan and will help to guide new development that will deliver ambitious plans for the City's regeneration, including a new university. Thereby directly contributing to the corporate plan priority of supporting the growth of the local economy and helping to ensure a safe and attractive environment for residents, workers and visitors.

## Equality duty

13. Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows:

A public authority must, in the exercise of its functions, have due regard to the need to -

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
  - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
  - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
14. The public sector equality duty (specific duty) requires us to consider how we can positively contribute to the advancement of equality and good relations, and demonstrate that we are paying 'due regard' in our decision making in the design of policies and in the delivery of services. Our providers will be made aware of their contractual requirements in regards to equality legislation.

## **Resource implications**

15. Funding is available within the local development framework budget and associated reserves for consultancy work to support the preparation of the local plan, its evidence base and associated documents. (The local development framework budget for 2018-19 is in the region of £62k with circa £170k held in reserves).
16. The full cost of the preparation of the design SPD is anticipated to be in the region of £80k. NMiTE have agreed to jointly fund and commission the design guide. NMiTE recognise a significant advantage in having a quality design guide for their campus buildings (and for other buildings which may be provided by third parties on their behalf).
17. With the costs being shared equally between the council and NMiTE the costs to the Council will be around £40k). This will be a one off cost although there may be an additional cost should consultants be required to provide evidence at any subsequent hearing sessions of the examination in public (EIP) of the Hereford area plan. Additional costs will be funded from the local development framework budget and associated reserves.

## **Legal implications**

18. This is a non-executive decision and as such the Director for Economy, communities and corporate (Programme Director Housing and Growth) as the decision maker has the delegated authority in accordance with the ECC Scheme of delegation to officers paragraph 6) to act on behalf of Herefordshire Council in respect of Preparation of Supplementary Planning Documents (SPD).
19. The Town and Country Planning Act 1990 confers statutory obligations on Herefordshire Council as the local planning authority for the administrative area of Herefordshire, the functions of which are referred to in Schedule 1 of the referred to Act.
20. The Council has the discretionary power to produce and adopt an SPD under the Planning and Compulsory Purchase Act 2004 as the enabling act, which brought into effect The Town and Country Planning (Local Planning) (England) Regulations 2012. Part 5 (Regulations 11-16) sets out the requirements for producing SPDs, including the consultation and adoption of the SPD.
21. It is permissible for NMiTE to be involved in the procurement process of the consultant producing the design SPD. NMiTE will be able to provide input to the design SPD at the

consultation stage, as a consultee/stakeholder in accordance with the 2012 Regulations prior to its adoption by the LPA

## Risk management

Risk / opportunity	Mitigation
Delays in the preparation of the design SPD may have an impact upon the timetable of the Hereford area plan (HAP). The design SPD does not need to be adopted before the HAP but the evidence gathered as part of its preparation will be important in supporting the HAP at EIP.	Regular meetings established throughout the process with the consultants to check both progress and quality of the work. With clear recognition on the agenda of actions to address delays in the timetable.
If the recommendation is not agreed and the design SPD is not prepared there would potentially be insufficiently detailed planning policy framework to support detailed proposals within central Hereford and a lack of supporting evidence for the HAP.	Set out a clear range of design principles for central Hereford within the HAP. Although not as detailed or specific as a design SPD these could set out key design considerations to be taken into account in determining planning applications.

## Consultees

22. No formal consultation has been undertaken. The Hereford Area Plan reference group, consisting of Herefordshire Council members, Hereford City councillors and other key stakeholders are supportive of the preparation of the design SPD.

## Appendices

Appendix 1 – Map showing proposed area of design SPD.

## Background papers

None