

11 October 2023		ITEM: 11 Decision:110670
Cabinet		
Draft Thurrock Design Charter		
Wards and communities affected: All	Key Decision: Key	
Report of: Councillor Ben Maney, Cabinet Member for Regeneration and Highways		
Accountable Assistant Director: Tracey Coleman, Chief Planning Officer		
Accountable Director: Mark Bradbury, Director of Place		
This report is Public		

Executive Summary

The Thurrock Design Charter provides an update to the adopted Thurrock Design Strategy SPD (March 2017). The Charter reflects recent changes to national policy, guidance, and best practice in relation to design and place-making as well as aligning with more recent published Council strategies. The development of the Charter and its consultation aligns with the development of the Local Plan and helps inform and provide a baseline for strategic policies on design, including the forthcoming borough-wide design code.

As a Local Planning Authority, the Council is expected to follow the National Planning Policy Framework (NPPF) as a material consideration, which requires Local Plans to set out a clear vision for design, including the preparation of design guides or codes, developed with local communities that reflect local aspirations. Additionally, the Levelling Up and Regeneration Bill intends to make the production and adoption of a design code a statutory requirement for all local planning authorities. The Thurrock Design Charter has been refined to act as a 'vision statement' for a wider design code for Thurrock, preparing for this proposed new statutory duty.

1. Recommendation(s)

- 1.1 That Planning, Transport and Regeneration Overview & Scrutiny Committee note progress on the draft Thurrock Design Charter and provide comment that will help shape this work.**
- 1.2 That Committee note that the draft Thurrock Design Charter will be used to inform wider community engagement.**

1.3 That Committee note the opportunity to discuss this work in greater detail as the draft document is developed and engagement feedback is received.

2. Introduction and Background

2.1 Design (including appearance, materials, layout, and density) is a material planning consideration under the National Planning Policy Framework (NPPF). Under the NPPF, it is expected that Local Plans set out a clear design vision and standards, using design policies developed with local communities that reflect local aspirations, grounded in an understanding and evaluation of an area's defining characteristics (paragraph 127). Additionally, the NPPF expects that all local planning authorities should prepare design guides or codes consistent with the principles set out in the National Design Guide and National Model Design Code, and which reflect local character and design preferences (paragraph 128).

2.2 Currently, Thurrock's design vision and expectations are set out within the Thurrock Design Strategy Supplementary Planning Document (SPD), adopted in March 2017. Design policy is also included within the Core Strategy and Policies for Management of Development (as amended, January 2015), and the Thurrock Residential Alterations and Extensions SPD (July 2017). These documents are now in need of an update due to changes in national policy and guidance around design, which includes:

- Updates to the NPPF in 2019 which placed greater weight on the importance of design within Local Plans and decisions.
- Publication of the National Design Guide as national guidance in 2019.
- Publication of the National Model Design Code as national guidance in 2021.

2.3 Additionally, the Levelling Up and Regeneration Bill (currently at report stage within the House of Lords) intends to make the production and adoption of a design code a statutory requirement for all local planning authorities.

2.4 The draft Thurrock Design Charter seeks to provide an update to the adopted Thurrock Design Strategy SPD, bringing it in line with changes to national policy and guidance. It has been developed in parallel with the emerging Local Plan, to help inform strategic and detailed policies around design. The Charter sets out high-level expectations for design quality within developments, infrastructure, and place-making projects throughout the borough and is intended for use by officers, members, developers, planning applicants and communities. It establishes a clear and shared language and vision for good design in Thurrock, grounded in an understanding of the unique qualities and challenges of the borough.

2.5 By acting also as a 'vision statement' for the production of a future design code, the Charter prepares Thurrock to meet the recommendations of the NPPF as well as new statutory duties regarding design codes proposed by the Levelling Up and Regeneration Bill. Production and public consultation on

an initial 'vision statement' is set out in the National Model Design Code as a key first step in the production of a robust design code.

- 2.6 The main differences between the current adopted Thurrock Design Strategy SPD and this proposed draft Thurrock Design Charter are as follows:
- The document has been shortened and simplified into a clearer and more succinct vision statement around design aspiration and expectation. More detailed requirements around the design process and design features are instead expected to be better addressed within the forthcoming design code.
 - Updating and expanding references to establish best practice, national policy, and national guidance, reflecting significant changes since 2017.
 - Updates to the 'Understanding Thurrock' section to reflect changes to the physical, social, economic, and cultural context of the borough and its communities.
 - Simplifying and updating the 'Designing in Context' section into four 'Core Design Principles', setting out key design themes (Pride in Thurrock, Healthy Places for All, Connecting to Opportunities, Resilient & Sustainable Futures) against which the design of places in Thurrock should deliver good outcomes.
 - Replacing the 'Place Typologies' section with 'Key Design Ideas for Thurrock'. This expands beyond the five 'typologies' previously identified to instead illustrate seven design opportunities unique to Thurrock (such as considering design in the context of the river Thames), as well as more common situations (such as regeneration of our town centres, enhancing existing residential neighbourhoods, developing efficient and well-designed employment areas, how to successfully co-locate different sensitive uses, and how we can protect and enhance the character and quality of our countryside).
 - Simplifying and updating the 'The Development Process' section, acknowledging that more detailed requirements regarding the design and planning process would be better addressed in a future design code.
- 2.7 This draft Design Charter has been developed in parallel with the emerging Local Plan, as well as in consultation internally with wider service areas. The intention is to now submit the draft Design Charter to public consultation to allow for broader feedback on the emerging principles of the Charter, to update it accordingly, and publish it as a corporate strategy.
- 2.8 Following public consultation and update on the draft Design Charter, it is intended that work would progress on a more detailed design code. The design code would build on and follow the core design principles established in the Design Charter and establish a set of simple, concise, illustrated design requirements that provide specific parameters for what would constitute well-designed development in Thurrock. It is intended that the development of the more detailed design requirements in the design code would also be subject to community engagement to ensure it reflects local aspirations, as well as be

subject to viability assessment to ensure the requirements of the design code do not unduly impact the deliverability of acceptable schemes in the borough. It is expected that the design code itself would be formally referenced within the emerging Local Plan and adopted as an SPD to ensure it has material weight in the determination of planning applications.

3. Issues, Options and Analysis of Options

- 3.1 The Council, as a Local Planning Authority, should take account of the policies of the NPPF as a material consideration in the preparation of the Local Plan and determination of planning applications. This includes setting out a clear design vision and standards, and the preparation of design guides or codes consistent with the principles set out in the National Design Guide and National Model Design Code.
- 3.2 While there is an intention within the Levelling Up and Regeneration Bill for the preparation and adoption of a borough-wide design code to become a statutory requirement, the Council is not currently required by legislation to consult on updates to existing design guidance or in the preparation of a 'vision statement' (such as the proposed Design Charter) to support the wider production of a design code. However, it is stated in national guidance (the National Model Design Code) that any 'vision statement' for a wider design code should be prepared and be subject to public consultation.
- 3.3 The preferred option is therefore to consult on the Thurrock Design Charter as the 'vision statement' for a future design code, as this is recognised in national guidance to be best practice. Failure to consult on the Charter risks challenge to the robustness of the eventual design codes in the determination of planning applications, as well as within the examination of the emerging Local Plan to which the Charter is acting as evidence.

4. Reasons for Recommendation

- 4.1 The Thurrock Design Charter provides an important update to current design guidance, aligning it with changes to national policy and guidance as well as more recent published Council strategies. The Charter also acts as a 'vision statement' for a wider design code, informing development of the Local Plan, while also preparing for the proposed new statutory duty for Local Planning Authorities to prepare and adopt a borough-wide design code under the Levelling Up and Regeneration Bill.
- 4.2 Consultation on the Charter as a 'vision statement' in the development of a wider design code is considered best practice under national guidance (National Model Design Code).

5. Consultation (including Overview and Scrutiny, if applicable)

- 5.1 The purpose, structure and emerging principles of the Design Charter were previously presented at the online public Developers Forum on the 12th of

September 2022. While no comments were raised at the time on the proposed structure and content of the Design Charter itself, one comment was received on how the Charter would deliver on proposals within the Levelling Up and Regeneration Bill around the proposed statutory duty to prepare and adopt a borough-wide design code. As a result of this, clarification as to the role of the Charter as forming the 'vision statement' for a potential future design code was provided.

- 5.2 Following agreement by this committee, public consultation will be carried out on the draft Thurrock Design Charter prior to its adoption. It is intended that public consultation is undertaken in parallel with the proposed draft consultation of the regulation 18 Local Plan given the clear parallels and interdependencies between the two documents.

6. Impact on corporate policies, priorities, performance and community impact

- 6.1 The draft Thurrock Design Charter aligns with several of Thurrock Council's priorities, including:

- 'People – communities are empowered to make choices and be safer and stronger together' through an emphasis on community engagement and co-design within the design process
- 'Place – roads, houses and public spaces that connect people and places, and clean environments that everyone has reason to take pride in' through an emphasis on creating well-connected and integrated developments, and the importance of embedding stewardship within place-making
- 'Prosperity – attractive opportunities for businesses and investors to enhance the local economy' by promoting the place-quality of the borough, including employment areas, to help create an attractive environment for investment.

- 6.2 The draft Thurrock Design Charter was developed in parallel with the emerging Local Plan, helping to inform strategic, and detailed policies around design and place-making. Significant internal consultation on the Design Charter through a series of officer workshops and 1-2-1 interviews from across the Council was also used to ensure the Charter supports and aligns with wider council strategies and helps identify design opportunities within them. This includes the Collaborative Communities Framework, the Health & Wellbeing Strategy Refresh, Housing Strategy, and Transport Strategy. Internal consultation also sought to ensure that the Design Charter considers emerging strategies including Local Plan, Economic Growth, Green & Blue Infrastructure, Transport, Climate Change, Housing, and Cultural strategies, as well as considering the emerging Health in All Policies document and Thurrock Transport 2050 Vision.

7. Implications

7.1 Financial

Implications verified by: **Rosie Hurst**
Interim Senior Management Accountant

Within the Local Plan budget there is a dedicated budget for plan making to cover the basic costs of preparing and consulting on planning documents, which includes the Thurrock Design Charter.

7.2 **Legal**

Implications verified by: **Caroline Robins**
Locum Principal Solicitor

As a Local Planning Authority, the Council is expected to follow the NPPF, which is a material consideration in the development of the Local Plan and determination of planning applications. The consultation on the Thurrock Design Charter would help ensure that the Council takes account of the national policy, in particular within paragraphs 126, 127 and 128 (namely, being clear about design expectations and how these will be tested, and to set out a clear design vision and expectations developed with local communities that reflect local aspirations grounded in an understanding and evaluation of an area's defining characteristics, and to prepare design guides or codes consistent with the principles set out in the National Design Guide and National Model Design Code, and which reflect local character and design preferences).

Additionally, the Levelling Up and Regeneration Bill intends to make the production and adoption of a design code a statutory requirement for all local planning authorities. The Thurrock Design Charter has been refined to act as a 'vision statement' for a wider design code for Thurrock, preparing for this proposed new statutory duty.

Failure to consult on the Charter risks challenge to the robustness of the eventual design codes in the determination of planning applications, as well as within the examination of the emerging Local Plan to which the Charter is acting as evidence.

7.3 **Diversity and Equality**

Implications verified by: **Becky Lee**
Team Manager – Community Development and Equalities

The Thurrock Design Charter will be subject to a Community Equality Impact Assessment to ensure that all sections of the community, including harder to reach groups, will have the opportunity to be involved in helping to shape the future planning and development of Thurrock, both through plan-making and the consideration of development proposals.

The Thurrock Design Charter has been developed to deliver broad positive impacts to Thurrock's local communities by promoting good design and best-practice in development and place-making. The Charter aligns with, and references, established best practice in inclusive design as captured within the National Design Guide, National Model Design Code, and Building for a Healthy Life guidance. The Charter particularly considers the benefits of good design in improving outcomes for different ages (by incorporating HAPPI principles), disability (by incorporating universal design principles), and the health and well-being of residents (by incorporating Building for a Healthy Life as well as the principles established in Thurrock Health & Well-being Strategy Refresh). The Charter includes: 'involving residents in the decisions that affect their lives, using co-design and co-production methods in the issues facing Thurrock as well as the solutions' through the Charter's emphasis on community engagement, co-design, and stewardship throughout the design process.

7.4 Other implications (where significant) – i.e. Staff, Health Inequalities, Sustainability, Crime and Disorder, and Impact on Looked After Children

None

8. Background papers used in preparing the report (including their location on the Council's website or identification whether any are exempt or protected by copyright):

- Thurrock Design Strategy SPD (March 2017) [Thurrock Council - Design Strategy: strategic planning document, March 2017](#)
- Thurrock Design Guide – Residential & Alterations SPD (July 2017) [Thurrock Council - Design guide: residential alterations and extensions](#)

9. Appendices to the report

- Appendix 1: Draft Thurrock Design Charter – August 2023

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