

## **MATTER 9 – DELIVERING DESIGN QUALITY**

### **Issue 9: Has the Plan been positively prepared and is it justified, effective and consistent with national policy in respect of its policies and proposals for delivering design quality in Leicester?**

#### **Policy DQP01 – Design Principles**

**370. Is Policy DQP01 consistent with national policy in paragraph 16f) of the NPPF, and does it serve a useful purpose in duplicating the design principles which are contained in the National Design Guide and National Model Design Code?**

Yes, it is firstly worth acknowledging that policy was drafted before the national model design code was published but with knowledge of its proposed content. However, the council considers that policy DQP01 is more succinct and 'Leicester' specific than the referenced documents above. The council is also concerned that without policy DQP01 the important weight required by the NPPF & PPG in relation to design would be missing within the city. The council is of the opinion that the policy is critical in ensuring good design quality for the city.

**371. Does the expectation that development will be permitted, 'subject to consideration of' the design principles, amount to a robust and effective policy requirement to ensure new development complies with good design principles?**

Yes. The council believes that the use of 'subject to consideration of' within the policy has been used to allow flexibility of difference scales and types of development. It requires an Applicant to demonstrate that they have considered and addressed the principles embodied in the policy without having to rigidly adhere to them. It would be expected that where a deviation from the principles is proposed that it would need to be clearly justified.

**372. Is Policy DQP01 justified in using the 12 considerations in Building for a Healthy Life as design standards which new development in Leicester City is expected to meet, rather than as an assessment framework and design tool to inform the design process?**

Yes. The council considers that building for a healthy life is useful for determining planning applications, in order to deliver a key corporate objective of the Council. However, the council would consider a modification to highlight its role as an assessment framework and design tool rather than specific standards which new development should meet.

373. **Paragraph 8.7 of the Plan refers to the intention to publish supplementary planning documents (SPDs) to expand on the Design policies, including on Urban Design, Tall Development and Character Areas. Are these likely to introduce new policy requirements, which should be incorporated in the Plan and made subject to independent Examination?**

No – The council is of the opinion that this matter has been discussed during the CDA matters and has no further comments to add. At all events the Council has no intention to promote SPDs containing matters which ought to be contained within DPDs.

### **Policy DQP02 – Tall Development**

374. **Is Policy DQP02 effective in guiding tall development to the right locations within the City, without defining tall building zones on the Policies Map?**

Yes. It is the council's view that setting specific locations for tall buildings on the policies map would not be effective for the following reasons:

- The policy is clear that all applications for tall development should be capable of being decided on their merits. If policy and the proposals map set specific locations where tall buildings would be acceptable, this will likely encourage a tall buildings approach based around locations of acceptability rather than appropriate approach to tall development as required by the policy and supporting evidence.
  - The council is of the view that in reality there are only very limited areas where tall buildings are acceptable within the city.
  - Identifying such areas in advance would potentially encourage inappropriately dense clusters of tall development whilst at the same time discouraging other potential areas where properly designed tall development could be acceptable.
  - The council will nonetheless be providing further details on the areas of acceptability for tall buildings within future planning guidance in the form of an SPD.
375. **For clarity and effectiveness, should the definitions for tall development be reference to building heights in different parts**

**of the City be included within Policy DQP02, rather than the supporting text?**

Yes. The council is happy to offer a modification moving the definition of building heights into the policy text.

**376. Should criterion e), which requires proposals to provide an assessment of the design considerations in the policy, be moved to the end of Policy DQP02 for clarity and effectiveness?**

Yes. The council sees the benefit of this for clarity in the policy and would be willing to accept a modification to that effect.

### **Policy DQP03 – Inclusive Design**

**377. Is Policy DQP03 clearly written and unambiguous, so that it would be evident how a decision maker should react to a development proposal, and what standards of inclusive design are required to be met?**

The council considers that this policy as written has an important role in ensuring that all development is available for all users. However, the council appreciates that some of the wording is not clear, including the use of the word 'dignity' which is difficult to quantify. The council will consider modifications to this policy so that its is clearer on how a decision maker would react in regard to inclusive design.

### **Policy DQP04 – Landscape Design**

**378. Is Policy DQP04 consistent with national policy in the following respects:**

**(i). The requirement in criterion c) to only give consideration to the protection of irreplaceable habitats, such as ancient woodlands and veteran trees, when paragraph 180 c) of the NPPF expects that development resulting in the loss or deterioration of such irreplaceable habitats should be refused?**

The council is of the opinion that some degree of flexibility should be included within policy where any impacts can be mitigated. However, the council also acknowledges that the wording as written does need strengthening to meet the requirements of the NPPF. The following modification is proposed therefore:

c) Respect and give consideration to the protection and

enhancement of irreplaceable habitats such as ancient woodlands and veteran trees. **Proposals should be refused which cause loss or deterioration to such habitats unless adequate mitigation is provided.**

- (ii). **The absence of a requirement to ensure that new streets are tree-lined when paragraph 131 of the NPPF expects planning policies to include this?**

The council acknowledges the important role that tree-lined streets should have within development. However, the council also acknowledges that landscaping is not just street trees when approaching the design of new roads and streets within development but also can require other landscaping solutions particularly in constrained areas such as the central development area.

The council therefore would suggest the following modification to the policy:

**f) when new roads and streets are required as part of any new development, they should be 'tree lined' or have an equivalent landscaping solution(s) where street trees are not feasible or appropriate.**

379. **For clarity and effectiveness, should criterion g), which requires proposals to provide a landscape design statement to evidence commitment to high quality landscape proposals, be moved to the end of Policy DQP04 so that it applies to all of the criteria in the policy?**

The council agrees with this proposed modification.

### **Policy DQP05 – Backland, Tandem and Infill Development**

380. **For clarity and effectiveness, should 'Infill development' be deleted from the title of Policy DQP05, given that the policy does not mention infill development?**

No, the policy needs to be amended to include infill. The issue of infill development is an important matter for development management within Leicester and the council acknowledges that the policy does not currently reference its role within this policy. Therefore, the council agrees that an amendment to the policy is required to specifically reference infill development.

The suggested modifications are as follows: -

Backland, **and infill** development for new dwellings will be acceptable subject to the following:

e) The number of dwellings, size, **scale**, design and layout shall allow ~~for space around dwellings~~, existing and proposed landscaping, car parking arrangements, and take account of the relationship to, and character of, neighbouring property and the area. **Backland development should take into account space around all dwellings, existing and proposed.**

h) ~~All Proposals for~~ backland **and infill** development must be adequately drained following SuDS principles with no net increase in green field run off rates.

### **Policy DQP06 – Residential Amenity**

381. **Is the wording of Policy DQP06 sufficiently clear and robust, and would it be effective in ensuring a high standard of residential amenity for existing and future occupiers, when it only requires a series of factors to be taken into account, rather than stipulating that proposals should not cause unacceptable harm to the living conditions of surrounding residents?**

The council is of the opinion that the policy provides adequate, flexible steer around this matter especially due to the fact that the council needs to maximise the amount of opportunities for particularly residential development to be brought forward. However, the council also acknowledges that the policy should be made clearer around the role of residential amenity in determining acceptable living conditions for nearby residents. The council also suggests adding a definition of 'unacceptable harm' to the glossary of the plan.

The council therefore proposes the following modification:

In determining planning applications, **proposals should not cause unacceptable harm to the amenity and living conditions of existing and future residents.** ~~The following factors concerning the amenity of existing and future residents~~ will be taken into account, both individually and cumulatively with the existing situation:

382. **For clarity, should the supporting text in paragraph 8.26 of the Plan, dealing with Residential Amenity and New Development be moved to precede Policy DQP06?**

The council acknowledge that this change would be helpful.

## **Policy DQP09 – Signs and Banners Advertisement Design and Location**

383. **To ensure that Policy DQP09 is clearly written and unambiguous, should criteria a) to d) be positively worded, with regard to the potential impacts on visual amenity, light pollution and highway safety?**

The council acknowledges that the wording of the policy is not currently written 'positively' and is willing to amend it.

384. **Are paragraphs 8.34 to 8.42 intended to be supporting text to Policy DQP09 or should they be incorporated into a policy or policies for other forms of advertisement?**

It is the council's opinion that these should form the supporting text to policy DQP09 and therefore be moved before the policy.

## **Policy DQP11 – Changing Places Facilities**

385. **To ensure that Policy DQP11 is justified, should the wording be modified to make clear that it relates to proposals for new development?**

The council would be willing to make this modification to make it clear that it relates to new development.