

Report of the Director – Development and Economic Growth

Cabinet Portfolio Holder for Planning and Housing – Councillor R Upton

1. Purpose of report

- 1.1. The purpose of the report is to recommend to Cabinet that the Rushcliffe Design Code Supplementary Planning Document (SPD) is adopted. Once adopted, it will form a material consideration in the determination of relevant planning applications.
- 1.2. The Rushcliffe Design Code SPD would replace the Rushcliffe Residential Design Guide SPD (2009) with a National Planning Policy Framework (NPPF) compliant authority-wide Design Code. The Design Code would provide a set of design rules against which planning proposals will be assessed in the determination of planning applications. It would also provide greater certainty for applicants as to the Council's expectations for design quality.
- 1.3. Following Cabinet approval, the draft Design Code SPD was published in January 2025 for a six-week period of public consultation. The consultation finished on 10 March 2025 and comments were received from various consultees. A number of revisions to the draft SPD are proposed following consideration of the consultee comments. A revised draft Rushcliffe Design Code is at Appendix 1.

2. Recommendation

It is RECOMMENDED that Cabinet:

- a) supports the proposed revisions to the Rushcliffe Design Code Supplementary Planning Document (SPD);
- b) delegates authority to the Director– Development and Economic Growth to adopt the Rushcliffe Design Code SPD, and to publish an Adoption Statement at the point of adoption; and
- c) delegates authority to the Director– Development and Economic Growth, in consultation with the Cabinet Portfolio Holder for Planning and Housing, to make any necessary final minor textual, graphical and presentational changes required to the SPD prior to adoption.

3. Reasons for Recommendation

- 3.1. To enable preparation of an NPPF-compliant authority-wide Design Code to progress further towards adoption. Its role is to provide code and guidance to support the delivery of well-designed new development.
- 3.2. If adopted, the Design Code SPD will provide design code and guidance on the application of relevant Local Plan policies, including Local Plan Part 1: Core Strategy Policy 10 (Design and Enhancing Local Identity) in particular, and pertinent national policy and guidance within the NPPF and the government's Planning Practice Guidance.
- 3.3. It is recommended that authority is delegated to the Director– Development and Economic Growth to adopt the Design Code SPD in order to enable procedural matters required prior to SPD implementation to be finalised. This includes the finalisation of all supporting guidance and compliance templates.

4. Supporting information

Background

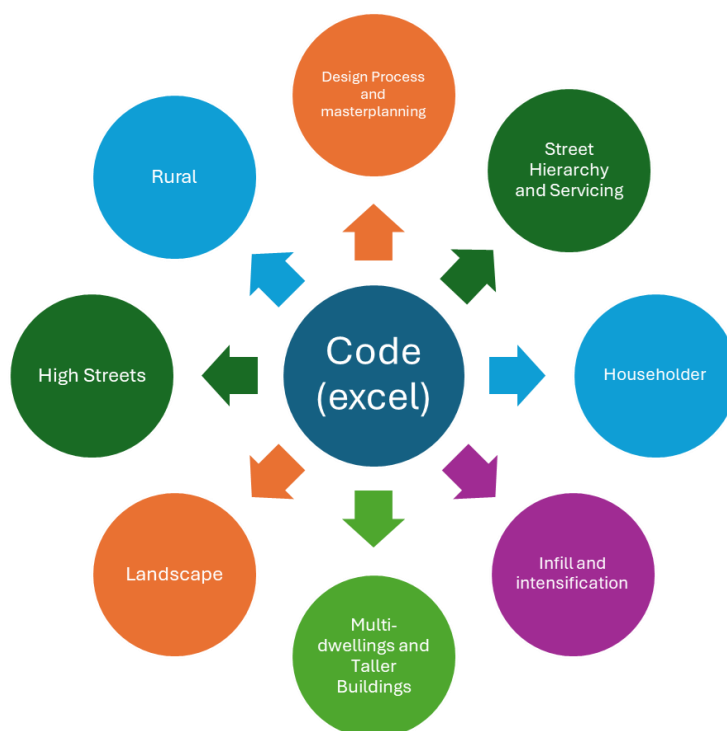
- 4.1. The Levelling Up and Regeneration Act 2023 requires local planning authorities to produce design codes for their area. This requirement seeks to address the concerns that new development over the past 20 years or more has not always created well-designed and sustainable places.
- 4.2. The revised NPPF was published on 12 December 2024 and retains the requirement for all local authorities to prepare design guides and codes consistent with the principles set out in the National Design Guide (NDG) and National Model Design Code (NMDC), and which reflect local character and design preferences. The NPPF sets out that design guides and codes can be prepared at an area-wide scale, as well as neighbourhood or site-specific scale, and to carry weight in decision-making should be produced either as part of a Local Plan or as an SPD.
- 4.3. The importance of delivering well-designed places has been strengthened in the new NPPF by the inclusion of the need to have particular regard to key policies for securing well-designed places when applying the presumption in favour of sustainable development.
- 4.4. The revised NDG and NMDC were expected to be published in Spring 2025; however, it is not anticipated that either will conflict with the structure and content of the Rushcliffe Design Code.
- 4.5. The purpose of the Rushcliffe Design Code SPD is to replace the Rushcliffe Residential Design Guide SPD (2009) with a NPPF compliant authority-wide Design Code. This will provide a set of design rules against which planning proposals will be assessed in the determination of planning applications. It will also provide greater certainty for applicants with respect to what the Council expects from design quality.

- 4.6. SPDs build upon and provide more detailed guidance on policies in an adopted local plan. They do not form part of the development plan and cannot introduce new planning policies into the development plan. However, they form a material consideration in decision-making and carry significant weight provided they have been prepared within the statutory procedures and subject to public consultation.

Structure and content

- 4.7. The basic structure of the Code comprises a list of mandatory requirements, or rules, which can be filtered by application type and area type. Each rule links to further explanatory guidance and illustrations within a suite of eight design notes. The design notes cover topics which reflect the main priorities identified during the consultation exercises. The basic structure and content of the Code are illustrated in Figure 1 below.

Figure 1: Structure of Rushcliffe Design Code



Consultation draft SPD, January 2025

- 4.8. The Rushcliffe Design Code SPD was approved in draft by Cabinet in January 2025 and then published for a six-week period of public consultation ending on 10 March 2025. In total, 42 consultees submitted responses to the consultation and raised a variety of issues. A summary of the comments received and a proposed response to the issues raised is at Appendix 2. Following consideration of these comments, a number of revisions to the draft SPD are proposed. These are included in a revised draft version of the Rushcliffe Design Code at Appendix 1. In order to help identify what revisions are proposed, the version at Appendix 1 can be compared to the previous consultation draft

Design Code, published in January 2025, which is available to view online at: [250124 design-code draft-consultation.pdf](https://www.250124-design-code-draft-consultation.pdf)

Proposed revisions

- 4.9. A number of proposed revisions to the draft Design Code are made to improve its effectiveness and clarity. In several cases, what were codes within the consultation draft Design Code have been amended and moved to guidance in the revised draft document. Generally, this is because the requirements sought are not considered specific and precise enough to be in the form of a code, or inclusion in guidance is justified on flexibility grounds. In some other cases, for the opposite reasons, what was previously guidance is proposed to be moved to become code within the document.
- 4.10. The main proposed revisions to the Design Code include:
- Section 1.5 Designated Parking – the code relating to triple tandem parking (code C1.25 of the consultation draft Design Code) is deleted and more appropriate text relating to all types of tandem parking is included instead as guidance in section 1.5.
 - Section 1.5 Designated Parking – guidance on carports and garage offsetting is moved to create a new code (C1.27), which is considered a more appropriate approach given its specific requirements.
 - Section 1.7 On Street Parking – the code preventing dropped kerbs on classified roads (code C1.38 of the consultation draft Design Code) is considered overly restrictive and is deleted.
 - Section 2.3 Backland developments – the code relating to views into backland development (code C2.3 of the consultation draft Design Code) is amended and moved to guidance. The requirements are considered better applied as guidance than code;
 - Section 2.7 Space between homes – new guidance for minimum space standards for rear gardens, and guidance for applicants to provide 50% grass, planting and other forms of living vegetation in all front and rear gardens is added. These are included to prevent gardens being lost to extensions, or completely concreted, tiled or decked over.
 - Section 4.1 Sustainable Drainage Systems (SuDS) – the code relating to incorporating rain gardens into streets (code C4.1 of the consultation draft Design Code) is considered too prescriptive, as other mitigation measures maybe more appropriate, and is therefore deleted.
 - Section 4.1 Sustainable Drainage Systems (SuDS) – the codes relating to engaging with the Highways Authority and Severn Trent Water in respect of the provision of SuDS (codes C4.5 and C4.6 in the consultation draft Design Code) are amended and moved to guidance. The benefits of early engagement cannot strictly be required and therefore cannot be code.

- Section 4.5 Play – the code requiring new development to integrate opportunities to play outside of designated play areas (code C4.23 of the consultation draft Design Code) is not considered specific enough to form a code and is therefore deleted.
- Section 4.6 Wayfinding and Navigation – the code requiring streets to have adequate street lighting (code C4.28 of the consultation draft Design Code) repeats code in the Street Hierarchy and Servicing Design Note and is therefore deleted.
- Section 4.7 Management Plans and Companies – the code in respect of guardrails around attenuation ponds (code C4.36 of the consultation draft Design Code) is better expressed as guidance and wording is also amended to make clear that guardrails should be provided where necessary for safety reasons.
- Section 5.2 Neighbour amenity: privacy, overbearing, light, impact – the illustrations and text are amended to correctly demonstrate and explain the application of the 45-degree rule. This was not sufficiently clear in the consultation draft of the Design Code.
- Section 5.3 Extensions – the previous separate sections for side and rear extensions are combined to improve the Design Code's structure.
- Section 5.3 Extensions – the illustrations showing good and bad examples of side extensions and the massing of side extensions are amended for reasons of accuracy and clarity.
- Section 5.3 Extensions – the code relating to extensions in the Green Belt is amended and moved to the Rural Design Note (code C6.7) to place it more logically alongside another code relating to development in the Green Belt.
- Section 5.3 Extensions – the code which sets maximum built area limits for extensions relative to plot size (code C5.4 of the consultation draft Design Code) is moved to guidance to allow for a more flexible and pragmatic approach whilst still establishing good design parameters.
- Section 5.5 Outbuildings – the code placing limits on the size of outbuildings relative to plot size (code C5.9 of the consultation draft Design Code) is moved to guidance. This allows for a more flexible and pragmatic approach, which can be better applied to a variety of different circumstances, whilst still establishing good design parameters.
- Section 5.5 Outbuildings – the code restricting outbuildings in the primary frontage (code C5.10 of the consultation draft Design Code) is moved to guidance. This allows for a more flexible and pragmatic approach, which can be better applied to a variety of different circumstances.

- Section 5.6 On-site Renewables – the guidance requiring that new development should not overshadow neighbouring roof mounted renewable energy installations is moved to become a code (C5.7). This is a specific and precise requirement which can be appropriately coded.
- Section 5.8 Gardens –the previous separate sections for front and rear extensions are combined to improve the Design Code’s structure. This includes combining codes C5.11 and C5.12 of the consultation draft Design Code into one new code (C5.7) that requires gardens to be 50% grass, planting and other vegetation.
- Section 5.8 Gardens – a new code C5.8 has been added. It requires proposals to enclose gardens facing the public realm to off-set boundary treatments by 1 metre from the highway and be screened by soft landscaping. This was an omission in the consultation draft Design Code and is considered appropriate for reasons of good design.
- Section 6.1 Conversion of existing traditional rural buildings – the code requiring that new wall and roofing materials need to match those in the existing historic building (code 6.2 in the draft consultation Design Code) is amended and moved to guidance. This is in order to identify that use of contemporary materials may be appropriate in certain circumstances.
- Section 6.1 Conversion of existing traditional rural buildings – the code requiring that new boundary features must reflect historic boundary features such as hedgerows, stone and brick walls, or footpaths (code C6.3 of the draft consultation Design Code) is moved to guidance to be less prescriptive. This is considered reasonable to allow more flexibility where justified.
- Section 6.1 Conversion of existing traditional rural buildings – a new code (C6.5) has been added to require that, where existing traditional rural buildings have a strong and established linear form, alterations as part of a conversion scheme must reflect that linear form. This was an omission in the consultation draft Design Code and is considered appropriate for heritage reasons.
- Section 6.2 Replacement dwellings and extensions to dwellings in the open countryside or Green Belt – the code for extensions in the Green Belt (now code C6.7) is amended and moved to this section, meaning that all the codes relating to the Green Belt are more logically located together.
- Section 6.2 Replacement dwellings and extensions to dwellings in the open countryside or Green Belt – the code for replacement dwellings in the Green Belt (code C6.6) is expanded to cover both the Green Belt and non-Green Belt areas of the countryside. This better reflects local planning policy designations within the rural area type.
- Appendix 3 – a new appendix is added which provides more detail on which locations fall within each of the area types. There is concern that this is not

sufficiently clear in all cases, which could undermine implementation of the Design Code.

- 4.11. In addition to those more significant revisions, various grammatical, typographical and presentational changes to improve the structure and clarity of the Design Code are proposed throughout the document.
- 4.12. A revised draft of the Design Code SPD was considered by the Local Development Group on 21 May 2025, where, subject to some limited additional changes, the revisions to the document were supported and it was recommended to Cabinet that the draft revised Design Code SPD is adopted.
- 4.13. The draft Design Code SPD is accompanied by a Strategic Environmental Assessment and appropriate Assessment Screening Report, which is at Appendix 3. It concludes that the draft Design Code SPD does not require its own Strategic Environmental Assessment or an Appropriate Assessment under the Habitat Regulations Assessment.

5. Alternative options considered and reasons for rejection

The Cabinet could decide not to give delegated authority for the draft SPD to be adopted. This is not recommended given that the Levelling Up and Regeneration Act 2023 introduced legislation to require every local planning authority to produce design codes for their areas. The SPD will also better support the implementation of Local Plan policies that seek to ensure well designed new development across the Borough.

6. Risks and Uncertainties

The main risk at present is that the timetable will slip if the content of the Design Code cannot be agreed upon and established. Government funding for preparation of the project has been secured for use during 2024/25.

7. Implications

7.1. Financial Implications

The Council made a successful bid to Government for £60,000 Planning and Skills Delivery Funding to support preparation of an authority-wide Design Code and additional costs such as training. This supplemented £50,000 that was available within existing budgets for preparation of the Design Code. Any officer time in supporting preparation of the Design Code has been accommodated within existing budgets. The Council has signed a Memorandum of Understanding and has now received funding from Ministry of Housing Communities and Local Government (MHLCG).

7.2. Legal Implications

- 7.2.1. The Levelling Up and Regeneration Act 2023 introduced legislation to require every local planning authority to produce design codes for their

areas. The National Planning Policy Framework (NPPF), December 2024, sets out that to carry weight in decision-making they should be produced either as part of a Local Plan or as supplementary planning documents.

- 7.2.2. The 2004 Planning and Compulsory Purchase Act empowers local planning authorities to prepare local plans and supplementary planning documents (SPD). SPDs are not part of the Local Plan but are capable of being a material consideration in planning application decisions. There is a statutory requirement for public consultation to be undertaken on the draft SPD and for any representations received to be taken into account before it can be adopted by the Council.

7.3. Equalities Implications

There are no direct equalities implications arising from matters covered in this report. Equalities Impact Assessments were undertaken in preparing the Local Plan and the Planning and Skills Delivery Funding bid. The SPD would not put in place new policies but would supplement relevant policies from the Local Plan.

7.4. Section 17 of the Crime and Disorder Act 1998 Implications

There are no direct community safety implications arising from matters covered in this report.

7.5. Biodiversity Net Gain Implications

There are no direct biodiversity net gain implications associated with this report.

8. Link to Corporate Priorities

The Environment	The SPD helps to ensure new developments positively affect Rushcliffe's environment.
Quality of Life	The SPD helps to ensure new developments positively affect Rushcliffe's environment through the delivery of good design.
Efficient Services	The recommendations in this report do not impact on or contribute to the Council's Efficient Services priority.
Sustainable Growth	The SPD helps to ensure new developments are delivered in a way that supports the Council's design aspirations.

9. Recommendation

It is RECOMMENDED that Cabinet:

- a) supports the proposed revisions to the Rushcliffe Design Code Supplementary Planning Document (SPD);

- b) delegates authority to the Director– Development and Economic Growth to adopt the SPD and to publish an Adoption Statement at the point of adoption; and
- c) delegates authority to the Director– Development and Economic Growth, in consultation with the Cabinet Portfolio Holder for Planning and Housing, to make any necessary final minor textual, graphical and presentational changes required to the SPD prior to adoption.

For more information contact:	Richard Mapletoft Planning Policy Manager 0115 914 8457 rmapletoft@rushcliffe.gov.uk
Background papers available for inspection:	Draft Rushcliffe Design Code Supplementary Planning Document, January 2025 https://www.rushcliffe.gov.uk/media/clbg3brs/250124_design-code_draft-consultation.pdf
List of appendices:	Appendix 1: Revised Draft Rushcliffe Design Code Supplementary Planning Document Appendix 2: Draft Rushcliffe Design Code Supplementary Planning Document – summary of consultation responses Appendix 3: Draft Rushcliffe Design Code Supplementary Planning Document – Sustainability Appraisal and Appropriate Assessment Screening Opinion Report