

CABINET

Newcastle
City Council 

25 November 2015 Supporting Development in Newcastle Developer Guidance

Name of Cabinet Members **Councillors Bell and Kemp**

Director presenting this report **Tom Warburton**
Director of Investment and Development

Report author **Graham Grant** Head of Transport
Peter Gray Head of Highways and Local Services

Confidential / not for publication: No

Non Key Decision

Report summary

This report seeks approval for Developer Guidance on Transport Assessments, Travel Plans and Parking, S278 Agreements, S38 Agreements, and an appendix to the existing Design and Construction of Roads and Accesses for Adoptable Standards Guide covering the palette of materials for adopted highways following a period of public consultation. Approval of the above documents will see the deletion of the existing Street Design Guide (2011). The guidance results in developers and agents being provided with clear transportation and development advice at the earliest opportunity.

Summary of decisions being asked for

1. Note the Full Feedback Report – Written Representations, Responses and Resulting Changes (Appendix 1) and;
2. Approve the following Developer Guidance
 - i. Transport Assessments, Travel Plans and Parking (Appendix 2)
 - ii. S278 Agreements (Appendix 3)
 - iii. S38 Agreements (Appendix 4)
 - iv. Appendix to the existing Design and Construction of Roads and Accesses for Adoptable Standards Guide covering the palette of materials for adopted highways (Appendix 5)
3. Approve the deletion of the previously approved Street Design Guide (2011)

1. What is this report about?

- 1.1 Following adoption of the Core Strategy (2015) it is important that the Council has in place the most up to date guidance to support the development process clear guidance is required for developers and their agents detailing development considerations. As a result previously agreed Developer Guidance from 2010 and 2011 has been reviewed
- 1.2 Developer Guidance sets out details on the submission and content of Transport Assessments, Transport Statements and Travel Plans. Developer Guidance on S278 agreements sets out details of change to the existing highway network and Developer Guidance on S38 sets out requirements for new highway. The appendix to the existing Design and Construction of Roads and Accesses for Adoptable Standards Guide sets out the palette of materials for use on the adopted highway.
- 1.3 This report is for decision and once adopted by committee it will be applicable to all new development.

2. What decisions are being asked for?

- 2.1 Cabinet is being asked to:
 - i. Note the Full Feedback Report – Written Representations, Responses and Resulting Changes (Appendix 1);
 - ii. Approve Developer Guidance Transport Assessments, Travel Plans and Parking (Appendix 2);
 - iii. Approve Developer Guidance S278 Agreements (Appendix 3)
 - iv. Approve S38 Agreements (Appendix 4)
 - v. Approve the Appendix to the existing Design and Construction of Roads and Accesses for Adoptable Standards Guide covering the palette of materials for adopted highways (Appendix 5)
 - vi. Approve the deletion of the previously approved Street Design Guide (2011)

3. Why is this proposal being put forward?

- 3.1 The existing guides need updating and developers need local guidance on transport assessments and travel planning for example to understand and manage the wider transportation outcomes of new development. There are numerous policies, publications and sources of information to take into account relating to planning and transportation when developing

development proposals. The Developer Guidance brings together these policies and sets out practical advice for developers and agents in one document to support development. It ensures planning applications are submitted with the correct supporting information.

- 3.2 The Developer Guidance will be an important material consideration in the decision making process. The intention of the Developer Guides is to improve highway, transportation and accessibility outcomes arising from new development. The guides are relevant to new development, changes of use of buildings and land, as well as alterations to existing buildings. The measures included in the guides are intended to operate collectively rather than individually, although not all issues will be relevant to every development proposal.
- 3.3 A significant number of changes to the highway network occur because of the need to accommodate new developments. Along with new highways being created the works can cover a diverse range of alterations / improvements to facilitate new developments or to mitigate its impacts. They can include specific junction improvements, pedestrian crossings, cycle ways, footpaths, traffic calming, diversion of existing public rights of way and area wide parking control zones.
- 3.4 Changes to the existing highway network necessitated by a new development are delivered through a Section 278 (S278) Agreement of the Highways Act 1980. This is a legal agreement between applicants and Newcastle City Council to allow for alterations or improvements to the existing publically maintained highway.
- 3.5 For a new highway a Section 38 (S38) Agreement is a voluntary agreement entered into by the applicant and Newcastle City Council under the Highways Act 1980. It is the method used to allow highways provided by a developer to become maintainable at the public expense or in other words, to be formally 'adopted as public highway'. Generally, residents living in a new development will benefit from adoption of new roads, footways, street lighting as Newcastle City Council would take on responsibility for highway maintenance issues, including any third party insurance liability.
- 3.6 The Council recognises the need to minimise the proliferation of different paving and surfacing materials used throughout the City, and create a visually recognisable continuity within the highway, utilising readily available materials from local suppliers, which can be ordered and supplied quickly to ensure value for money. As a result the City has been divided into three areas for highway treatments Inner City Centre, Outer City Centre and Outer areas.
- 3.7 It is important that developers understand the key components for assessing and delivering new development.
- 3.8 The current guidance documents have been in operation for a number of years and some working difficulties have come up on through interpretation between guides and national guidance. Developers and officers have pointed out their concerns over the years, so in order to simplify the

assessment and delivery of schemes going forward the Street Design Guide (2011) shall be removed and not used to inform developments proposals

3.9 The Street Design Guide intended to provide details of how to approach street design to create places where people want to live and spend time. It aimed to reduce the impact of vehicles on streets through proactive street design, giving high priority to pedestrians, cyclists and users of public transport. The Guide was intended to be used early in the development process, aimed to reflect the approach to design set out in Manuel for Street (DfT 2007/2010) and intended to provide local guidance for developers supplement existing national guidance. In practice, when this guide is read alongside the other developer guides has led to misunderstanding on design and layout of streets.

4. What impact will this proposal have?

4.1 Having developer guidance in place is an opportunity to improve stakeholder satisfaction and enhance our reputation by providing information at the earliest opportunity. It emphasises the importance of pre application advice to avoid abortive work being undertaken. It is a vital part in creating the right conditions for the city to thrive and grow.

4.2 Developers and officers have worked with the current guidance for a number of years now and have clearly identified areas weren't working well and addressed them

4.3 The refreshed developer guidance key additions and amendments are summarised in Table 1 below:

Table 1: Developer Guidance - key additions and amendments

<p>Transport Assessments, Travel Plans and Parking</p>	<ul style="list-style-type: none"> • Information on EV charging requirements • Delivery Service Plans and Construction Method Statements requirements • Removal of parking permit eligibility removed through S106 agreements • Updated Residential Car Parking Levels • Updated Student Cycle Parking Levels (purpose built accommodation)
<p>S278 Agreements</p>	<ul style="list-style-type: none"> • Legislation updated covering S38 works, client responsibilities, Information on Notices, permits, licences and other agreements • Evidence required from developer of professional indemnity insurance of non NCC designers • Information on Regulatory Appeals Sub – Committee process. • NCC Street Lighting PFI company must design street lighting works. • Procurement options reduced from 4 to 2

	<p>options.</p> <ul style="list-style-type: none"> • NCC Street Lighting PFI company must install and commission street lighting works • Client responsibilities under Construction Design Management regulations 2015
S38 Agreements	<ul style="list-style-type: none"> • Legislation updated covering S278 works, client responsibilities, Information on Notices, permits, licences and other agreements • £3000 advance payment to NCC paid for by developers no longer required. Evidence required from developer of professional indemnity insurance of non NCC designers • Information on Regulatory Appeals Sub – Committee process. • Completing the Highway works within 2 years of starting on site (reduced from 3 years) • Client responsibilities under Construction Design Management regulations 2015
Appendix to the existing Design and Construction of Roads and Accesses for Adoptable Standards Guide	<ul style="list-style-type: none"> • Introduces three areas in the City where a different palette of highway materials can be used, which are: Palette A - Inner City Centre, Palette B - Outer City Centre, Palette C - Outer Areas • Local and District Retail Centres and Conservation Areas can influence the highway materials • Agreed alternative palette of materials should adhere as closely as possible to the materials contained in one of the other palettes • Key development sites palettes include Stephenson Quarter & Science Central • Palette A only to be used in the City Centre (Caithness Flags, Granite Setts)

5. How will success be measured?

- 5.1 Success will be measured as development is delivered. Feedback from our customers and post development reviews are important. Swift completion of highway works and S38 agreements is important to developers and residents of the City.
- 5.2 Alongside of this we will be able to monitor traffic levels, air quality, road accidents and modal choice as we progress and works are delivered.

6. What is the timetable for implementation?

- 6.1 The guidance was subject to consultation with officers from Transport Strategy, Technical Consultancy, Legal and Development Management, the external consultation period commenced on the 6 October running for 3

weeks until 27 October 2015.

- 6.2 Revised Developer Guides sent out via email to developers and agents who regularly submit planning applications, transport consultants and cycle city ambition fund technical advisory group
- 6.3 In total over 350 persons or organisations were consulted and 6 responses were received.
- 6.4 Overall there is support for the document to encourage and equip developers and their agents with knowledge and confidence about development considerations at the earliest opportunity.
- 6.5 Once planning applications are submitted to the Local Planning Authority it has a legal obligation to consult the Highway Authority under the Development Management Procedure Order 2015. The Highway Authority will advise on the timing and delivery of physical works and contributions towards works on key sections through S106 agreements or other mechanisms.
- 6.6 Developers will be encouraged about seek early pre application professional advice before submitting a planning application as to gain a clearer understanding of highways and transport issues. This will help avoid delays occurring at the formal application stage.

7. What are the legal implications?

- 7.1 The Assistant Director Legal Services has been consulted on this report. The Developer Guidance Transport Assessments, Travel Plans and Parking will be a material planning consideration in the determination of planning applications

8. What are the resource implications?

- 8.1 There are no direct resource implications associated with this report.

9. What are the procurement implications?

- 9.1 There are no direct procurement implications associated with this report..

10. What are the key risks and how are they being addressed?

- 10.1 The impact of all development needs to be taken account of in order to understand where improvements on the network need to occur and how they are going to be delivered. It is important that the guidance is in place to clearly set out the Councils position on the assessment of schemes and the delivery of works for all sites.

10.2 Updated Developer Guidance on Design and Construction of Roads and Accesses to Adoptable Standards will come forward in 2016. There is a short term risk that developments may come forward on the basis of the current guide however this can be managed on a site by site basis

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Background papers

List the background papers relating to this report.

- Interim Planning Guidance (2010) Transport Assessments, Travel Plans and parking available at
<https://www.newcastle.gov.uk/planning-and-buildings/planning-applications/other-planning-guidance>
- S278 Agreement Developer Guide (2011)
<https://www.newcastle.gov.uk/planning-and-buildings/planning-applications/planning-guidance/developer-guidance>
- S38 Agreement Developer Guide (2011)
<https://www.newcastle.gov.uk/planning-and-buildings/planning-applications/planning-guidance/developer-guidance>
- Street Design Guide (2011)
- Design and Construction of Roads and Accesses to Adoptable Standards (2011)
<https://www.newcastle.gov.uk/planning-and-buildings/planning-applications/planning-guidance/developer-guidance>
- Manual for Streets
<https://www.gov.uk/government/publications/manual-for-streets>