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<b>PART B:</b>	<b>RECOMMENDATIONS TO COUNCIL</b>
<b>REPORT TO:</b>	<b>PLANNING COMMITTEE</b>
<b>DATE:</b>	<b>2 JULY 2013</b>
<b>REPORT OF THE:</b>	<b>HEAD OF PLANNING AND HOUSING GARY HOUSDEN</b>
<b>TITLE OF REPORT:</b>	<b>SETTRINGTON VILLAGE DESIGN STATEMENT</b>
<b>WARDS AFFECTED:</b>	<b>DERWENT WARD</b>

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## **EXECUTIVE SUMMARY**

### **1.0 PURPOSE OF REPORT**

- 1.1 Settrington Parish Council has prepared a Village Design Statement (VDS) for the village. The Parish Council is keen that the VDS is adopted as a Supplementary Planning Document (SPD) by the District Council as the Local Planning Authority. This report is for Members to consider the document and to recommend its adoption as a SPD to Full Council.
- 1.2 Members should be aware that there are two appendices to this report. These have been sent separately from the main agenda.

### **2.0 RECOMMENDATION(S)**

That Members;

- (i) Consider the representations received as part of the consultation on the VDS and endorse the Parish Council's response to the representations received (Appendix 1, Page 40 onwards)
- (ii) Agree the additional text in paragraph 6.19 of this report to be included in the 'Use and Role of the Village Design Statement' section of Appendix 2 of the VDS and subsequently,
- (iii) Recommend that Council adopt the Settrington Village Design Statement as a Supplementary Planning Document.

### **3.0 REASON FOR RECOMMENDATIONS**

- 3.1 The VDS has been prepared by the local community and in accordance with regulations which allow it to be adopted as a Supplementary Planning Document. As a SPD, the document will have weight as a material consideration in the planning process.

#### **4.0 SIGNIFICANT RISKS**

- 4.1 The District Council will need to give notice of its adoption of the document as SPD. Any challenge to the adoption/validity of the document will become apparent during this period. However, it is considered that there are no significant risks associated with the adoption of the Design Statement. It has been prepared in accordance with the regulations and has been prepared to supplement rather than introduce matters of policy which, it is considered, mitigates the risk of challenge.

#### **5.0 POLICY CONTEXT AND CONSULTATION**

- 5.1 Village Design Statements are prepared by local communities and more often than not are produced with the intention that they are adopted as Supplementary Planning Documents for use in the planning process. As an expression of what it is that local communities value about their surroundings, they provide a useful source of information to support the use of the Development Plan in the decision taking process.
- 5.2 A Supplementary Planning Document cannot be used to introduce planning policy and must have regard to national policy.
- 5.3 The preparation of Village Design Statements is a longstanding example of community planning which the Sustainable Community Strategy seeks to facilitate.
- 5.4 Over the course of its evolution, the VDS has been shaped by consultation that has been undertaken by the Parish Council. The District Council has assisted the Parish Council in undertaking the most recent round of consultation on the VDS in order to ensure that regulatory requirements for the preparation of the document as an SPD are followed and that the consultation commitments in the Council's Statement of Community Involvement are followed.

#### **6.0 REPORT DETAILS**

- 6.1 The Settrington VDS is Appendix 1 to this report. The document has been produced by the Parish Council over the course of a number of years and is testament to how much local people value the character and appearance of the village and wish to prevent important elements of its character from being eroded.
- 6.2 It is understood that the decision to prepare a VDS was taken a number of years ago in response, in part, to planning issues at the time. The Parish Council has also been keen to progress the VDS as a means of taking forward the recommendations of a report which was produced in 1984 for the Parish Council by local architect Francis Johnson. The District Council has provided some advice and comment at various stages in the evolution of the VDS.
- 6.3 It is important to emphasise that the VDS is the Parish Councils' document and will be used by the Parish as a basis for its work, including the comments it makes in response to planning applications. Notwithstanding this, the Parish Council is keen that the VDS is adopted as an SPD by the District Council in order to increase the weight to be attached to the document in the decision making process, including in appeal situations.

- 6.4 It should be noted that most forms of SPD adopted by the Council will have been prepared by the Council itself. If the Council is to adopt a document prepared by another party, the Council does need to be confident that it has been prepared to meet procedural requirements covering publicity and consultation and that the scope and content of the document is appropriate.

#### **Procedural requirements**

- 6.5 Before a Local Planning Authority can adopt a document as an SPD, it must have been made available for comment for a specific period of not less than 4 weeks. As part of the consultation, a statement of the consultation which had been previously undertaken to shape the document must be prepared and made available. The Consultation Statement that was prepared for the Settrington VDS is Appendix 2 to this report.
- 6.6 Formal consultation on the VDS was undertaken between 17th November 2012 and the 9th January 2013. As part of this process the Parish Council undertook a leaflet drop to all households and businesses in the parish to inform interested parties that the document was available for comment. At the same time, the District Council notified a range of consultees that the document had been made available. These included for example, English Heritage, Natural England and the Environment Agency. The document and accompanying material was made available to view on the Council's web-site and in paper form at Ryedale House and at the Harrison Hire Offices in Settrington. North Yorkshire County Council was missed from this consultation in error. To address this, all of the relevant material was subsequently sent to the County Council in April 2013 and the organisation was asked to provide comments within a six week period.
- 6.7 A sustainability appraisal and assessment under the Habitat Regulations has been undertaken by the District Council to accompany the preparation of the VDS. These documents were also made available as part of the consultation.
- 6.8 39 comments were received within the consultation period from four individuals/ organisations. A further 12 comments were received from North Yorkshire County Council. 5 of these were received from County Highways and 7 were received from the Strategic Policy team. A summary of the comments received as part of the consultation is included in Appendix 2 of the VDS.
- 6.9 As the VDS is the Parish Council's document it is important that the Parish Council itself considers the comments that have been made on the VDS. It is equally important that the District Council considers the comments which have been made on the document as part of the formal SPD process and that it is satisfied that issues raised as part of the consultation have been addressed where necessary.
- 6.10 Officers have discussed the comments received as part of the consultation with representatives of the Parish Council and through this process are able to concur with the response to the comments provided by the Parish Council. (These are also included in Appendix 2 of the VDS). Against this context, it is considered that no further changes to the document are required in response to the comments received as part of the consultation.

## **Scope and Content of the VDS**

- 6.11 The Settrington VDS provides some design guidance alongside detailed descriptions of the village and elements of village history. The style of the document is a little reminiscent of some of the early examples of VDS's produced after these were first promoted by the then Countryside Commission. Since then, VDS's have tended to evolve to rely to a greater extent on the use of graphics to illustrate and articulate specific points relating to design and character, with less of an emphasis on descriptive and contextual matters. It should be noted however that the style of the document is a matter for the Parish Council. It is considered that any decision by the District Council to adopt the document should relate to the extent to which the Local Planning Authority considers that the VDS is able to inform the decision making process and supplement existing policy.
- 6.12 There are two elements of a Village Design Statement which are of particular relevance to its role in the decision making process. These are the extent to which the document identifies what it is that local people value about the character of their surroundings together with any specific design guidance provided.
- 6.13 Although Section 2 of the document is entitled 'Character Appraisal', other sections of the VDS also include reference to features which are considered to make a valuable contribution to the character of the village. As the VDS evolved, Officers suggested that this section and the role of the document in highlighting key elements of the character of the village could be improved if these issues were brought together and summarised in one place. Section 2 now includes a cross reference to Appendix 2 of the VDS. This is a table which summarises all of the features which are considered to be of importance to the character of the village.
- 6.14 The VDS also includes design guidance in Section 2 which focuses on some specific elements of detailed design. In providing feedback to the Parish Council on earlier versions of the document, Officers suggested that there would be benefit in increasing the scope of the design considerations included in the statement by drawing on some of the wider information contained in the document. These were also identified and included in the table in Appendix 2.
- 6.15 Read as a whole, it is considered that the VDS provides a strong indication of what it is that local people value about the village in terms of its character and identifies a range of locally relevant design considerations . On this basis, it is considered that if the VDS is adopted, it will help inform the implementation of existing and emerging development plan policy.
- 6.16 The VDS will supplement several saved policies of the Ryedale Local Plan (including H7, H12, H13, H20, EMP10, C4, C5, and C11). Clearly these policies have a limited shelf life and it is anticipated that they will shortly be replaced by new policies in the Ryedale Plan. In this respect, it is considered that the VDS will support the implementation of the following emerging policies of the Ryedale Plan: SP1 (General Location of Development and Settlement Hierarchy), SP12 (Heritage), SP16 (Design) and SP20 (Generic Development Management Issues).

- 6.17 Members will be aware that existing and emerging policy in respect of design is not overly prescriptive and that this approach is consistent with national policy. As drafted, parts of the VDS refer to a prescribed or categorical/ absolute position in terms of some aspects of design. It is considered that this in part, reflects the rather strident tone/ language used in parts of the Johnson report.
- 6.18 Clearly it is appropriate that the Parish Council use the document to articulate the position it is likely to take in response to design issues arising in relation to planning applications. However, it is important that if the District Council is to adopt the document as SPD that expectations are not raised that it will introduce more stringent approach to design than would otherwise be the case under development plan policies. The Parish Council is aware that the document itself cannot introduce control into the planning process where control does not exist and that it cannot introduce a position in relation to design which is stronger or more prescribed than that which exists in development plan policy. The Parish is also aware that if the document is adopted by the Council as SPD that this is on the basis that the local view as articulated in the VDS is one of a number of considerations which will be weighed in the balance in the planning process and in the implementation of relevant Development Plan policies.
- 6.19 Appendix 2 of the VDS includes a section on the use and role of the VDS. It was clear in the consultation version of the VDS that additional text would be included in this section to cover the role of the VDS as a Supplementary Planning Document. If the District Council agrees to adopt the document, it is considered that the following text is included to clarify the position:

*“This Design Statement will be a material consideration in the planning process and will be used in the decision making process to help inform the implementation of Development Plan policies alongside a range of other considerations. Whilst this document includes specific design considerations and design advice which reflects local views, it is important to note that the adoption of the document does not introduce planning control where this currently does not exist. Additionally, it does not introduce a policy position in respect of design which is more prescriptive than existing planning policies in the Development Plan produced by the Local Planning Authority”*

## **7.0 IMPLICATIONS**

- 7.1 The following implications have been identified:
- a) Financial  
There are no significant financial implications associated with the report. The District Council will cover the cost of printing a limited number of copies of the document and making it available on CD. This will be covered by the Service Unit Budget.
  - b) Legal  
A legal challenge to the adoption of the document could be mounted. The risk of this occurring has been mitigated by ensuring that the document has been produced in accordance with the regulations covering the adoption of documents as Supplementary Planning Documents.

- c) Other (Equalities, Staffing, Planning, Health & Safety, Environmental, Crime & Disorder)

No wider implications have been identified.

## **8.0 NEXT STEPS**

- 8.1 As soon as reasonably practicable after the adoption of the document the Local Planning Authority must make the document publicly available and notify interested parties of its adoption. The period for anyone to apply for a judicial review of the decision to adopt is three months from the date of adoption.

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### **Background Papers:**

Settrington Village Design Statement. Sustainability Appraisal and Scoping Report

### **Background Papers are available for inspection:**

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