

CABINET (LOCAL DEVELOPMENT FRAMEWORK) COMMITTEE

28 SEPTEMBER 2011

ST GILES HILL NEIGHBOURHOOD DESIGN STATEMENT REVISION

REPORT OF HEAD OF STRATEGIC PLANNING

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RECENT REFERENCES:

PHD343 – [‘Revised St Giles Hill Neighbourhood Design Statement’](#) April 2011

EXECUTIVE SUMMARY:

A draft Revised Neighbourhood Design Statement (NDS) for the St Giles Hill area of Winchester was published for public consultation in April 2011. The procedures for producing Supplementary Planning Documents require formal consultation on draft Neighbourhood Design Statements.

In order for this document to carry weight in the planning decision-making process, it needs to be adopted by the City Council as a ‘Supplementary Planning Document’. This report summarises the comments received following public consultation on the draft Neighbourhood Design Statement, and recommends adoption of the ‘Planning Policies’ contained within the NDS, subject to a number of changes following the public consultation, as outlined in the schedule of comments at Appendix 1.

RECOMMENDATIONS:

- 1 That the ‘Planning Policies’ of the revised St Giles Hill Neighbourhood Design Statement, as proposed to be amended, be adopted as a Supplementary Planning Document.
- 2 That an offer of up to £1,000 be authorised as a contribution towards the costs of publication of the final version of the VDS.
- 3 That the St Giles Hill Residents Association be thanked for producing the Design Statement.

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### ST GILES HILL NEIGHBOURHOOD DESIGN STATEMENT REVISION

#### DETAIL:

#### 1 Introduction

- 1.1 The City Council encourages the production of Village and Neighbourhood Design Statements (VDSs/NDSs) by local communities so as to improve the quality of development in local areas and public involvement in the planning process. In order to carry weight in determining planning applications, such Statements need to be adopted by the City Council as Supplementary Planning Documents (SPDs).
- 1.2 The Town and Country Planning (Local Development) (England) (Amendment) Regulations 2008 set out various requirements which must be followed when producing and adopting SPD, including in relation to public consultation on draft proposals. Failure to meet these requirements could either prevent the City Council from adopting the Village/Neighbourhood Design Statement as SPD or lead to its validity being challenged.
- 1.3 There is an existing NDS for St Giles Hill which was adopted in 2004 but this is now out of date and the NDS revision has been produced to replace it. The revised NDS contains a statement of community involvement.

#### 2 PRODUCTION OF THE REVISED NDS

- 2.1 The revised NDS was prepared by a group from the St Giles Hill Residents Association, in consultation with residents and City Council officers. The NDS has been through several drafts and has been subject to informal consultation locally, including an open workshop. It was formally published as a draft NDS for consultation for a period of 6 weeks starting in April 2011, along with the necessary statutory notices.
- 2.2 The NDS includes a series of 'Planning Policies' which generally accord with, and supplement, the policies of the statutory Winchester District Local Plan Review 2006. The revised NDS takes the opportunity to improve on the existing version where there is a need to clarify some policies, as well as including updating to reflect current national and local planning policies. It has a particular emphasis on conserving the character, distinctive features and landscape setting of the Hill by ensuring that changes and development are sympathetic and that key views and features are identified and protected. It meets the various requirements for Supplementary Planning Documents, for example through the involvement of the community. A Sustainability Appraisal has not been undertaken as the 2008 Regulations no longer include this as a requirement.

### 3 SUMMARY OF REPRESENTATIONS AND CHANGES PROPOSED TO REVISED NDS

- 3.1 The consultation period ran from 21 April – 3 June 2011 and 3 responses were received, from the Environment Agency, Natural England and Abbotswood Properties. The Neighbourhood Design Statement group has considered the representations received and have agreed recommended responses to them with officers in the Strategic Planning Team.
- 3.2 As a result of the consultation and subsequent updating, several changes are proposed to the draft revised NDS. The Schedule of Representations, attached at Appendix 1, contains a summary of the representations made, together with the response and – in the final column – the changes that are recommended as a result. The proposed changes are mainly to make various small additions to meet the suggestions of the statutory consultees.
- 3.3 Abbotswood Properties' response suggested the NDS should not include reference to matters that were not subject to planning control, and indeed would be illegal if it did, and that a particular 'panorama' should not be highlighted as important. The NDS group and officers (including the Head of Legal Services) have given careful consideration to the issues raised in these comments but do not agree that any changes are necessary. One of the purposes of Neighbourhood and Village Design Statements is to provide guidance and advice to residents on how to manage their properties in a way which benefits, or avoids harming, the character of an area.
- 3.4 Therefore, many NDSs/VDSs give guidance on matters which are not subject to planning control and it is considered entirely appropriate (and legal) that they should do so. The issue of whether particular changes require planning permission relates simply to whether there is formal planning control over that change, not whether the matter should be mentioned in a Design Statement. Indeed, the question of whether planning permission is needed for certain changes may vary within the area covered by a single NDS/VDS, for example depending on whether the building/land is in a conservation area, National Park, a listed building, etc.
- 3.5 The main changes proposed are as follows:
- Add suggestions for habitat improvement to the Annex;
  - Add text to policy 15 in relation to sustainable drainage systems (SUDS);
  - Add a new paragraph to Policy 15 relating to mains drainage connection;
  - Minor changes to update the NDS (e.g. to reflect its status as an adopted SPD).

- 3.6 The NDS has not yet been updated and reproduced to include the changes proposed in the Schedule, as these are relatively minor and self-explanatory (the draft NDS document can be viewed at [‘Draft St Giles Hill Neighbourhood Design Statement’](#)).

#### 4 CONCLUSION

- 4.1 It is recommended that the changes outlined in the schedule attached as Appendix 1 be agreed and that the ‘Planning Policies’ in the revised St Giles Hill NDS be adopted by the Council as SPD, inclusive of the alterations recommended in the schedule.

#### OTHER CONSIDERATIONS:

##### 5 SUSTAINABLE COMMUNITY STRATEGY AND CORPORATE BUSINESS PLAN (RELEVANCE TO):

- 5.1 Although not specifically mentioned in the Community Strategy, the production of VDS/NDSs will contribute to the ‘High Quality Environment’ aims of the Council, particularly with regard to protecting local distinctiveness and promoting the public realm.

##### 6 RESOURCE IMPLICATIONS:

- 6.1 It is proposed that a contribution towards printing costs of up to £1000 for this stage of the VDS be offered, as for other Village/Neighbourhood Design Statements. Currently the funding for this is subject to approval to ‘carry-forward’ funding from the 2010/11 budget, on which Cabinet is due to reach a conclusion in September 2011. Although there is no legal commitment for the Council to contribute towards the production of the final NDS it is recommended that the offer continue to be made on the basis that the budget was in place when the NDS was produced and the NDS Group has avoided incurring production costs at the draft stage, thereby not using the £1000 offered at that stage. The Group does, however, wish to produce printed copies of the final NDS, for which the recommended funding is needed.

##### 7 RISK MANAGEMENT ISSUES

- 7.1 None

#### BACKGROUND DOCUMENTS:

None

#### APPENDICES:

Appendix 1: St Giles Hill Neighbourhood Design Statement - Summary of Comments and Responses

**Appendix 1****St Giles Hill Neighbourhood Design Statement****Summary of Comments and Responses**

<b><i>Respondent</i></b>	<b><i>Respondent's comments</i></b>	<b><i>VDS Ref</i></b>	<b><i>VDS group response</i></b>	<b><i>Proposed change to draft VDS text</i></b>
1. Natural England	Broadly welcomes the NDS's approach to the natural and built environment.	All	Support welcomed	None
	Supports emphasis on porous surfaces and to connect new development to main sewers wherever possible thus protecting water quality in SSSIs.	p18 and Policy 15	Noted	None
	Supports the retention of established trees, use of native species for new planting and succession planting.	p10/11 and Policy 3	Noted	None
	Would welcome further acknowledgement of the benefits of urban design and its role in habitat enhancement.		Accepted but better included in the Annex 'Suggestions for Environmental Improvement'	Add to Annex: "Habitat Improvements: New development should include features such as roosts and nesting sites to enhance habitats and encourage biodiversity."
	NDS should encourage climate change adaption and mitigation measures.		Accepted but these are not directly design matters and would duplicate issues in the Council's Interim Policy Aspirations.	None
2. Environment Agency	Pleased with the general content of the document.	All	Comment welcomed	None

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3. Abbotswood Properties	Strongly supports policies relating to open grassed areas, wooded areas and trees generally.	Policies 2 and 3	Noted	None
	Strongly supports use of porous surfacing materials to prevent rapid surface water run-off.	Policy 8	Noted	None
	Supports the NDS's approach to drainage but suggests greater emphasis on sustainable drainage systems (SUDS).	Policy 15	Noted	Add to 1 <sup>st</sup> paragraph of Policy 15: "and should, where possible, incorporate beneficial sustainable drainage systems (SUDS)."
	Would welcome Policy also stating that connection to main drainage should be done wherever possible	Policy 15	Noted.	Add new paragraph to Policy 15: "New development should be connected to main foul drainage systems where possible."
	Objects to the reference to tree and hedge growth being managed to retain and frame vistas and glimpses. Including such a policy would be illegal as it goes beyond the scope of planning control.	Policy 1	The NDS is not only a development control tool but also offers guidance to residents. Page 3 makes it clear that not all changes are subject to planning control. Policy 1 is not unusual in Statements of this kind and is not illegal.	None
The 'Panorama' shown at 22 Quarry Road should be replaced with a 'glimpse' symbol to reflect the restricted view due to the	Map on p8	This panorama notation is shown in the adopted NDS. At the time of its preparation, the	None	

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	high frontage hedge and other vegetation.		height of the frontage hedge was maintained at about 5', allowing views of the South Downs over the ridge of the bungalow on this site. The principle of maintaining this panorama unobscured by buildings was supported in a 2008 appeal decision, despite the overgrown nature of the hedge by that time. The height of the hedge is now uncharacteristic in the street scene and the principle of restricting building height on this site to retain the potential panorama should be retained.	