

DECISION TAKER: Cllr Jackie Porter - Cabinet Member for Place and the Local Plan

REPORT TITLE: APPROVAL OF MICHELDEVER VDS FOR ADOPTION

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WARD(S): WONSTON AND MICHELDEVER

PURPOSE

This report seeks the adoption of the Micheldever Village Design Statement as a Supplementary planning Document.

Village Design Statements are produced by local communities and provide guidance for the design of new developments within the local area. In order for these documents to carry as much weight as possible in the planning decision-making process they need to be adopted by the City Council as 'Supplementary Planning Documents' (SPD).

Across the Winchester District there are many parishes/communities with adopted village/neighbourhood or local design statements, some of which were adopted some time ago. A number of local communities are working on updating their design statements and this is welcomed, as this will provide more up to date guidance when determining planning applications.

A draft version of the Micheldever Village Design Statement (VDS) was published for public consultation on 14th February 2022 and ran until 28th March 2022. This report summarises the comments received following consultation on the draft version of the VDS and recommends adoption of the document in its revised form.

These post consultation revisions are outlined in the schedule of comments and recommended responses in Appendix 1 and final draft VDS in Appendix 2. The report also seeks the revocation of the previous Micheldever VDS that dates from 2002.

RECOMMENDATIONS:

1. That the Design Guideline/Policies in the Micheldever Village Design Statement as set out in Appendix 2 of this report, be adopted as a Supplementary Planning Document.
2. That the 2002 Micheldever VDS be revoked as SPD following the adoption of the 2022 version.
3. That the Strategic Planning Manager is granted delegated authority to make minor factual corrections and editing, in consultation with the Cabinet Member Built Environment, to finalise the Design Guidelines/Policies in the Micheldever Village Design statement, prior to publication on the Council website.

IMPLICATIONS:

1 COUNCIL PLAN OUTCOME

- 1.1 Village Design Statements (VDS) outline the local community's aspirations for good quality and locally responsive design within their areas. The Micheldever VDS therefore supports the outcome of 'Living Well' and particularly the development of healthy surroundings and attractive green spaces.

2 FINANCIAL IMPLICATIONS

- 2.1 Work on the document to date has been undertaken using existing staff resources, funded from the operational budget.

3 LEGAL AND PROCUREMENT IMPLICATIONS

- 3.1 The statutory procedures for the production, consultation on and adoption of a Supplementary Planning Document ("SPD") are set out in Regulations 11 to 16 of the Town and Country (Local Plan) (England) Regulations 2012 (as amended) ("2012 Planning Regulations").
- 3.2 A Supplementary Planning Document builds upon policies in the Local Plan to provide more detailed advice and guidance on and without introducing new policies. A SPD is a material planning consideration in decision making.
- 3.3 There are no procurement implications as a direct result of this report.

4 CONSULTATION AND COMMUNICATION

- 4.1 The VDS has been produced by, and in consultation with, the local community and with input from officers. Micheldever Parish Council carried out the initial consultation with local residents as part of the development of the draft VDS during 2020. As a result of this, the parish council made some amendments to the draft VDS and have now submitted it to WCC for consideration and adoption.
- 4.2 Following further development of the draft document, a report for a Decision Day on the 7th February 2022 (report DD36 refers) was prepared to authorise publication of the VDS for the formal public and stakeholder consultation. All members, Ward Members and the Portfolio Holder for Built Environment were therefore consulted as part of the Decision Day process.
- 4.3 The draft VDS was subject to statutory consultation between 14/02/2020 and 28/03/2020 via the Citizenspace online consultation portal. The consultation included statutory consultees and those on the local plan database. Further publicity was carried out via the Parish Connect newsletter and promotion on the city council's website and twitter feeds.

- 4.4 The Council received 7 consultation responses. As a result of these some minor amendments and additions have been included in the draft VDS and a tracked changes copy showing these is appended to this report (Appendix 2)
- 4.5 A detailed analysis of the consultation responses and the specifics of any resulting changes to the VDS are appended to this report (Appendix 1).
- 4.6 The 2012 Planning Regulations require a statement of consultation to be published before a SPD can be adopted. This can be as part of the SPD itself, and the VDS already contains details of the public participation carried out during the preparation of the draft VDS. This report updates the consultation statement; detailing the public consultation undertaken, summarising the issues raised and describing how these issues have been addressed, as required by the Regulations. The final version of the VDS has therefore been updated to refer to this prior to its publication in accordance with the Regulations.

5 ENVIRONMENTAL CONSIDERATIONS

- 5.1 VDSs are aimed at informing planning decision making and encouraging developments to respond positively to the design and appearance of local areas. They therefore impact on the quality of life and health and wellbeing of the local community as well as improving the quality of the built and natural environment, which form part of sustainable development as a whole.

6 PUBLIC SECTOR EQUALITY DUTY

- 6.1 None.

7 RISK MANAGEMENT

Risk	Mitigation	Opportunities
Financial Exposure	N/A	N/A
Exposure to challenge The VDS needs to be prepared and adopted as SPD in accordance with the 2012 Local Plan Regulations, including public participation and consultation.	Public consultation was carried out in excess of the 4 weeks required by the Regulations. This report considers the representations received during the consultation period and makes appropriate recommendations for amendments to the VDS. Adoption of the revised Micheldever VDS as SPD is recommended.	An up to date VDS prepared and adopted as SPD in accordance with the Regulations should minimise any prospect of legal challenge to the VDS. An up to date VDS adopted as SPD will carry greater weight in planning decisions including appeals.

Innovation	N/A	N/A
Reputation Risk to reputation if planning decisions are perceived not to reflect the VDS	Ensure VDS is given appropriate consideration in planning decisions, by being up to date with the Local Plan.	An up to date adopted SPD reflecting the public consultation and recent Local Plan policies will carry greater weight in planning decisions, including appeals
Achievement of outcome Risk that the VDS does not contribute to improving the quality of the built and natural environment of Micheldever.	Ensure that the adopted VDS is given appropriate consideration in planning decisions.	An up to date adopted VDS will be a Supplementary Planning Document that will carry greater weight in planning decisions including appeals and will improve the quality of the built and natural environment.
Property	N/A	N/A
Community Support Community Support Risk that planning decisions are seen as not taking sufficient account of the views of the local community.	The VDS allows for the views of the local community to be reflected in a planning document which addresses how the design of new development should respond positively to its location when applications for development are being decided.	Ensure that the VDS contains appropriate and realistic guidance that will be taken into account in planning decisions improving the quality of the local built and natural environment.
Timescales Risk that VDS may be considered out of date with current planning policies	Adopt new up to date VDS to supplement the adopted Local Plan	Adopt an up to date VDS and keep its contents under review, to align with new policies.
Project capacity	N/A	N/A
Other	N/A	N/A

8 OTHER KEY ISSUES

8.1 None

9 SUPPORTING INFORMATION:

9.1 Good design is considered a key aspect of sustainable development and the importance of setting policies to achieve high quality, beautiful and

sustainable buildings and spaces inclusive design for all development is emphasised in the current National Planning Policy Framework (NPPF). The updated guidance in the 2021 NPPF requires local planning authorities to develop design guides or codes for their areas, which should be formally adopted. It states that significant weight should be given to Supplementary Planning Documents (SPD) - such as local design guides - in decision-making.

- 9.2 These principles are reflected in policies within Winchester's local plan. High level design principles are set out in policy CP13 in Local Plan Part 1 (LPP1). Policy DM15 (Local Distinctiveness) of Local Plan Part 2 (LPP2) directs developers to the contents of adopted design statements, such as Village Design Statements (VDS). The VDS will be reviewed when the new Local Plan is adopted.
- 9.3 In 2015, the Council adopted the High Quality Places SPD which provides general guidance on how the design principles set out in policy CP13 should be applied across the plan area. Village Design Statements (VDS), identify the characteristics of the local area and provide local guidelines intended to inform and enable the design of new development to respond positively to these characteristics.
- 9.4 Across the Winchester District there are over 34 parishes/communities with adopted village/neighbourhood or local design statements, many of which were adopted some time ago. A number of local communities have updated their design statements and this is welcomed as this will provide more up to date guidance when determining planning applications. The Council has produced guidance on the preparation and review of local design statements, which is available on the WCC website to assist communities in this process
- 9.5 To afford VDSs as much weight as possible in the planning decision making process, it is necessary for such community-led design documents to be adopted as SPD to complement and support policies within local plan. This includes any updated versions that may be necessary to reflect current local plan policies.
- 9.6 The Town & Country Planning (Local Planning) (England) Regulations 2012, set out the process for the preparation and adoption of SPDs, including public consultation.

Background

- 9.7 With the adoption of Local Plan Parts 1 and 2, Micheldever Parish Council worked with Officers from Strategic Planning team to update the existing VDS, which was originally adopted in 2002. Following consultation with local residents by the parish council and a further statutory consultation that was arranged by the City Council, the Micheldever VDS in its amended form is now ready for adoption in accordance with the Regulations. A summary of the representations received and the recommended responses - including any proposed changes to the VDS - is provided at Appendix 1 of this report.

- 9.8 The new Micheldever VDS accords with the Winchester Local Plan Parts 1 and 2 and WCC's adopted High Quality Places SPD.

Conclusion and Next Steps

- 9.9 Having an up to date VDS will provide guidance which reflects the current character of the village and accords with both national and adopted local planning policies. It is recommended that the Micheldever VDS is adopted as a Supplementary Planning Document.
- 9.10 It is further recommended that delegated authority be granted to the Strategic Planning Manager, in consultation with the Cabinet Member, to undertake any minor editing that may be required prior to publication on the Council's website.

10 OTHER OPTIONS CONSIDERED AND REJECTED

- 10.1 The City Council encourages the production of Village Design Statements by local communities, in order to improve the quality of development in local area and public involvement in the planning process. In order to carry as much weight as possible in determining planning applications, such Statements need to be adopted by the City Council as Supplementary Planning Documents (SPDs).
- 10.2 The City Council could, as an alternative approach, informally adopt or endorse the VDS. However, this would carry less weight in determining planning applications. This approach is therefore not recommended.

BACKGROUND DOCUMENTS:-

Previous Cabinet/Committee Reports or Cabinet Member Decisions:-

[Micheldever Village Design Statement – Authorisation for Consultation Process \(DD36\) – see agenda pack from 7 February 2022](#)

Other Background Documents:-

Adopted Micheldever Village Design Statement 2002.

<https://www.winchester.gov.uk/assets/attach/3812/Micheldever-VDS-2002-scanned-copy-low-size.pdf>

Draft Micheldever Village Design Statement issued for consultation.

http://sharepoint/sites/policyprojects/LocalPlan/Micheldever_Village_Design_Statement_2020/Micheldever_VDS_FINAL_for_consultation.pdf

APPENDICES:

Appendix 1: Schedule of comments received after consultation.

Appendix 2: Micheldever VDS for adoption.

Appendix 1: Schedule of comments received after consultation.

Comment	VDS response
<p>Natural England Generic advice on incorporating landscape and biodiversity features into a VDS.</p>	VDS already has strong focus on landscape and open areas, including for their biodiversity value. No further amendments necessary.
<p>National Highways We have reviewed this consultation and have no comments.</p>	No amendments to VDS required.
<p>Public comments</p> <p>Objection to the proposed new town at Micheldever station</p>	VDS already makes clear opposition to proposed new town at Micheldever Station. No further amendments required
<p>Comments on importance of open space in the parish and recent best practice examples of new development</p>	VDS amended to take account of comments
<p>Stronger ambition on climate change mitigation needed in line with climate emergency amended by WCC</p>	Number of changes to VDS made to partially take account of comments
<p>Need for clarification that the VDS will be updated once Winchester Local Plan is adopted</p>	VDS amended to confirm it will be reviewed once Local Plan is adopted.
<p>A number of issues raised relating to planning issues elsewhere in the district that have proved contentious.</p>	<p>Issues raised are already covered in VDS or in amendments in light of other comments.</p> <ul style="list-style-type: none"> • Settlement plans included on p 9 and 11, with further detail on conservation area extent in Annex A. • Sub-division of plots or building in rear gardens is not a significant issue in Micheldever Parish and covered by other Guidance Notes on linear development, open spaces and future development. • Guidance notes already confirm any new building (e.g. garages) should be behind existing building line, parking paving must be permeable and low level

	<p>hedges are suitable for plot boundaries.</p> <ul style="list-style-type: none">• All views across open spaces from the settlements are valued and should be maintained. Not possible to identify a sub set of greater importance• VDS makes clear support for affordable homes provision. These should be primarily on exception sites rather than via commercial development.
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