

West Wiltshire District Council

Cabinet

30 June 2004

Design Guidance Supplementary Planning Guidance

1. Purpose

To report responses received from public consultation and to recommend adoption of the Design Guidance Supplementary Planning Guidance (SPG).

2. Background

In July 2003, a Policy Project group, consisting of 5 members with officers in support, was established to develop SPG for design. It met on 3 occasions to develop and refine the draft text. On 10 March 2004, Cabinet approved the draft Design Guidance Supplementary Planning Guidance (SPG) for the purposes of development control and for public consultation. A period of public consultation was held between 17 March 2004 and 28 April 2004.

3. Scope

The Government encourages local authorities to develop policy on design. This guidance has been produced to provide information on good design for those wishing to undertake development in the District.

There is a core document – “Design Guide – Principles” which sets out the principles of good design in relation to all types of development across the District. It is intended to supplement policy C31a (Design) in the District Plan and contains 2 main sections. The first describes the policy background and why we need good design while the second describes a 2 stage approach for putting together a detailed design for a particular site.

There is also a subsidiary document - “House Alterations and Extensions” which supplements policies C31a and C38 (Nuisance) and gives advice on how to achieve better design on house extensions and other domestic alterations. It outlines the points which the Council will consider in dealing with householder applications.

4. Key issues arising from public consultation

Responses were received from 12 organisations and 3 individuals.

A schedule (Appendix 1) has been produced of all the comments received during the period of public consultation. This schedule contains a summary of the comments and a recommended Council response to each comment; it also includes recommended changes to the SPG documents where appropriate.

Generally, most of the respondents have welcomed the production of District Design Guidance and most have commended much of the content of both documents. However, there are a few concerns that have been raised by respondents.

(i) The guidance is too prescriptive and reads like a code rather than a guidance

Response: Government policy requires that local planning authorities give clear guidance on development to prospective developers. The purpose of this SPG is to give guidance to developers about the Council's views on design with the aims of improving the quality of planning applications and saving time on protracted negotiations on the subject. However, in view of the comments received, officers have reviewed the wording of the documents and acknowledge that some statements are over prescriptive. Accordingly, amendments are proposed to the text to ensure that it reads as "guidance".

(ii) The guidance may infringe human rights

Response: The requirement for planning permission for development is determined by Government legislation. Development control determines cases in accordance with Government policy and District Plan policy. The guidance elaborates on District Plan policy. The aim is not to simply control development but to manage it in a positive way for the benefit of the whole community. It has been determined that development control is not an infringement of human rights; the House of Lords in the Alconbury case refers. Individual cases may be considered on their own merits and applicants have the right to appeal against development control decisions.

(iii) There are some anomalies between policy C31a and the guidance

Response: It is agreed that there are some anomalies between the lead policy and the guidance. In the light of comments received, both documents have been reviewed and amended so that they are consistent with the District Plan Policy. In addition, reference to policy C38, which deals with neighbours amenities, will be included.

Financial implications: There are none.

Legal issues: There are none.

Environmental implications: The guidance is intended to elaborate on the design and amenity policies in the District Plan with the aim of improving the quality of planning applications. Provided that planning applications are determined having regard to the contents of the guidance, the documents should serve as a positive influence on the local environment by:

- (i) helping to improve the quality of its appearance through emphasis on its positive

attributes

- (ii) helping to create sustainable communities.

Human rights: The human rights issue raised has been discussed already at para 3 (iii)

4. Options

Cabinet has approved the production of the Design Guidance SPG to clarify and elaborate on how Policies C31a and C38 in the District Plan will be implemented.

At this stage, Cabinet can choose to amend the documents as appropriate and adopt them as SPG.

5. Key decisions

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| Statement of reason for key decision | To be taken into account in the consideration of planning applications, Supplementary Planning Guidance should be subject to adoption by the District Council |
| Options considered and rejected | To rely on District Plan policies entirely to secure good quality design throughout the District |
| Date of implementation (not less than five days after date of decision) | 5 July 2004 |

6. List of background papers

File reference: Design Guidance

File location: Planning Policy and Conservation

7. Recommendation (s)

It is recommended that Cabinet:

- (i) approves the recommended responses to the comments received and the amendments as set out in Appendix 1
- (ii) adopts the “Design Guide – Principles” and a subsidiary document “House Alterations and Extensions” as amended, as Supplementary Planning Guidance.

Councillor Christopher Newbury
Portfolio Holder

Linda Jennings
Planning Officer

June 2004

Appendix 1: Draft Design Guidance SPG – Consultation Responses Received - June 2004

