

## **Inspector's question 92**

My earlier Q6 sought the Council's observations on the plan's apparent reliance on Supplementary Planning documents to state policy. In addition to responding to my earlier points, I would welcome the Council's response to the similar points made in representations 1355 and 1359 Roger Welchman of Armstrong Rigg Planning on behalf of Bellway Homes Ltd, Bellcross Co Ltd and Fosbern Manufacturing Ltd and Taylor Wimpey South Midlands, 1784 Cameron Austin-Bell of RPS Planning and Development on behalf of Richborough Estates in relation to policy BE2.

## **AVDC's Response to Inspector's question 92**

The referred to representations are summarised below. The points made are addressed following the summary.

### **Roger Welchman of Armstrong Rigg Planning on behalf of Bellway Homes Ltd., Bellcorss Co. Ltd., and Fosbern Manufacturing Ltd. [1355] and on behalf of Taylor Wimpey South Midlands [1359]**

**Representation** - Policy BE2 requires new development to follow the guidance in the Council's design supplementary planning document SPD. Preceding paragraph 8.45 indicates that the SPD is yet to be completed. In order to fully understand the implications of the policy the SPD should either be made available for consultation now, or reference to the SPD in the policy should be omitted.

**Response** - The Council acknowledges the points made by Mr. Welchman. Paragraph 59 of the NPPF instructs that "design policies should avoid unnecessary prescription or detail and should concentrate on guiding the overall scale, density, massing, height, landscape, layout, materials and access of new development in relation to neighbouring buildings and the local area more generally". An SPD does not have statutory force and is not the subject of examination. Regulation 2 of the Town and Country Planning (Local Planning) (England) Regulations 2012 defines an SPD as "any document of a description referred to in regulation 5 (except an adopted policies map or a statement of community involvement) which is not a local plan". In Regulation 5 of the same document it is stated that "any document prepared by a local planning authority individually or in cooperation with one or more other local planning authorities, which contains statements regarding one or more of the following—

- (i) the development and use of land which the local planning authority wish to encourage during any specified period;
- (ii) the allocation of sites for a particular type of development or use;
- (iii) any environmental, social, design and economic objectives which are relevant to the attainment of the development and use of land mentioned in paragraph (i);  
and
- (iv) development management and site allocation policies, which are intended to guide the determination of applications for planning permission" is to be prepared as a local development document.

As such there is no requirement for the Council to make the design SPD available for consultation at this stage, nor is there a need to omit the reference to the SPD in the policy. Nor would it be practical for the council to produce an SPD ahead of a conclusion being

reached as to the soundness of VALP which may result in significant alterations to relevant policies. The Council propose that no amendments are made in response to this representation.

**Cameron Austin-Fell of RPS Planning & Development on behalf of Richborough Estates [1784]**

**Representation** - By requiring all new developments to follow the guidance in adopted design guides the SPD is effectively elevated to policy. Policy BE2 must be amended to indicate that developments must demonstrate how they have considered the design guides. The space standards between dwellings are better placed in SPD as opposed to the Local Plan.

**Response** - The Council acknowledges the points made by Mr. Austin-Fell. It is agreed that by the current wording of the policy the SPD is effectively elevated to policy. The Council proposes re-wording of the policy to clarify that the SPD is to be a document supporting and expanding on the existing criteria within the policy. It is proposed that the words “shall follow” will be replaced by “should have regard to”.

The Council disagrees that policy BE2 needs to be amended to indicate that developments must demonstrate how they have considered the design guides. This is unnecessarily prescriptive as this will both be assessed by the Local Planning Authority in processing a given planning application and is the subject of a design and access statement, which is already required for certain development types in accordance with local and national validation requirements. The Council proposes no amendments with regards to this.

The Council agrees that there is need to clarify what is stipulated within the policy and that the role of the SPD is to clarify and add further details to what is contained within the policy. The amendments proposed in relation to Mr. Welchman’s representations are deemed to be sufficient for this purpose.

**Suggested revision to policy**

**BE2 Design of new development**

All new development proposals ~~shall follow~~ **should have regard to** the guidance set out within the Council’s design SPD and shall respect and complement:

- a. The physical characteristics of the site and its surroundings including the scale and context of the site and its setting
- b. The local distinctiveness and vernacular character of the locality in terms of ordering, form, proportions, architectural detailing and materials
- c. The natural qualities and features of the area, and
- d. The effect on important public views and skylines.