

This Report will be made public on 6 November 2018

Report Number **C/18/46**

To: Cabinet
Date: 14th November 2018
Status: Non key
Head of service: Dr Sarah Robson, Assistant Director - Strategy, Performance and Communications
Cabinet Member: Councillor John Collier

SUBJECT: Sandgate Design Statement Review 2018

SUMMARY:

Sandgate Parish Council has reviewed and updated the Sandgate Design Statement. The original Design Statement was adopted by the District Council's Cabinet in June 2013 as a Supplementary Planning Document (SPD). Although the revisions are generally minor, the Statement will need to be subject to public consultation as a number of the policies have been changed.

REASONS FOR RECOMMENDATIONS:

The Sandgate Design Statement was adopted by the District Council's Cabinet in 2013 as a Supplementary Planning Document, which provides it with greater weight when considering planning applications. The Design Statement has now been reviewed and updates are proposed. To ensure that the Design Statement continues to carry the same weight, the District Council will need to follow the processes for SPD set out in Government legislation. This includes a period of public consultation.

RECOMMENDATIONS:

1. To receive and note report C/18/46.
2. To agree to the publication of the amended Sandgate Design Statement for public consultation.
3. To agree that if changes resulting from consultation are minor, the final version of the Sandgate Design Statement be delegated to the Assistant Director – Strategy, Performance and Communications in consultation with the Cabinet Member for the District Economy for agreement and adoption.

1. BACKGROUND

- 1.1 The Sandgate Design Statement was adopted by the District Council's Cabinet as a Supplementary Planning Document (SPD) in June 2013. This was produced following a commitment in Sandgate Parish Council's Parish Plan to produce a design statement as a means to ensure that the aspirations of the local community would influence the future development of the village.
- 1.2 Supplementary Planning Documents are documents which add further detail to the policies in a local authority's development plan. They can be used to provide further guidance for development on specific sites, or on particular issues. Supplementary planning documents are capable of being a material consideration in planning decisions but are not part of the development plan.
- 1.3 The revised National Planning Policy Framework (NPPF) states *"Design policies should be developed with local communities so they reflect local aspirations, and are grounded in an understanding and evaluation of each area's defining characteristics ... To provide maximum clarity about design expectations at an early stage, plans or supplementary planning documents should use visual tools such as design guides and codes. These provide a framework for creating distinctive places, with a consistent and high quality standard of design."*¹
- 1.4 The original Design Statement was produced by a working group formed from members of Sandgate Parish Council and local residents, supported by a professional planning consultant. The District Council also provided assistance. The current Sandgate Design Statement can be viewed on the council's website².
- 1.5 The Sandgate Design Statement set out a considered approach to design issues within Sandgate in the context of the National Planning Policy Framework (NPPF). Key to the document has been the identification of a series of character areas that reflect distinct zones within the parish drawing upon a variety of architectural styles and built characteristics.
- 1.6 The Statement then continues to examine the following four topic areas that are considered important in the manner in which the built environment is interpreted, functions and how it could be improved. These are:
 - Land instability;
 - Sandgate's Natural Landscapes;
 - Improvements to the Public Realm of Sandgate High Street; and
 - Traffic and parking.
- 1.7 Furthermore, the design statement then sets out a series of 11 design principles. These can be divided into two types:

¹ National Planning Policy Framework, July 2018, paragraphs 125 and 126 and Annex 2: Glossary.

² https://www.folkestone-hythe.gov.uk/media/3097/Sandgate-Design-Statement-2013/pdf/Sandgate_Design_Statement_2013.pdf

- Those that are legislative or policy related in nature; and
 - Those that relate to the physical characteristics of Sandgate that contribute to the built environment.
- 1.8 To ensure that the Statement is kept up-to-date, the Parish Council has now undertaken a review and is proposing amendments. This was undertaken by the Parish Council and a member of the Civic Society, with advice at the latter stages by District Council Planning Policy Officers. The proposed changes made to the Plan do not change the overall structure or emphasis of the Strategy and are, overall, generally minor to update or strengthen text and policies. The text that is proposed to change is highlighted on the draft document in Appendix 1.
- 1.9 The Parish Council proposes, however, to include a new section within the Appendices 'Buildings of Local Interest'. Sandgate Parish Council and the Sandgate Society (the local civic society) jointly proposed that, given the exceptional heritage legacy in the village, a Local List should be produced. This section reflects the aspirations of draft Policy HE3 of the emerging Places and Policies Local Plan Local and also reiterates the criteria for considering whether a nominated building is worthy of local listing. A protocol for considering any nominated building is also outlined.
- 1.10 Sandgate Parish Council has also requested that an Article 4 direction be introduced to the Sandgate High Street and Esplanade Conservation Areas. This would remove permitted development rights in this location, which would bring minor changes to properties back under planning control to ensure that change can be properly managed and not detrimentally affect the character and/or special qualities of the area. The Council's Constitution currently indicates the Head of Planning is authorised to make directions under Article 4 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) to take away rights conferred by Class A, part 2, Schedule 2 of the Order subject to prior consultation with the relevant member of the Executive. If an Article 4 direction is pursued for Sandgate in the future, this will be reported to Members in due course.

Process for updating SPDs

- 1.11 The Design Statement was adopted by the District Council as a Supplementary Planning Document (SPD). The process of producing an SPD is set out in the Town and Country Planning (Local Planning) (England) Regulations 2012.
- 1.12 The Regulations indicate that before a local planning authority can adopt a SPD, it must publish the document for public consultation. This consultation period is shorter than that stipulated for local plans at four weeks (minimum). A statement must be prepared for the consultation that details:
- The persons the local planning authority consulted when preparing the supplementary planning document;
 - A summary of the issues raised: and

- How those issues have been addressed.

- 1.13 The narrative has been prepared in draft and will be completed if Cabinet agrees to consult on the revised document. This section will indicate that the original design statement was carried out following public consultation on the Parish Plan and that the update was carried out by Parish Council with the Civic Society. It will also state that advice from Historic England was sought.
- 1.14 Following the consultation, the responses will be reviewed and any proposed amendments made to the document. If proposed changes are minor, it is recommended (Recommendation 3) that the revised Sandgate Design Statement is agreed for adoption by the Assistant Director – Strategy, Performance and Communications in consultation with the Cabinet Member for the District Economy.
- 1.15 If proposed changes are major, the revised document, with proposed amendments, will be taken back to Cabinet for changes to be agreed prior to adoption.

Strategic Environmental Assessment

- 1.16 In 2013 the council was required to consider whether the Sandgate Design Statement would require a Strategic Environmental Assessment (SEA). The requirement for SEA originates from the European Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment or 'SEA Directive'. In the UK this is expressed through The Environmental Assessment of plans and programmes 2004 (the SEA Regulations). Therefore it was necessary to establish whether the policies within the Sandgate Village Design Statement were are likely to have a significant enough impact on the environment to necessitate a full Strategic Environmental Assessment.
- 1.17 To do this, the council undertook a SEA Screening Opinion. This was carried out using a range of sustainability criteria that were used to evaluate the impact of the Core Strategy Local Plan (2013). It was established that a full SEA would not be required on the original 2013 document.
- 1.18 As several policies within the Sandgate Design Statement have been amended in order to update them, it has been necessary to revisit the original SEA Screening Opinion in case the previous outcome has changed. Officers from the council's Planning Policy Team undertook this revised assessment.
- 1.19 The new section Buildings of Local Interest can be considered as contributing positively to aim 2³. Criteria used for the local listing have been taken from the Places and Policies Local Plan which has been subject to a sustainability appraisal. In evaluating the updated policies and

³ Sustainable Criteria: 'To conserve, enhance and make accessible the District's countryside, heritage and historic environment'.

text it is concluded that the amendments do not warrant a change to the original conclusion that a full SEA is not required.

2. CONSULTATION

- 2.1 The Sandgate Design Statement was reviewed and updated by the Parish Council and the Civic Society. If approved by Cabinet, the proposed updated Design Statement will be published for public consultation.

3. OPTIONS

- 3.1 There are three possible options to consider for the Sandgate Design Statement review.
- i) Do not update the Design Statement;
 - ii) Update the Design Statement but do not consult; or
 - iii) Update the Design Statement and consult.
- 3.2 With regard to the first option, government guidance states that planning documents should be reviewed on a regular basis to ensure that they are up-to-date with national policy. The older the document, the less weight can be given to it for planning purposes. The Sandgate Design Statement SPD has proven to have been successful in ensuring new developments are designed to a high standard. If it is not reviewed the weight that can be given to it would fall and its effectiveness would diminish.
- 3.3 If the Design Statement was updated but did not follow the legislative process, it could not be adopted as a SPD and have the weight attributed to it. The effectiveness of the document would, therefore, again diminish.
- 3.4 The legislative process indicates that SPDs must be consulted on before they can be adopted. To follow this process would ensure that the full weight of Supplementary Planning Document status could be attributed to the updated document and its effectiveness retained.

Conclusions

- 3.5. The Sandgate Design Statement is proposed to be updated with minimum changes to the text. The new section relating to buildings of local interest reflects the emerging Places and Policies Local Plan and could be a good test on how to proceed with this issue. To ensure that the Design Statement continues as a SPD and carries the same weight as before, it is recommended that the revised document is published for public consultation.

4. RISK MANAGEMENT ISSUES

Perceived risk	Seriousness	Likelihood	Preventative action
Revisions to the Sandgate	Medium	Low	The district council's Planning Policy Team has

Design Statement undermine its effectiveness in deciding planning applications			provided advice to the Parish Council in revising the statement. Public consultation would allow respondents, including statutory organisations, to highlight any parts of the document that may need to be amended before it is finalised. The effectiveness of the updated Design Statement would need to be monitored after its adoption and revised as necessary.
The Sandgate Design Statement is challenged on adoption.	High	Low	The Design Statement is being prepared in accordance with the relevant regulations to ensure it is robust.
Significant changes in legislation and Government planning policies and guidance	Low	Low	The National Planning Policy Framework has recently been updated (July 2018). The new version maintains the role of Supplementary Planning Documents in the planning system (outlined in paragraph 1.3 above).

7. LEGAL/FINANCIAL AND OTHER CONTROLS/POLICY MATTERS

7.1 Legal Officer's Comments (DK)

There are no legal implications arising directly out of this report. Under Article 4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), the Council can give grant planning permission for different types of development. These permissions are usually subject to certain conditions, including in some cases a condition that a developer applies to a local planning authority for a determination as to whether their prior approval is required for certain impacts before the development can begin. The permissions granted by this Order are commonly known as 'permitted development rights'. The Order also sets out the circumstances and the procedure (in Article 4 and Schedule 3) where a local planning authority may remove specified national permitted development rights in part of its area.

7.2 Finance Officer's Comments (CS)

There are no direct financial implications of the proposed recommendations, the publication consultation proposed will be contained within the existing resource base.

7.3 Diversities and Equalities Implications (GE)

There are no equalities implications directly arising from this report. However, if the statement is approved for public consultation an Equality Impact Assessment (EIA) should be carried out as part of an evidence base to fully ensure amendments to the statement do not adversely impact those with protected characteristics as defined under the Equality Act 2010.

8. CONTACT OFFICERS AND BACKGROUND DOCUMENTS

Councillors with any questions arising out of this report should contact the following officer prior to the meeting

David Whittington Planning Policy Team Leader
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The following background documents have been relied upon in the preparation of this report:

Appendices:

Appendix 1: Sandgate Design Statement Review 2018