

Date:			
Issue:	Policy 18 – Design Standards for Development		
Objector(s):	Mrs Sally Spencer	Objection ref(s):	017d
	Dr A Watson		020h
	Albyn Housing Association		385d
	William Stuart Paterson		409k
	Dunachton Estate		418e/f/h
	Alvie and Dalraddy Estate		439zd

Reporter	Mrs Jill Moody
Procedure	Written representation

1.0 Overview

- 1.1 This statement sets out the Cairngorms National Park Authority response to the objections raised to the Deposit Local Plan as modified (CD6.12) in respect of Policy 18: Design Standards for Development, and supplements the response made to those objections by the Cairngorms National Park Authority in its reports to Committee (CD7.3,4 and 5). It suggests a further modification is made to the Plan in respect of this policy, to remove reference to any checklist which may accompany supplementary planning guidance in the form of a sustainable design guide. It also proposes reference be made in b) of the policy to innovation.

2.0 Provision of the Local Plan

- 2.1 Policy 18 within the Deposit Local Plan as modified gives policy guidance to allow a consistent framework for development of proposals and for the assessment of all applications within the National Park in regard to the design standards achieved by these applications. During the current transitional arrangements set out in the Planning etc. (Scotland) Act 2006 (Development Planning) (Saving, Transitional and Consequential Provisions) Order 2008, the policy is intended to provide an appropriate level of guidance to meet the requirements of SPP1 (CD2.2 para 37-38) and Scottish Planning Policy (CD2.1 para 15-18) and ensure that the design standards required in all developments within the National Park are assessed in a consistent manner.
- 2.2 The Policy has been modified in the 1st modifications to the Deposit Local Plan with the policy redrafted to set out a clear list of considerations which will be taken into account in the assessment of all applications within the National Park. An additional requirement has also been added to necessitate the submission of a design statement to accompany applications, which sets out how these criteria have been met through the design of the development proposal.
- 2.3 The Policy has been further modified in the 2nd modifications to the Deposit Local Plan to include an additional criterion relating to waste.
- 2.4 In considering the objections, modifications made to the policy, and how the policy will be implemented on adoption, it is now considered that the section regarding implementation refers in excessive detail to background documentation which has yet to be prepared. The reference to what a document yet to be consulted on will or will not contain is therefore considered inappropriate, and this should therefore be removed from the wording of the background text supporting the policy.
Paragraph 5.14 delete:

'The guide will contain a checklist which must be filled in and submitted with every planning application. This checklist will generate a sustainability score and all proposals will be expected to attain an agreed score as a minimum standard. Proposals which exceed this minimum will be encouraged. The average score of developments within the National Park will be used to monitor improvements in this field. Innovative and exemplar examples of sustainable design will also be highlighted within Park publications to help others learn from local best practice.'

This is an officer recommendation which has not been endorsed by the CNPA Board.

- 2.5 Further, to clarify the support given to contemporary design an additional modification to the policy wording is proposed. Additional wording to b) as follows is therefore proposed: b) *'reflect and reinforce the traditional pattern and character of the surrounding area, and reinforce the local vernacular and local distinctiveness, while encouraging contemporary and innovative design and use of materials'*.

This is an officer recommendation which has not been endorsed by the CNPA Board.

3.0 Summary of objection(s)

- 3.1 Six objections raising ten issues have been lodged to this policy and wish to have their objections considered by written representation:

- The policy seems unworkable and should be removed or considered only as an aspiration rather than policy. **(418e)**
- The wording should be amended to change the requirement from 'will' to 'will seek wherever possible' **(418f)**
- The reference to the checklist in 5.14 should be removed as it introduces a level of detail which cannot be considered by the Local Plan process, since the checklist has yet to be produced. **(418h)**
- The policy should not apply to all developments, but rather should introduce a size limit. **(418e)**
- The policy should not make the process for development and consideration of proposals more complicated **(439zd)**
- The policy should encourage innovation and contemporary design. **(385d)**
- The plan and policy should have the power to require particular styles and designs, and if this is not followed, the power to demolish anything built and require it to follow the approved plans. **(409k)**
- Any checklist or guide should not be too prescriptive. **(385d)**
- The wording is vague, and conflicts with the reality of growth in the Park **(020h)**
- How will the policy be implemented, particularly with reference to good design and impact of development on amenity of neighbours? **(017d, 020h)**

4.0 Summary of Cairngorms National Park Authority Response

- Sustainable Design Guide Checklist – The proposed change above is intended to address the objections of **385d, 418h, 439zd** and **425i**.
- Innovative design – The proposed change above is intended to address the objection of **385d**.
- Applicable to all developments – the objection raised relates to wording from the Deposit Plan Policy 18 (CD6.11 page 36). The policy has been entirely modified from this version, making it more flexible and applicable only where appropriate. Modifications also ensure no contradiction with other policies. The changes made are considered to address the original objections. **(418e, 418f)**
- Enforcement – The policy is intended to improve the quality of design across the Park. Where developments are not built in accordance with permissions granted, the planning authority has

the ability to take enforcement action. No change is therefore required to the wording of the policy. **(409k)**

- Wording – the wording of the policy has been completely redrafted through the 1st modifications and the issue is therefore considered to have been addressed. **(020h)**
- Implementation – the policy will be implemented through the assessment of development proposals submitted. To assist in this supplementary guidance is suggested (para 5.14) in the form of a design guide to amplify the detail of the policy. **(017d, 020h)**

5.0 CNPA Commendation to Reporter

- 5.1 It is commended to the Reporter that the objections to the issues regarding the policy text raised are rejected subject to the deletion from Para 5.14 as above, and the inclusion within b) of the Policy to innovation and contemporary design.
-

6.0 Assessment / Scope of Evidence

- 6.1 **017d** supports the policy but queries how it will be implemented, and how it will ensure the protection of the amenity of neighbouring properties.
- 6.2 **Response:** The policy will be implemented through the assessment of development proposals that are submitted. To assist in the consideration of design issues, a sustainable design guide will be produced, which will act as supplementary planning guidance (para 5.14). No change to the policy is suggested, or considered necessary.
- 6.3 **020h** objects to the wording of the policy, and the conflict between the aim and the reality of growth seen in the National Park.
- 6.4 **Response:** the policy has been completely redrafted through the 1st modifications, and any conflict or vagueness is now considered to have been resolved. The objector does not make any new comment or objection to the revised wording.
- 6.5 **Objects** to how the policy will be implemented. The response is as above.
- 6.6 **385d** objects to any prescriptive checklist that could add costs to development.
- 6.7 **Response:** The proposed additional modification to the wording of the supporting text, above, is intended to address this objection, and remove inappropriate levels of detail. This will allow for full consultation on the sustainable design guide in the future to consider the appropriateness of any checklist.
- 6.8 The policy should also allow for innovation and contemporary design. The additional modification proposed above is intended to clarify general support for both innovation and contemporary design, and is hoped to address this objection.
- 6.9 **409k** considers the policy should allow planning officials to advise developers on styles of development, and where development occurs which is not in accordance with permissions, have the ability to demolish that development.

- 6.10 **Response:** The policy intends to provide the advice suggested, giving guidance on the issues which developers should consider when drawing up development proposals. Where developments occur contrary to permission granted, planning authorities have the power to take enforcement action which can ultimately result in demolition. There is no requirement to have a planning policy to allow this to happen. No change to the policy is therefore considered necessary.
- 6.11 **418e/f/h** objects to the application of the policy to all developments, and suggest removing the policy entirely.
- 6.12 **Response:** The wording of the policy, through 1st modifications has changed this to clarify that it should be applied, where appropriate, and this will be dependent on the nature of the development proposal. The retention of the policy is however considered to be in line with PAN 68: Design Statements, (CD4.15) and Designing Places A Policy Statement for Scotland. (CD1.17) Both place a clear emphasis on the need for high quality design in new development and no change is therefore proposed to the policy. The policy also supports the National Park Plan objectives regarding housing (CD7.1 page 72 and 113).
- 6.13 Objection is also made to reference in 5.14 to the checklist as the design guide is yet to be produced. The additional modification proposed above is intended to remove this reference, allowing the development of the design guide and any checklist to occur as supplementary planning guidance, and consulted on in line with best practice.
- 6.14 **439zd** objects to the inclusion within the policy of any requirement that results in a more complicated process to follow to gain planning permission.
- 6.15 **Response:** The policy is in line with PAN 68: Design Statements (CD4.15), and is therefore considered both appropriate and clear. The policy also supports the National Park Plan objectives regarding housing (CP7.1 page 72 and 113). No further change is therefore proposed to the policy.

7.0 Strategic Issues

- 7.1 The National Park Plan recognises the importance of sustainable design in its strategic objectives for housing (CD7.1 page 72). Linking sustainable design to the special qualities of the Park through careful design and siting will be key to achieving this objective. This is highlighted in the Priorities for Action on housing (CD7.1 page 113) where the need for a sustainable design guide is identified as a way of encouraging new development and infrastructure to complement the built and landscape character of the Park.

8.0 List of documents (including Core Documents)

- CD1.17 Designing Places: A Policy Statement for Scotland
- CD2.1 Scottish Planning Policy 2008 Parts 1 and 2
- CD2.2 SPPI The Planning System
- CD4.15 PAN68 Design Statements
- CD6.11 Deposit Local Plan
- CD6.12 Deposit Local Plan 1st modifications
- CD7.1 Cairngorms National Park Plan 2007
- CD7.3 CNPA Committee Report Consultation May 2008

- CD7.4 CNPA Committee Report 1st Modifications October 2008
- CD7.5 CNPA Committee Report 2nd Modifications February 2009