

LPP2 EXAMINATION TOPICS

13th July 2016 hearing. Comments by John Hayter, resident of Bishops Waltham

Respondent 408914723

Matter 5:

i) Are policies DM13 – 33 reasonable and realistic, clear and consistent with national policies/guidance and do they establish suitable and appropriate criteria?

DM13 Masterplans

- This is only a planning policy for the large landholdings specified in MTRA5. For any others it does not set out any criteria that must be met before a proposal is approved.
- In any event something similar is required by DM15 *Site Design Criteria* particularly (i) and DM13 should be merged with DM15
- Alternatively make its provision a requirement of the Design and Access Statement required for larger developments. This would be consistent with PPG 031 Reference ID: 14-031-20140306 *characteristics of the application site and its wider setting*.
- Alternatively it could be made a way of meeting the similar requirement of DM15 (i)

DM14 Local Distinctiveness

- Contrary to NPPF 47 by not incorporating local housing density requirement and its effect on building heights and massing, solar and other renewable energy provision and rain water collection to mitigate climate change contrary to NPPF 94.
- Also contrary to NPPF 94 because no requirement eg in landscape planting and contours to adapt to climate change.
- No consideration of viability that has to ensure the appearance requirements do not prevent the provision of 40% affordable housing.
- Some of these issues are resolved by DM15 with which it should be merged.

DM15 Site Design Criteria.

- Contrary to NPPF 47 by not incorporating local housing density requirement and its effect on building heights and massing, renewable energy provision other than solar and rain water collection to mitigate climate change contrary to NPPF 94.
- Criteria (vii) makes energy efficiency subservient to the *character of the area* contrary to NPPF 94 requirement to mitigate climate change.

- Also contrary to NPPF 94 because no requirement eg in landscape planting and contours to adapt to climate change.
- No consideration of viability that has to ensure the extensive character and appearance requirements do not prevent the provision of 40% affordable housing.

DM16 Site Development principles.

- Fails to include requirement of NPPF 29 and 30 to reduce carbon footprint of travel.
- No consideration of NPPF 94 to mitigate and adapt to climate change including by rainwater collection into groundwater or to a water utility.

DM17 Access and Parking

- No comment

DM18 Development and Pollution

- Delete *and is sensitive to it*. By the policy's definition of *pollution* all development is sensitive to it.

DM19 Development and Noise

- Delete *and is sensitive to it* (twice). By the policy's definition of *noise* all development is sensitive to it.

DM20 Contaminated Land

- No comment

DM21 Telecommunications, Services and Utilities

- No comment

DM22 Rural Character.

This applies not just to open countryside but to many small settlements without policy boundaries

- As for DM3 there is no LPP1 or NPPF requirement or justification for the last paragraph that conflicts with the NPPF 50 and LPP1 CP2 requirements to supply a mix of dwelling *types, tenures and sizes*.

- For those who work in rural areas providing a local home where possible is especially desirable by reducing the commuting carbon footprint. The range of house sizes needed is no different in rural than urban communities and no exception is provided for affordable housing.

DM23 Special trees, hedgerows and woodlands

- Should be positively written in terms of *development will be permitted* as in DM26 CA's.
- Consider the situation where development is refused primarily on DM23 grounds but otherwise development of the site for something is in conformity with the Plan. The protected assets do not have any special designation such as DM24 or appear on any list developed for the purpose and in so far as there are grant/refuse criteria they are

only in the supporting text. The Policy breaches NPPF 17 requiring *planning decisions made with a high degree of predictability*.

- The policy requires a *management scheme to ensure the long term protection* of largely ancient assets that cannot be lost or allowed to deteriorate. 6.4.67 allows a scheme of *mitigation* and therefore loss or deterioration can be allowed but no circumstances when and to what extent this can apply are defined
- The requirements are far more onerous than applying under CA and TPO legislation by not even permitting trimming or felling on safety grounds or replacement of trees, habitats etc.
- There is also no criterion requiring protection during construction.

DM24 Historic Parks and Gardens

- No comment

DM25 Archaeology

- No comment

DM26 Conservation Areas.

- LPP1 CP20 *Heritage and Landscape Character* calls for the preparation of *Conservation Area Appraisals and Management Plans and/or other strategies* but sets no criteria to which they should conform. AMR 2015 8.50 puts the number of these at 13.5% (5) of the 37 CA's and none are in the evidence base.

- LPP2 DM26 Development in Conservation Areas sets out its own criteria for development without any consideration of the requirements set by LPP1 CP20 even if they were available, takes an ad hoc instead of a managed approach and fails to conform to NPPF 126 and 132 to conserve them in a manner appropriate to their significance by not defining what the assets are and treating every characteristic as of equal significance.

DM27 Demolition in Conservation Areas.

- Replace (iii) by *Redevelopment conforms to DM26*.

DM28 Heritage Assets

- Change title to *Listed Buildings* consistent with DM29 and supporting text.
- LPP1 CP20 applies to both designated and undesignated assets and applies the same criteria to both despite their heritage value being different.
- NPPF65 refers to designated heritage assets only.
- DM28 is thus consistent with NPPF by applying to listed buildings only but not with LPP1.
- Suggest mention of this in supporting text giving NPPF reasons to avoid possibility of legal challenges.

DM29 Changes of use of Listed Buildings

- Under iii) a *building that is not capable of beneficial use without considerable alteration* this policy does not apply and thus is not covered by any policy.

Change to read : *Alterations should minimise the loss of special interest consistent with bringing all floors into beneficial use.*

DM30 *Locally Listed Heritage Assets.*

- Policy is consistent with LPP1 CP20

- "Policy" is said to be a *material consideration* not introducing *additional consent requirements (6.4.106)* which would make it an SPD.

- Contrary to this reference it also grants and refuses permission. The criteria are very similar to those for listed buildings in DM28 contrary to NPPF126 and 132 to *conserve them in a manner appropriate to their significance*

- NPPF 65 refers to designated heritage assets only and there is no NPPF reference to undesignated.

- The lack of a complete list of undesignated assets makes it impossible for the policy to enable *planning decisions to be made with a high degree of predictability* per NPPF 17.

- NPPF174 requires that cumulatively local standards and policies including SPD's should not put affordable housing and other policies at serious risk and evidence has to be provided to this effect. This has not been done.

- It adds to the similar pressures from the 32 VDS which in any event should incorporate DM30 requirements but not all do.

- CP20 notwithstanding DM30 should be deleted.

- To avoid possible legal challenges the DM28 supporting text should include the NPPF grounds on which this was done.

DM31 *Undesignated Rural and Industrial Heritage Assets.*

- 100% duplication of DM30. Delete

DM32 *Shopfronts*

- 6.4.122 is explicit that this policy covers listed and CA buildings but these are assets with greater heritage significance and already covered by their own policies. The unlisted ones are covered by DM30 which if not deleted means the policy is complete duplication.

- In any event it would be better combined with DM33 to consider the street frontage of a building as a whole as for listed and CA buildings.

DM33 *Signage*

- Requiring projecting signs to be at fascia level is to place them where the impact on cumulative visual clutter is greatest by creating a tunnel not far above head height and means pedestrians will not be able to see where a particular shop is until almost outside . Placing them at the level that has historically been used for signs enables them to best fulfill their purpose of communicating the where and what of business premises
There is no related NPPF requirement.