

Matter 10 – Design, Amenity and Heritage (Policies E1, E2, E5, S7)

Issue 1 – Design - Policy E1

- Q1. Is Policy E1 consistent with paragraph 127 of the Framework, which sets out requirements for planning policies? In particular, does Policy E1 seek to create places that are safe, inclusive and accessible, having particular regard to people with disabilities?**

Council Response

Yes. Policy E1 seeks to ensure that the development proposed functions well. This can be demonstrated through criteria a), b), c), f) and h). In terms of having particular regard to people with disabilities, it is considered that the term disabilities can be a broad subject matter. The Local Plan seeks to ensure a decent standard of living for everyone in the district, given the local plan should be read as a whole HG2 Delivering the Right Type of Homes seeks to ensure any new housing requirement is available for all people. Therefore a portion of adaptable homes are required to meet M4 Building Control standards. In terms of Policy E1 this policy pays regard to disabilities through criteria e) 'promoting accessibility ..through putting people before traffic..'; f) 'is accessible for all users by maximising opportunities for pedestrian, wheelchair and cycle links within the site and surrounding area..'; g) 'reducing health inequalities', and i) promotes mixed and balanced communities improving quality of life and facilitating social inclusion'.

In terms of visually attractive and good architecture as stated in the Framework criteria b), Policy E1 acknowledges this through criteria a), b) and h). Policy E1 seeks to ensure that development would be sympathetic to the local character, landscaping through criteria a), 'drawing inspiration from the key characteristics of its surroundings'; b), 'respects and contributes positively to local character in terms of .. density... and landscaping', and h) ' makes efficient use of the site consistent with achieving a high quality design'. The E1 Policy goes on to state that large scale development will be required to include master planning and include identification of options and objectives for an approach. Therefore it is considered that the wording would not prevent or discourage innovation or a change in density as stated in paragraph 127.

In terms of establishing a sense of place and creating distinctive places it is considered that this is covered in criteria a), 'help to create distinctive high quality places'; b), 'the use of views, vistas and the use of materials and landscaping'; e), 'promotes accessibility and permeability for all by creating safe and welcoming places that connect with each other'; f), 'making places accessible for all users, in particular pedestrians, wheelchair accessibility and cycle paths'; h) '.. achieving a high quality design particularly in relation to public realm, open space, green corridors and layout ..', and i) 'promote mixed and balance communities ..'.

Through optimising the potential of a site to accommodate mix development it is considered that Policy E1 criteria a) would support development which responds positively to the key characteristics of an area; b) would allow for a mixed development through scale, layout, density, landscaping; e) promotes accessibility by creating safe and welcoming places which connect with each

other, whilst integrating land uses and transport, and h) makes efficient use of the site through achieving high quality design, public realm, green corridors and layout. Policy E1 also seeks to optimise the potential for development via master planning to ensure local facilities and transport networks are accommodated.

With respect to criterion f) of paragraph 127 creating safe places and ones which promote health and well-being, including aims to mitigate against crime and disorder, Policy E1 seeks to ensure this through criteria d) seeking reasonable measures to promote safe and secure environments and regard to the principles of Secured by Design, and h) which seeks to maximise health outcomes including the reduction of health inequalities, improvements to health and wellbeing through creating and improving open spaces, green infrastructure corridors

Q2. What is the justification for the requirement of a masterplan for developments of over 50 dwellings and a design code for over 200 dwellings? Is it clear what will be expected of applications for planning permission?

Council Response

In terms of masterplans it is considered that this is required due to the scale of a development. In order to provide a conceptual layout of future growth and strategy for development especially when there may be more than one developer and various stakeholders involved on a site. Therefore although the Masterplan would be proportionate to the scale of the development proposed it would include the vision and setting out of design principles whilst taking into consideration relevant guidance, such as the 'Living with Beauty' report. The intention is to ensure due consideration is paid to making the most efficient use of land whilst safeguarding the health and wellbeing of future occupants of the district.

In terms of design the Council is keen to ensure all new development is harmonious with the local characteristics of the area whilst having regard for national guidance, such as the aforementioned 'Living with Beauty' and the 'National Design Guide'. As noted in the PPG *'well designed places can be achieved by taking a proactive and collaborative approach'*. Therefore it is important to make sure approved plans have had the benefit of public engagement made by the developer as well as the opportunity to comment on a planning application. This is particularly important to the Council where sites would be subject to phasing or have more than one developer.

The thresholds set out in the policy are widely recognised definitions of sizes of development and specifically a site for 200+ homes would almost certainly involve more than one single developer. A locally set design code would guard against conflicting design and help ensure all phases of development were harmonious with each other and their surroundings.

Given the size of these types of applications it is envisaged that developers/ applicants should be aware of their role. A duty to consult with the public was introduced in the Planning Act (2008) where developers need to supply a consultation report to the local planning authority. The Localism Act (2011) strongly encourages developers to consult with key stakeholders and local

communities before submitting their planning application to the local planning authority. The Localism Act (2011) considered that consultation for development of more than 200 homes or where a site is 4ha or more should include public engagement.

It is considered that the requirement to have masterplans and design codes would be in general conformity of Chapter 3 Plan Making and Chapter 4 Decision Making of the Framework.

It should be noted that the Planning for the Future whitepaper, currently undergoing consultation, proposes LPAs produce their own locally set design codes in accordance with a nationally prepared design codes. This can be for a specific area or development, as such requiring from developers is considered by the Council to be justified.

Q3. What is the justification for suggested modification M47 and M50? Why are they necessary for soundness?

Council Response

Following on from the Council's representation of the Publication version of the Local Plan (Core Doc ref LP01), it was considered that climate change mitigation measures should be included in the Policy E1 Design more clearly. In October 2019 the government published The National Design Guide, and in January 2020 the Living with Beauty report was published. It is considered that reference to these two documents needed to be included in the local plan as they were the most up to date government guidance prior to submission of the local plan. Therefore having noted the comments from the representations received, and in light of the new government guidance it is considered that the changes are justified in order to be consistent with national policy and therefore deemed necessary for soundness purposes.

Q4. Is it clear to decision-makers, developers and local communities how the 'unacceptable loss' of parking, garden or amenity areas in criterion (m) will be assessed? Is the policy effective in this regard?

Council Response

It is up to the decision maker to determine the unacceptable loss of parking, garden or amenity areas. This would be based on a number of factors, including comments from the Local Highway Authority. The loss of parking receives many comments from the local highway authority as this can result in on street parking and have a detrimental impact to highway safety, displace pedestrian if on pavement parking occurs, obstruct access for emergency services and other delivery vehicles and harm the residential qualities of a place.

It is considered that every occupant and nearby residents should enjoy a good standard of amenity the loss of garden or amenity areas to built development can cause harmful impacts through a range of impacts: 'wheelie-bins' being left in prominent places, the loss of a sense of openness and removing space for wildlife or SuDs drainage amongst other things. Paragraph 6.21 of the justification text emphasises the need for maintaining parking, garden and amenity areas. The policy is to ensure that a good standard of living is maintained. It is considered when a decision maker, developer or local community reads the justification text 'Residential Extensions and Ancillary

Development' rational for criteria 'm' will be understood and therefore deemed effective.

Q5. What is the justification for criterion (o), which only applies to residential extensions and ancillary development?

Council Response

It is considered that criterion (o) should be moved to the end of the list of criteria for the Design and removed from the Residential extension and ancillary development section, and therefore apply to all development.

Q6. Are the criteria relating to residential annexes justified? In particular, what is the justification for the annexe being in the ownership of the principal dwelling? How would this be controlled?

Council Response

Residential annexes are a common form of development within the district. However, caution needs to be exercised to ensure that this does not result in proposals which are effectively the same as creating a new dwelling, which may be in an inappropriate location and represent unsustainable development.

It is considered that the annexe should once approved remain as a single planning unit with the host dwelling in order to maintain a degree of control for the sake of amenity to local residences and the environment. This would be controlled by way of a condition to ensure that the annexe would be kept as a single planning unit with the host dwelling and not separated without the consent from the local planning authority.

Q7. The policy also implies that only existing detached buildings in the curtilage of a dwelling can be used as an annexe. What is the justification for this restriction?

Council Response

It is not the intention of the policy to only permit detached buildings for ancillary accommodation. It is accepted that the 'Residential Extensions and Ancillary Development' section focuses on existing detached buildings, this is due to the rural nature of the district and to ensure that any proposed development would result in retaining the planning unit, and would not lead to inappropriate access and parking, especially in areas in the open countryside. However, any new building which is sought to be constructed as an annexe within the built form would be dealt with via the rest of the Design Policy E1 and the local plan as a whole and appropriate wording condition would be attached.

Issue 2 – Amenity - Policy E2

Q1. Is Policy E2 positively prepared, justified, effective and consistent with national planning policy set out in the Framework?

Council Response

The council considers policy E2 to be positively prepared, justified, effective and consistent with national planning policy set out in the Framework. In terms of criteria a) of paragraph 127 of the Framework it is considered that the E2 Amenity Policy allows seeks to provide overall quality of an area for the lifetime of the development. This can be acknowledged in particular through providing and maintaining a high standard of amenity for all users.

With respect to criteria c) of the Framework it is considered that Policy E2 does not discourage appropriate innovation or change but does seek to encourage a high standard of amenity whilst ensuring adequate protection for neighbours and future occupants. A key role of the planning system is to ensure that new development does not have an adverse impact on its surroundings and future occupiers.

Policy E2 Amenity seeks to ensure good design and acknowledges that it is not solely a matter of built development; that there is a balance between optimising the potential of a site to accommodate and sustain an appropriate amount and mix of uses in a development. Therefore this policy aims to protect occupiers, future occupiers and the surrounding area by ensuring the physical relationship from the design and separation of a building does not result in oppressive or overbearing impact.

In terms of criteria f) Paragraph 127 of the Framework it is noted that this criteria acknowledges that development should the create safe places which promote health and wellbeing with a high standard of amenity. It is considered that this policy achieves this objective.

Q2. Is criterion (c) consistent with paragraph 180 of the Framework, which states that planning policies should avoid noise giving rise to significant adverse impacts on health and the quality of life.

Council Response

Yes, Policy E2 Amenity, criterion (c), together with the requirement for mitigation stated at the end of the policy is considered to be consistent with the Framework paragraph 180. It is considered that noisy activities are a special category of uses that raise problems similar to those of the hazardous and environmentally sensitive operations. Noise generating development should wherever possible be located away from noise sensitive development (eg. housing).

The Council have recognised Paragraph 180 of the Framework in the justification text of this policy. The justification text elaborates further by stating that new development is appropriate for its location taking into account living conditions as well as the potential sensitivity of the site or the wider area along with the prevention of new and existing development which may contribute to

unacceptable levels of noise pollution. Considerations will include the internal and external levels, timing, duration and character of noise. Decisions will consider noise impacts in an integrated manner alongside other potential impacts of the proposed development, and will have regard to the Noise Policy Statement for England (2010) as mentioned in the Framework where appropriate

Q3. What is the justification for suggested modification M51? Why is this necessary for soundness?

Council Response

Modification M51 is linked to HG2 Policy of the Local Plan (Core Doc Ref LP01). The modification is in response to the representations made on the publication version of the plan. The text is written to support the government guidance of Nationally Described Space Standards and to support local plan policy HG2 Delivering the Right Types of Homes. It is considered that sufficient amenity levels should be created in new homes not just homes which have been allocated public subsidy. The homes have been required to be built in line with Housing Quality Indicators standards. By linking the text between HG2 Delivering the Right Types of Homes and E2 Amenity it is considered that this would allow for consistency of the policy to ensure its effectiveness and therefore necessary for soundness.

Issue 3 – The Historic Environment - Policies S7 and E5

Q1. What is the intended difference between Policy S7 and Policy E5? Are they internally consistent in their requirements?

Council Response

The intended difference between the policies is that Policy S7: The Historic Environment is based on a strategy which aims to bring to the attention of decision makers and applicants/ stakeholders the diverse nature of the district by listing heritage assets that are central to Hambleton's distinctive character. Although it is acknowledged that some of the text in relation to significance and harm to the significance of heritage assets is similar to that of policy E5, the two policies, with the proposed modifications, are considered to be consistent.

Q2. Are policies S7 and E5 positively prepared, justified, effective and consistent with national policy, in particular paragraphs 189-202 of the Framework?

Council Response

Paragraph 189 of the Framework states that applicants have to describe the significance of a heritage asset in order to acknowledge the level of importance of the asset and the work proposed. It is considered that Policy S7 The Historic Environment highlights a list of important heritage assets to bring to the attention of the decision maker and the applicant. The purpose of this policy is to set out the strategy for the historic environment and therefore is considered to meet the tests. In terms of requesting applicants to describe the significance of any

heritage asset affected and the contribution made to the setting of such asset by the importance of this is included in Policy S7 and Policy E5 Development Affecting Heritage Assets.

Policy S7 does identify some of the characteristics of the district by listing particular places and areas of the district. Policy E7 also identifies heritage assets and states that investigations shall indicate whether an assessment is required whether designated or not. Therefore it is considered that the local planning authority would seek to identify particular significance of an asset as sought by paragraph 190 of the Framework, and this would lead to an assessment being carried out by the decision maker. This in turn would allow the decision maker to balance the application proposed against the criteria set out in paragraph 192, - 202, of the Framework.

Q3. What is the justification for suggested modification M15 - M17? Why are they necessary for soundness?

These changes proposed are required following consultation with Historic England through the publication draft of the local plan (Core Doc Ref LP01). The suggested modifications are thought necessary to ensure the plan has been positively prepared by engaging with key statutory consultees to ensure the effectiveness of the policy and therefore the changes are considered to be required for soundness purposes.

Q4. What is the justification for suggested modification M57? Is this necessary for soundness?

These changes proposed are required following consultation with Historic England through the publication draft of the local plan (Core Doc Ref LP01). The suggested modifications are thought necessary to be consistent with national policy and ensure the plan has been positively prepared by engaging with key statutory consultees to ensure the effectiveness of the policy and therefore the changes are considered to be required for soundness purposes.