

MSDC8b

MSDC response to:

- **Inspector's comments on the wording of proposed policies DP19 and DP26**

MSDC suggested further change to DP9

Inspector's comments on the wording of proposed policies DP19 and DP26

Policy DP19: Transport

The Council notes your agreement to the substance of Policy DP19. The following minor amendments to the wording of the policy are suggested to provide consistency to the syntax.

Proposed Modification

DP19: Transport

[...]

Development will be required to support the objectives of the West Sussex Transport Plan 2011-2026, which are:

- A high quality transport network that promotes a competitive and prosperous economy;
- A resilient transport network that complements the built and natural environment whilst reducing carbon emissions over time;
- Access to services, employment and housing; and
- A transport network that feels, and is, safer and healthier to use.

To meet these objectives, decisions on development proposals will take account of whether development will only be permitted where:

- It The scheme is sustainably located to minimise the need for travel noting there might be circumstances where development needs to be located in the countryside, such as rural economic uses (see policy DP12: Sustainable rural development and the rural economy);
- Appropriate opportunities to ~~It facilitates~~ and promotes the increased use of alternative means of transport to the private car, such as the provision of, and access to, safe and convenient routes for walking, cycling and public transport, and including suitable facilities for secure and safe cycle parking, **have been fully explored and taken up;**
- It The scheme is designed to adoptable standards, or other standards as agreed by the Local Planning Authority, including road widths and size of garages;
- It The scheme provides adequate car parking for the proposed development **taking into account the accessibility of the development, the type, mix and use of the development and the availability and opportunities for public transport; and with the relevant Neighbourhood Plan where applicable;** ~~or in accordance with parking standards as agreed by the Local Planning Authority. Residential development in and close to the town centres which are well served by public transport will normally be expected to make lower parking provision;~~
- It is Development which generates significant amounts of movement is supported by a Transport Assessment/ Statement and a Travel Plan that is effective and demonstrably deliverable including setting out how schemes will be funded; ~~and~~
- It The scheme provides appropriate mitigation to support new development on the local and strategic road network, including the transport network outside of the district, secured where necessary through appropriate legal agreements; ~~and~~
- It The scheme avoids severe additional traffic congestion, individually or cumulatively, taking account of any proposed mitigation;
- It The scheme protects the safety of road users and pedestrians; and

- ~~It-The scheme does not harm the special qualities of the South Downs National Park or the High Weald Area of Outstanding Natural Beauty through its transport impacts.~~

~~Where development does not will cause a severe cumulative impact in terms of road safety and increased traffic congestion particularly where such impacts harm the special qualities of the South Downs National Park, development will be refused.~~

Where practical and viable, developments should be located and designed to incorporate facilities for charging plug-in and other ultra-low emission vehicles.

Neighbourhood Plans can set local standards for car parking provision provided that it is based upon evidence that provides clear and compelling justification for doing so.

Policy DP26: Accessibility

The Council has carefully considered your response on Policy DP26 in your letter dated 23 March 2017 (ID20). The Council is pleased that you agree that provision should be set for housing built to M4(2) standards although there is clearly disagreement on the overall level of provision that should be made at this moment in time. The Council does however accept that provision should be set in the District Plan at 20% of all new residential development subject to the provisions of DP26.

The Council will consider its position on such requirements at the time the Site Allocations DPD comes forward should this be sooner than a general review to DP26, and will consider at this time, on a site by site basis, whether requirements can and should be set at a higher level of provision in the allocation of sites.

The Council will carefully monitor implementation at 20% provision as part of the evidence to consider timing and justification for a review of DP26.

Proposed Modification

Further to the changes proposed in MSDC8a, the following amendments are proposed to Policy DP26 including to the supporting text:

DP26: Accessibility

Accessibility is about the ease and convenience with which a place can be used by people. This policy applies to both homes and places, including areas of open space and transport infrastructure.

The District has an ageing population and residents and employees who need safe and easy access to buildings and spaces. The District Council has worked with local voluntary organisations that seek to improve access for the whole community including those with disabilities or mobility problems, for example, wheelchair users and people with physical and/or sensory disabilities. During the preparation of the District Plan, the groups have engaged in the process and this has led to the inclusion of the policy in the Plan.

The policy below seeks to ensure that accessibility is considered holistically when designing places.

Revisions to Part M of the Building Regulations came into effect in October 2015. These introduced optional additional technical requirements for accessibility, exceeding the minimum standards required by Building Regulations where a local planning authority has a policy in place based on evidence that a higher level of accessibility and adaptability in new residential development is viable and necessary to meet current and future housing needs.

The Council has considered housing needs through a number of studies that inform the assessment of housing and economic development needs. This has demonstrated that a high and rising proportion of residents are in need of the level of accessibility provided by Approved Document M -Category 2 dwellings, broadly equivalent to the former Lifetime Homes Standards. This requires new residential development to provide step-free access to and within the entrance storey of the dwelling.

[The policy makes provision for 20% of all new residential dwellings to be built to optional additional standard M4\(2\). However, the Council considers that because the housing requirements of groups with particular needs are constantly changing and that such requirements are likely to become more mainstream in development design and layout and less costly to build, that sufficient justification will exist to review the provision of housing to the standard within the plan period. The Council will also consider its position on the provision of housing to the standard at the time the Site Allocations DPD comes forward should this be sooner than a review to DP26, and will consider on a site by site basis, whether requirements can and should be set at a higher level of provision. The Council will carefully monitor implementation at 20% provision as part of the evidence to whether a review is justified.](#)

The Mid Sussex Whole Plan and CIL Viability Assessment (2016) accounts for the cost of meeting Category 2 Accessible and Adaptable dwellings in the study construction costs. This demonstrates that the optional requirement is achievable although there is a risk that the need for lift provision may create a development viability issue for small flatted residential buildings. A threshold has been applied for this type of development below which the Category 1 (visitable dwellings) access standard will apply. The provision of a lift in a block of flats was not a Lifetime Homes requirement.

DP26: Accessibility

[...]

All development will be required to meet and maintain high standards of accessibility so that all users can use them safely and easily.

This will apply to all development, including changes of use, refurbishments and extensions, open spaces, the public realm and transport infrastructure, and will be demonstrated by the applicant.

With regard to listed buildings, meeting standards of accessibility should ensure that the impact on the integrity of the building is minimised.

Accessible and Adaptable Dwellings

Category 2 – For all new residential dwellings in the district, Accessible and adaptable dwellings standards, under Building Regulations – Approved Document M Requirement M4(2) will be provided at a minimum provision of apply to 20% all new residential dwellings in the district, (excluding new dwellings created by a change of use) and dwellings where requirement M4(3) applies, in the district with the following exceptions:

- 1) Where specific factors such as site topography make the provision of Category 2 – Accessible and adaptable dwellings Requirement M4(2) unachievable by practicable and/ or viable means;
- 2) Proposals for flatted residential buildings of fewer than 10 dwellings will be exempted from Category 2 – Accessible and adaptable dwellings Requirement M4(2).

Wheelchair-user dwellings

Category 3 – Wheelchair-user dwellings under Building Regulations – Approved Document M Requirement M4(3) will be required for a reasonable proportion of affordable homes, generally 4%5%, dependent on the suitability of the site and the need at the time.

The Requirement will also apply to private extra care, assisted living or other such schemes designed for frailer older people or others with disabilities and those in need of care or support services.

MSDC suggested further change to DP9

Policy DP9: Strategic Allocation to the north and north-west of Burgess Hill

During the re-reading of the Plan it has become apparent to the Council that an element of DP9 is unclear and therefore may result in confusion when it comes to the application of the policy. The Council proposes an amendment to the policy to address this.

Proposed Modification

[...]

Strategic mixed-use development in this location will:

- Progress in accordance with ~~a~~ the ~~approved~~ allocation wide ~~masterplan~~Masterplan, Infrastructure Delivery Strategy, Phasing Strategy and Financial Appraisal. ~~An allocation wide masterplan, Infrastructure Delivery Strategy, Phasing Strategy and Financial Appraisal shall be submitted for approval by the local planning authority for each planning application for development in the Strategic Allocation Area until such time as the allocation wide masterplan, Infrastructure Delivery Strategy, Phasing Strategy and Financial Appraisal~~ which will have been approved by the local planning authority. Each planning application to be determined ~~thereafter~~ should accord with such approved documents unless otherwise agreed by the local planning authority;

[...]