

PAPER PROPOSING CHANGES TO THE WORDING OF POLICY DP24

INTRODUCTION

1.The purpose of this paper is to set out, and explain, my proposed changes to the wording of policy DP24. By setting out the proposed changes in a paper, this should enable MSDC to consider these proposed changes before the Examination Hearings on 28 February and 1 March 2017 and make discussion of the changes easier and also hopefully minimise discussion time.

THE PROPOSED CHANGES

2.I have compared DP24 with the wording of the existing policies H9,B1,B2 and B3 which have been in force, and applied by MSDC, since the adoption of the current Local Plan in 2004. I have copied the existing policies H9,B1,B2 and B3 in Annex B and shown, in square brackets, the issues in the existing policies which have been omitted from DP24.

REASONS FOR THE PROPOSED CHANGES TO DP24

3.In bullet point one, the design of buildings does not automatically include the quality, type and colour which is appropriate to the development site and its surroundings and this needs to be spelt out in the planning requirement in bullet point one .

4.The final bullet point, which has just been added to DP24 in MSDC 8, talks solely in terms of 'optimises the potential of the site to accommodate development'. However, one person's optimisation is another person's over development. The dictionary definition of 'optimum and optimise' makes it clear that it refers 'to the point at which any condition is most favourable' which, in turn, implies that a number of factors may be taken into account, with each factor being given varying weightings, in order to achieve a most favourable condition. These factors are not defined at all in MSDC's draft of the final bullet point of DP24 but in my view, it is extremely important when 'optimising the potential of the site.....' to take especial account of the densities of any nearby housing or settlement (and acceptable densities may differ between the Settlement Categories 1 to 3) so that the overall appearance of the area is not harmed by too high an 'optimal' potential site density for a development.

5.So far as the additional two bullet points are concerned, it is, in my view, essential to include these two new bullet points in order to distinguish between the planning requirements for extensions to existing dwellings from planning requirements for a site for new housing development. And, much of what is set out in DP24 deals with site development, rather than extensions to existing dwellings.

NEIL KERSLAKE

20 February 2017

ANNEX A

PROPOSED CHANGES TO POLICY DP24 -CHARACTER AND DESIGN

The proposed changes are set out in capital letters below.

Bullet point one to read "is of high quality design, INCLUDING MATERIALS OF QUALITY, TYPE AND COLOUR APPROPRIATE TO THE SITE AND ITS SURROUNDINGS, WHICH CONFORM TO THE VICINITY AND WHICH ENHANCE THE DISTINCTIVENESS OF TRADITIONAL BUILDING MATERIALS AND STYLES and IS OF AN APPROPRIATE layout and includes appropriate landscaping and green space"

The final bullet point, added by MSDC in MSDC 8, which reads: "optimises the potential of the site to accommodate development" should be expanded to after 'development' to read "WITH THE OPTIMUM DENSITY OF EACH SITE, INCLUDING OPEN SPACES, REFLECTING THE DENSITY AND OPEN SPACES OF ANY NEARBY EXISTING DEVELOPMENT AND/OR NEARBY SETTLEMENT SO AS NOT TO HARM THE OVERALL SENSE OF SPACE IN THE VICINITY"

I propose two new bullet points to be included after the final bullet point, immediately above, with a preamble to read "IN RELATION SPECIFICALLY TO EXTENSIONS TO EXISTING BUILDINGS THEY WILL BE REQUIRED TO MEET THE FOLLOWING CRITERIA:"

*THE DESIGN, SIZE AND SCALE OF THE EXTENSION IS IN KEEPING WITH THE EXISTING DWELLING AND THE CHARACTER AND STYLE OF THE EXISTING DWELLING IS RETAINED OR IMPROVED. IN ADDITION, THE DESIGN, SIZE AND SCALE OF THE EXTENSION IS IN KEEPING WITH THE SURROUNDING DWELLINGS AND DOES NOT HAVE ANY ADVERSE IMPACT ON THE CHARACTER OF THE LOCALITY"

*THE USE OF MATERIALS OF A QUALITY, TYPE AND COLOUR FOR THE EXTENSION WHICH IS IN KEEPING WITH MATERIALS USED ON THE EXISTING DWELLING AND ITS SURROUNDINGS"

H7 Proposals for sheltered housing accommodation for the elderly will be permitted where:

- (a) the development would not significantly reduce the amenities of neighbouring properties;
- (b) the development is well located in relation to local shops and public transport facilities; and
- (c) the development meets the requirements of design policies B1 and B2.

Nursing and Residential Care Homes

5.60 With the change in emphasis to care in the community the provision of residential care has changed significantly in the last few years. A number of homes have closed and reverted to residential dwellings. This is usually in keeping with the character of the area. Where conversion to flats is involved policies relating to infill are particularly relevant.

5.61 However, existing homes may consider expansion in order to meet changing legislation or to widen the range of care which can be provided. In some cases this may involve the use of part of the premises for day care. Whilst this in itself does not need planning permission the increase in activity, particularly vehicular activity, may cause some loss of residential amenity and attention should be given to this in considering applications for new homes or extensions to existing homes. Extensions to nursing and residential care homes outside the built up area boundary will be considered against policy C15 in the Countryside Chapter of this Local Plan.

H8 Within the built-up area proposals for changes of use to nursing or residential care homes or extensions to such homes will only be permitted where development would not cause a loss of residential amenity, particularly in terms of increased vehicle movements.

Extension of Dwellings within Built-up Areas

5.62 Where planning permission is required for extensions and alterations to existing dwellings proposals will be considered in the light of policy H9 below. It is particularly important that extensions should be well designed, both in terms of the existing dwelling and the surrounding area; requirements relating to design and residential amenities are set out in policies B1-B3 of the Built Environment chapter.

5.63 It is also important to maintain a range of types of housing accommodation within localities, (ie within villages or wards in the towns) in terms of size and style, to meet varying needs including those of single persons, families, the elderly and the disabled. Particular care will be taken in applying this policy where the proposal is for the vertical extension to a bungalow resulting in a significant increase in the original floorspace by the formation of an additional habitable storey.

H9 When determining applications for extensions and alterations to existing houses and bungalows within the built-up areas, account will be taken of the need to maintain a range of types of housing in each locality and proposals will be required to meet the following criteria:

- (a) the design, size and scale of the extension is in keeping with the existing dwelling;
- (b) the design, size and scale of the extension is in keeping with the surrounding dwellings and does not have an adverse impact on the character of the locality;
- (c) the proposal does not result in an overbearing or unneighbourly form of development detrimental to the amenities of nearby residents;
- (d) the character and style of the existing property is retained or improved; and
- (e) the proposal includes sufficient car parking spaces within the curtilage of the dwelling and conforms to highway and access requirements.

In considering development proposals, account will be taken of the need to maintain a range of types of housing in each settlement.

Conversions to Flats and Houses in Multiple Occupation

- 5.64 Converted flats and bedsits, whether self-contained or not, can provide a valuable form of small, low cost accommodation for sale or rent. Within Mid Sussex there is little accommodation available for rent within the Housing benefits limits and thus houses in multiple occupation (HMOs) provide an important form of low cost shared accommodation for young and/or single people for whom general open market housing is neither suitable or affordable. While such accommodation may have some individual facilities, for example small kitchen areas, most facilities will be shared including bathrooms, communal lounge areas and entrances. In Mid Sussex HMOs tend to be located in town centres or in older established residential areas. Frequently such shared accommodation is found in dwellings which are no longer suited to family use.
- 5.65 Flat conversions and HMOs can in some cases cause difficulties for neighbouring properties or have an impact on the character of the locality. This can arise from the intensity of occupation and relatively high levels of activity associated with such units. Particular problems can include noise and disturbance, living areas adjacent to bedrooms of adjacent houses, and lack of adequate parking provision either on site or in surrounding roads.
- 5.66 Therefore, whilst supporting the provision of a range of residential accommodation, the Council will scrutinise closely proposals for conversion. In determining applications for HMOs, account will be taken of environmental health requirements.
- 5.67 'Living above the shop' is a concept supported by this Council. Where applications for conversion to residential use make use of vacant space above shops and offices, particularly in the town centres, these will be sympathetically considered. However, it is important to ensure that satisfactory arrangements can be made to access the living areas. The need to retain storage space and room for businesses to expand into will also be carefully considered.
- 5.68 Where conversions are in the town centre and well served by public transport the Council will consider the appropriateness of reducing the parking standards required.

developments than might otherwise have been forthcoming.

- 4.14 Where a brief has not been prepared, applicants for planning permission should submit a design statement with their application (in accordance with advice in PPG1). This may most usefully be provided at pre-application stage. Design statements are appropriate for even the smallest of proposals, as cumulatively these have a significant impact on the environment. The written design statement should be illustrated as appropriate, by:

- plans and elevations
- photographs of the site and its surroundings
- other illustrations, such as perspectives.

- 4.15 An Architects' Panel has been set up to assess the quality of design of development proposals which would have a significant impact on the appearance of the site and its surroundings. Where it is considered to be appropriate planning applications will be put to the Panel, which meets four times a year, for their design advice.

B1 A high standard of design, construction and layout will be expected in new buildings, including alterations and extensions.

All proposals for development will be required to:

- (a) demonstrate a sensitive approach to urban design by respecting the character of the locality in which they take place, especially to neighbouring buildings, their landscape or townscape setting and the regional and/or local building style. Regard should be given to the proposal's contribution to a sense of place. In the case of alterations and extensions, including new shopfronts, the proposals must be sympathetic to the building to which they relate. Factors to be taken into consideration include the scale, massing, siting, density, views, height and orientation of the new buildings in relation to those already existing;
- (b) use materials of a quality, type and colour appropriate to the site and its surroundings, which conform to the general range in the vicinity, and which enhance the distinctiveness of traditional building materials and styles;
- (c) show that adequate consideration has been given to the spaces between and around buildings, and that effective use has been made of any existing landscape features; and
- (d) provide suitable new planting of trees and shrubs appropriate to the site and its location. Where appropriate, existing wildlife habitats including green corridors and river courses should be protected and enhanced.

All planning applications should include a design statement, unless otherwise agreed with the Council.

B2 Where new residential estate development is proposed, there will be an additional requirement to:

- (a) establish a design concept for the layout of the estate;
- (b) introduce a variety of design types;
- (c) provide cohesion by using materials and design styles which reflect the local distinctiveness of building in the area;
- (d) link areas of open space and play areas within the site by footways and cycleways;
- (e) establish a co-ordinated network of footpaths and cycleways within and up to the fringes of the site to reduce distances to walk and cycle to shops, schools, bus stops and other community facilities;
- (f) ensure the estate layout is not visually dominated by roads and car parking areas; and
- (g) build walls to match the materials used for dwellings where it is necessary to screen private areas from public view.

Demolition and Redevelopment

- 4.16 Demolition of individual buildings may be undesirable in terms of resources and refurbishment will be preferred. However, demolition may also present opportunities for urban renaissance and effective use of previously developed sites. Within urban areas redevelopment of such sites should be at an appropriate density for the area which will maximise the potential of the site. All proposals for demolition and redevelopment will be considered in the light of Policy B1 and other appropriate policies in this Local Plan. Proposals for demolition of Listed Buildings or buildings in Conservation Areas will be very strongly resisted (Policies B10, B11, B12 and B13 should be referred to).

Residential Amenities

- 4.17 When determining an application the Council, in accordance with PPG1 (1997), carefully considers whether the proposal would unacceptably affect amenities and the existing use of land and buildings which ought to be protected in the public interest. (This does not include whether owners or occupiers of adjacent properties experience financial loss or loss of a view).
- 4.18 One of the land uses most sensitive to new development is that of residential. Owners and occupiers of residential properties can be seriously affected by changes in overlooking, privacy, daylight, sunlight, disturbance and outlook (disturbance includes factors such as speed, volume and type of traffic, noise, artificial lighting, smell and other pollution, erosion, and flooding). The policies in the Local Plan dealing with these criteria will be applied rigorously where new development, including alterations and extensions, unduly affects residential premises.

- B3** Proposals for new development, including extensions to existing buildings and changes of use, will not be permitted if significant harm to the amenities of nearby residents is likely to be created due to noise and disturbance; loss of privacy; overlooking; reduction in sunlight and daylight; and reduction in outlook.

Energy & Water Conservation

- 4.19 PPG1 (1997) requires Local Authorities to have regard to sustainable development requirements including energy conservation within development plans. All new development has implications for the consumption of energy which results in the continued use of finite resources, including fossil fuels, and the emission of carbon dioxide and other greenhouse gases. Energy conservation can be assisted by locating development so that the consumption of energy resources, particularly those which are non-renewable, is minimised. The strategy of this Local Plan is therefore for new development to be located where it will keep to a minimum the need for travel, especially by the private car.
- 4.20 Building Regulations lay down minimum standards of heat insulation for new buildings. Developers will be encouraged to take account of the various design factors which can increase the thermal and energy efficiency of a building, and should investigate whether any contribution can be made from alternative means of energy provision, for example renewable sources. The overall layout and grouping of buildings, their orientation and detailed design should take these matters into account.
- 4.21 Developers should also have regard to how much daylight and sunlight is received within and between existing and proposed buildings. This will help increase a building's energy efficiency, as effective daylighting reduces the need for electric light, while sunlight can be used as a source of energy to meet some of a building's heating requirements. People expect good natural lighting in their homes and other non-domestic buildings. Whilst these factors will need to be assessed on site, useful guidance is set out in 'Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice' (Building Research Establishment Report BR209 1991). Adequate daylight and sunlight should be achieved without the need to remove existing trees on the site.
- 4.22 Water is a vital resource used for many purposes. PPG1 requires Local Planning Authorities to have regard to sustainable development requirements including conserving natural resources such as water. The Environment Agency has published a document 'Water Resources for the Future - Strategy for Southern Region' March 2001. One of the main conclusions of the strategy is that 'opportunities for sustainable resource development are very scarce in our region. Efficient use of water is crucial to successful water resource management over the next 25 years.' The Strategy considers that Local Authorities should play a prime role by guiding all new developments to be implemented to the highest specification of water conservation and efficient use.

- B4** All new development proposals should have regard to maximising opportunities for:

- (a) energy efficiency relating to location, design and layout;
- (b) efficient use of water; and
- (c) natural drainage, where appropriate, through the use of