

# Development Management Policies Development Plan Document (DPD)

## Draft Plan Consultation

## Consultation Response Form

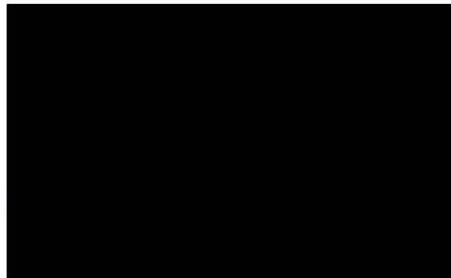
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This response contains  pages including this one (please indicate).

If you have any questions, or wish to be removed from our consultation database, please call the Development

Plans team on tel: **01539 793388**.

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# Pre-publication Consultation

## Consultation Response Form

### Your comments

**Please use this form to comment on the proposed main changes, new policies to the Draft Development Management Policies DPD and associated evidence topic paper.**

**Please indicate which policies you wish to comment on.**

Policy DM1: General Requirements	<input checked="" type="checkbox"/>
Policy DM2: Design	<input checked="" type="checkbox"/>
Policy DM3: Historic Environment	<input checked="" type="checkbox"/>
Policy DM4: Green Infrastructure, Open Space, Trees and Landscaping	<input checked="" type="checkbox"/>
Policy DM6: Flood Risk Management and Sustainable Drainage Systems	<input checked="" type="checkbox"/>
Policy DM8: Telecommunications and Broadband	<input type="checkbox"/>
Policy DM11: Accessible and Adaptable Homes	<input type="checkbox"/>
Policy DM18: Tourist Accommodation	<input checked="" type="checkbox"/>
Policy DM19: Equestrian Related Development	<input type="checkbox"/>
New Policy: DM25 New Agricultural Buildings (including Sustainability Appraisal)	<input type="checkbox"/>
New Policy: DM26 Gypsies, Travellers and Travelling Show People (including Sustainability Appraisal)	<input type="checkbox"/>
Updated Optional Housing Standards – Evidence Topic Paper	<input type="checkbox"/>

## Consultation Response Form

Please make your comments in the box below making it clear which policy your response relates to.

### Policy DM1 - General Requirements for all development states:

*Purpose: To maintain, protect and promote the amenity, sustainability of the district's communities and their environmental, economic social and historic qualities*

#### Suggested modifications/amendments

There needs to be clear information about the methodology used for identifying sustainable development land. For example, assessors should be required to walk from the site to the nearest school. Post Office and community centre to check that there is a safe pedestrian route; proximity to the site should not be the only criteria. Similarly, it is important that the assessor checks whether local public transport runs services that people can use to get to work for normal working hours.

There need to be unambiguous definitions of phrases such as 'adequate spatial separation distances', 'the District's natural environment qualities', 'its distinctive landscapes and townscapes', 'public visual amenities', 'good design' etc... All these phrases are open to wide interpretation. The definitions also need to include practical examples of what is meant.

#### Supporting evidence

If Policy DM 1 is implemented as stated it provides an excellent basis for identifying sustainable development land and as a bench mark for deciding whether, or not, planning applications are sustainable.

**Requirement 1:** The summary of the main changes to *SLDC's Draft Development Management Policies* states that there is an alteration to requirement 1 to provide clarity around the role of mitigation and compensation. These identify the need for the:

- Provision of adequate spatial separation distances between existing and proposed properties and buildings and
- Retention and provision of adequate public, private and shared spaces and landscaping.

They are welcome.

However, comments made in my submission in January 2017 still apply (see case studies in that submission). *Policy DM1* will only be successful in its objectives if the methodology used to apply this policy is robust and mandatory and cannot be manipulated by developers.

For instance, a major flaw in the sustainability assessments used to identify potential development sites in *SLDC's Local Plan 2013* was a reliance on desk assessments that would not have been not confirmed as sustainable if they had been checked by 'on the ground' assessments where assessors were required to walk from the proposed development site to the nearest primary school, local Post Office and community centre to confirm that it is a safe pedestrian route as well as being within a specific distance of the site.

Similarly, the added requirements for *adequate* separation distances between properties etc... will only be successful if *SLDC* also provides unambiguous definitions of:

1. *Adequate separation distances* between existing and proposed properties and buildings and
2. *Adequate* public, private and shared spaces and landscaping.

The word *Adequate* is open to wide interpretation.

**Requirement 7:** The summary of the main Changes to *SLDC's Draft Development Management Policies* states that there is an alteration to requirement 7 to provide clarity around the role of mitigation and compensation. It includes a requirement to: "...ensure the

***protection and enhancement of the District's natural environment qualities and its distinctive landscapes and townscapes, including their public visual amenities through good design...***

Again, this policy needs to be supported by clear definitions of what SLDC means by:

- *the District's natural environment qualities*
- *its distinctive landscapes and townscapes*
- *public visual amenities*
- *good design*

Recent developments in Kents Bank and Grange-over-Sands have not met residents' understanding of these criteria. One man's concept of 'good design' can be another's concept of 'poor design' with no understanding of the local topography and vernacular architecture! For instance, if you drive up Kentsford Road, the view of the recent *Oversands* development resembles a prison camp with grey roof tops marching up the hill whereas the view of the development from Allithwaite Road is more acceptable.

### Conclusion

SLDC's excellent *Development Management Policy DM1* needs to be accompanied by clear **mandatory guidance** about the methodology used when undertaking development site sustainability assessments so that they are accurate and reflect reality.

Clear definitions of key phrases such as 'adequate spatial separation', 'adequate public spaces', 'good design' etc... are needed.

### Policy DM2 - High Quality Design states:

*Purpose: To provide a set of design principles in order to ensure the district's characteristics and qualities are maintained and enhanced.*

### Suggested modifications/amendments

As with *Policy DM1* the principles outlined in *Policy DM2* are excellent but need to be supported by clear definitions of phrases such as: '*positive relationship with surrounding uses*', '*a high standard of landscaping*', '*located sympathetically within the built and natural landscape*', 'local context' etc... These phrases are all open to wide interpretation and could end up meaning 'all things to all men'.

The definitions also need to include practical examples of acceptable landscaping proposals and how to assess the built landscape in the area of the proposed development land.

### Supporting evidence

If this policy is implemented as stated it provides an excellent basis for ensuring that suitable design principles are applied to planning applications submitted to SLDC for approval.

However, *Policy DM2* will only be successful in its objectives if the methodology used to apply this policy is robust and cannot be manipulated by developers.

**Principle 2:** The summary of the main changes to SLDC's *Draft Development Management Policies* states that there is an alteration to principle 2 to provide clarity in regard to views and there is an additional reference to landscaping. It includes a principle that: "...*Development proposals must respond appropriately to **local context, landscape and built and natural environment setting**...*" with seven guidelines as to how this should be achieved.

Similarly, the changes to principles 3, 4, and 9 are all worthwhile as long as they can be enforced.

For example, it is difficult to understand how planning application SL/2014/0406 for land south of Thornfield Road, Grange-over-Sands, Cumbria meets the criteria of 'local context' and fitting with the local built landscape. It is in the middle of the *Grange-over-Sands*

*Conservation Area* that is dominated by grey stone Victorian and Edwardian buildings. Quite how *SLDC*'s planners thought that modern mock Tudor homes fit in with this historic context is something that residents find hard to understand.

### **Policy DM3 – Historic environment states:**

*Purpose: To protect and enhance the valuable heritage and Historic Environment of the District.*

With a requirement that: "...*Development proposals will safeguard, conserve and, where appropriate, enhance heritage assets and the wider historic environment and historic character of the area...*"

#### **Suggested modifications/amendments**

There needs to be an objective way of assessing that developers have demonstrated a: "...*a clear understanding of the asset's heritage values, including its setting and any parts that would be directly affected by any proposal...*"

*SLDC* needs to draw up strict criteria that they can use to ensure that proposals really have taken account of the historic context of the area.

*SLDC* also needs to include practical examples of how historical features of Grade II listed building should be protected within the context of proposed developments.

#### **Supporting evidence**

If this policy is implemented as stated it provides an excellent basis for ensuring that suitable design principles are applied to planning applications submitted to *SLDC* for approval.

However, *Policy DM3* will only be successful in its objectives if the methodology used to apply this policy is robust and cannot be manipulated by developers.

The summary of the main changes to *SLDC's Draft Development Management Policies* states that there are alterations to principle 2, 3 and 4 to ensure that planning applications are designed to take account of the historic context of the area, particularly listed buildings.

As with *Policies DM1* and *DM2* the principles outlined in *Policy DM3* are excellent but there needs to be an objective way of assessing that developers have demonstrated a:

"...*a clear understanding of the asset's heritage values, including its setting and any parts that would be directly affected by any proposal...*"

For instance, planning applications *SL/2015/0238* and *SL/2015/0239* submitted for a development for Carter House, Guide Farm (a Grade II listed building, mid or late 17th Century), its Grade II listed a bank barn and for its orchard claimed that the proposed design had taken account of the historic environment of Cart Lane (part of *Grange-over-Sands Conservation Area 3*) even though it did nothing to enhance the buildings, or the area, was not sympathetic to its historical context; the proposed modern houses in the orchard would have dominated that area of Cart Lane because they would have been built on high bank so that they overlooked and dominated at least four adjacent Grade II listed buildings.

*SLDC* planners also need to have an adequate understanding of the historical context of the proposed development site so that they can make an informed judgement about the impact of proposed designs submitted for sites with important examples of vernacular architecture.

### **Policy DM4 – Green and Blue Infrastructure, Trees, Open Space and Landscaping states:**

*Purpose:*

"...*All development proposals will result in net green and blue infrastructure gains and demonstrate that they deliver wider requirements and objectives through the use of multifunctional green and blue infrastructure...*"

### Suggested modifications/amendments

Policy DM4 appears to be unrealistic. It is difficult to envisage that any housing development built on green field sites can "...result in net green and blue infrastructure gains...". If green fields have been covered with houses it is not possible for there to be 'quantitative' green and blue infrastructure gains and how would 'qualitative' gains be assessed?

The introduction to Policy DM4 is full of jargon. It needs clarity! Later sections are more specific and realistic.

This policy would be better without a meaningless jargon filled introduction.

### Policy DM6 – Flood Risk Management and Sustainable Drainage Systems states:

*Purpose: To ensure existing and new development is not exposed to flood risk and to prioritise the promotion of Sustainable Drainage Systems; this will be achieved through appropriate management and treatment of surface and foul water and consideration of watercourses and flood defences. This will, where possible, contribute to reducing overall flood risk in the district.*

### Suggested modifications/amendments

The NPPF paragraph 100 has a requirement that:

*"...where development is necessary, making it safe without increasing flood risk elsewhere..."*

Therefore, the second introductory paragraph about the location of the development and avoiding areas of flood risk needs an additional bullet point stating:

- Does not increase flood risk elsewhere.

Independent drainage assessors should be:

- Appointed by the *Local Flood Authority (LAP)* from a bank of approved assessors.
- Their reports should be submitted to the *LAP* or the Planning Department before being passed on to the developer.
- Their reports should be paid for by the developer.

### Supporting evidence

If this policy is implemented, as stated, it provides an excellent basis for ensuring that effective site drainage proposals are proposed for development sites.

However, *Policy DM6* will only be successful in its objectives if the methodology used to apply this policy is robust and cannot be manipulated by developers.

The summary of the main changes to *SLDC's Draft Development Management Policies for Policy DM6* states that the following requirements have been added:

- A need to apply the sequential test and exception test, as set out in *National Planning Policy*, when determining whether, or not, the proposed development location was likely to be exposed to flood risk.
- to demonstrate why Sustainable Drainage Systems would not be suitable or appropriate if the plans made no provision for such systems.
- To provide information about Sustainable Drainage System measures needed if these are appropriate for the site.

All of these additions are welcome.

The NPPF paragraph 100 has a requirement that:

*"...where development is necessary, making it safe without increasing flood risk elsewhere..."*

Therefore, the second introductory paragraph about the location of the development and avoiding areas of flood risk needs an additional bullet point stating:



- Does not increase flood risk elsewhere.

For example, this is important because most of *SLDC*'s allocated development sites in areas such as Kents Bank are at the top of limestone hills. The underlying limestone has a complex natural drainage system that is poorly understood. Excess rainwater runoff discharged into limestone cracks (infiltration at source) can re-emerge in lower lying areas nearby and cause flooding during periods of intense or persistent rainfall. Developers wishing to build on sites with underlying limestone should be required to undertake hydrological studies to demonstrate that nearby land will not be flooded as a result of their drainage proposals.

The rest of the content of DM6 is excellent.

It is good that DM6 includes a requirement that:

*"...The approach to surface water drainage should be based on evidence of an assessment of site conditions undertaken by an independent body to the applicant and/or developer..."*

However, there are potential problems with this approach because the developer appoints and pays the 'independent assessor' therefore such assessors cannot be said to be completely independent. Evidence from 'independent assessors' would be more acceptable, to residents living near to the proposed development site, if they were appointed by the *Local Flood Authority (LAP)* from a bank of approved assessors and if their reports were submitted to the *LAP* or the Planning Department before being passed on to the developer.

Residents in Kents Bank have also faced the problem that their drainage expert's report was unofficially deemed less 'expert' than the one submitted by the developer's 'expert'. This is unacceptable. If planners and/or developers favour the findings in one report above another they should be required to provide objective reasons for coming to this conclusion rather than 'off the record' comments to members of the Planning Committee.

Residents would welcome a solution to this potential conflict of interest in 'independent assessor' reports on drainage problems and for site ecological surveys.

### **Policy DM18 – Tourist accommodation states:**

*Purpose: To support proposals for tourist accommodation that are located in appropriate locations and that are of an appropriate scale and design, to ensure that proposals will not have a detrimental impact on their surroundings.*

### **Suggested modifications/amendments**

Policy DM18 still has important omission that needs rectifying.

In the section relating to all proposals there should be two additional requirements:

- Not have an adverse effect on the local drainage system.
- Not cause flooding problems nearby.

### **Supporting evidence**

For example, planning application SL/2014/0268, for 15 static caravan units and conversion of a camping field toilet block to a cottage, at Low Fell Gate Caravan Site, Grange-over-Sands will have as much impact on Grange-over-Sands' inadequate combined sewer system as a development of 16 small dwellings. It is also likely to increase flooding, from excess rainwater runoff, at the bottom of the hill (Cart Lane), due to the drainage characteristics of the underlying limestone.