

Winchester District Local Plan Part 2 – Development Management and Site Allocations

Examination – July 2016

Winchester City Council

Response to Inspectors Questions:

**Matter 5: Development Management Policies
High Quality Environment
DM13 - 33**

Library Reference: WCC FS 05



Matter 5 : Development Management Policies High Quality Environment

DM13 – DM33

Inspector's Questions:

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

Introduction and background:

1. LPP2 contains a suite of Development Management policies that provide detailed guidance for the assessment of development proposals in the Winchester District outside of the National Park.
2. The LPP1 (Joint Core Strategy) outlines the key principles and strategic policies of the Plan, together with a number of Core Policies. The development management policies proposed for LPP2 provide further details and interpretation of the Core Policies and development strategy where needed. Not all of the Core Policies require further development management policies in LPP2. The table at 1.15 of the LPP1 shows the main relationships between the LPP1 and LPP2 policies and proposals. Although the development management policies are grouped by the Strategic Objective themes of Active Communities, Prosperous Economy and High Quality Environment, there are overlaps between the policies at both the LPP1 and LPP2 levels, so policies should be read in conjunction with each other and the Local Plan should be taken as a whole.
3. The development management policies were developed by officer working groups, which took account of the advice of development management officers and technical advice where required, particularly in regard to the establishment of suitable and appropriate criteria. Consultation was undertaken as part of the Draft LPP2, including with statutory consultees and bodies.
4. The evidence base for the Development Management policies consists largely of the evidence behind the parent policies of LPP1, updated as necessary. Additional work was undertaken on specific areas where new/updated evidence was required. The Soundness Self-Assessment (SUB10) indicates how the Development Management policies relate to specific sections of the NPPF on a topic by topic basis. Those in relation to High Quality Environment policies are:
 - 10 Meeting the challenge of climate change, flooding and coastal change
 - 11 Conserving and enhancing the natural environment
 - 12 Conserving and enhancing the historic environment
5. The Council's summary of the representations made on the Draft LPP2 in respect of the Development Management section of the Draft LPP2 were presented at the Cabinet meeting of 30th March 2015 and are shown at

Appendix 5 of CAB2676 (LP) (WCC2). The representations were considered in full during the following months and the results presented in CAB2721 (LP) (WCC4).

6. Appendix O of Cabinet Report CAB2721(LP) (WCC4) analyses the draft Development Management section of LPP2. It includes an assessment of the proposed policies, the findings of the Sustainability Appraisal (SA) and consideration of representations made on the Draft LPP2. The policies were amended where appropriate to improve their soundness. Appendix O recommended a final strategy for LPP2, which was subsequently approved by the Council and comprises the Development Management Chapter of LPP2.

Key Issues Raised

7. Cabinet report CAB2721(LP) (WCC4) contains an analysis of the key issues relating to the Development Management Chapter of LPP2. The issues related to the High Quality Environment Section are at paras 114-253. The Council's response to these issues is generally given in CAB2721(LP) and therefore is not repeated in this note. It should be noted that due to the removal of the policy in relation to Gypsies and Travellers (DM4 in Draft LPP2) following the Draft stage, all DM policies following DM3 have been renumbered (ie DM5 in Draft LPP2 is now DM4 etc).
8. However, further representations have generally been received to these policies at Publication stage and in a limited number of cases further submissions have also been made as a result of the Inspector's questions. These are summarised below and where new issues have been raised a response is provided on behalf of the Council.
9. Any resulting Minor Modifications proposed to policies and text are attached as Appendix 1 (editing changes/corrections are not shown).

Further Representations

10. Further Representations have been received from John Hayter in respect of a number of policies and Gladman in respect of DM22, however these do not raise any additional issues.

Development Principles. Masterplans: DM13

11. Representations were received on this policy. Summerbrook (Rapleys) consider that the policy is not clear enough on the circumstances under which masterplans will be required. The Council considers that the policy does provide sufficient guidance having regard to the need to be flexible and proportionate. Many of the major landowners will have prepared such plans or have plans for the future management of their assets and indeed two of the representations made (Winchester College and University of Southampton) have such masterplans and refer to them. In other cases the need for a masterplan can usually be established at the pre-application stage.

12. WinACC have made a representation on DM13 suggesting that the policy needs explicit sections to encourage low carbon transport arrangements within the masterplans. This issue is covered below under DM14-DM17, but masterplans need to cover a range of issues.

General Design Criteria DM14 – DM17

13. Representations have been received to some of the site design policies. John Hayter, WinAcc and the City of Winchester Trust have made a number of representations to these policies to the effect that LPP2 is insufficient with regard to the promotion of carbon reduction, promotion of non-car transport modes and requirements for renewable energy provision in respect of design
14. Policy CP10 – Transport of LPP1 refers to the location and design of development to reduce the need to travel and encourages non-car modes of transport through travel plans. The details of promoting non-car modes on sites are covered in policies DM15 – Site Design Criteria, where cycling and pedestrian provision is encouraged, and DM17 – Access and Parking criteria (iv), which requires developments to provide for the needs of pedestrians and cyclists, including cycle parking
15. Reduction of carbon emissions and the production of renewable energy are important issues for the Council as outlined in the Community Strategy and the Local Plan, which has detailed policies in these regards in LPP1 at CP11 – Sustainable Low and Zero Carbon Built Development, which seeks energy efficiency standards in new buildings, and CP12 – Renewable and Decentralised Energy, which encourages suitably located renewable and decentralised energy facilities. It is considered too onerous and contrary to government policy to require a higher level of energy performance measures in respect of buildings.
16. Other issues raised under DM14 – DM17 are covered below:

DM14 – Local Distinctiveness

17. Upham Parish Council has concerns that Local Design Statements are not given enough consideration in planning determinations and suggests that proposals should only be approved when they will 'conserve or enhance'. Contextual information of a street scene should be required where there is a local design statement. In response it is considered that the requirement to conserve and enhance is too onerous to be generally applied, given the presumption in favour of development, and is normally only justified in Conservation Areas (policy DM26). Contextual information requirements are already set out in LPP1 Policy CP 13 – High Quality Design.

DM15 – Site Design Criteria

18. One representation states that this policy should not be used to prevent highly sustainable developments from being constructed. This issue has

previously been raised at the Draft Plan stage and no changes are considered necessary.

19. Historic England suggested minor changes to the text of Policy DM15 and the supporting paragraph 6.4.25, however these do not go to the heart of soundness and Historic England is content with the changes as set out in the . Statement of Common Ground (WCC SCG 01)

DM16 – Site Development Principles

20. John Hayter suggests that DM16 and DM17 should say 'safe by design and accessible to all'. DM16 i) requires a 'safe and secure environment accessible by all'. This is expanded on in paragraphs 6.4.27 and 6.4.28 which refer to 'Secured by Design'. It is not necessary to repeat this in DM17.
21. The House Builders Federation have objected to the reference to broadband
22. and suggest the policy is too negative, overly restrictive and too subjective. The Council considers that the criteria in the policy are necessary to secure good site design. The policy acknowledges that developments are likely to have impacts on the environment and neighbouring uses. It is a matter of judgement as to when these impacts become unacceptable in planning terms and so the policy should remain unaltered. The policy uses the term unacceptable as this is part of the consideration of the degree of impact of developments.
23. Both John Hayter and The House Builders Federation question the policy in respect of its encouragement of high speed broadband provision. Broadband is an increasingly essential element of 'infrastructure', but it is currently an aspiration and the policy and supporting text encourage rather than require provision. No change is considered necessary.

Environmental Protection DM18 – DM21

DM18 – Development and Pollution

24. One representation was received stating that the policy should be more prescriptive on light pollution and would benefit from a SPG to guide developers, the South Downs National Park is particularly referenced. The Council has no plans to introduce a SPG on obtrusive lighting and LPP2 does not apply in the SDNP, but welcomes the offer of assistance in respect of further guidance.

DM21 – Telecommunications, Services and Utilities

25. Historic England suggest minor changes to the text of Policy DM21. Agreed changes are included within the Statement of Common Ground. And shown in Appendix 1 of this Note.

Landscape DM22 – DM23

DM22 – Rural Character

26. Gladman Developments submit that development can be located in rural areas without harm, through appropriate design measures, and that the policy precludes otherwise sustainable developments from going ahead. Developments should be considered on their own merits. This issue has previously been discussed at the Draft Plan stage and the Council's approach is set out at paragraph 15 of Appendix O to CAB2721 (LP).
27. Upham Parish Council considers that the policy places insufficient emphasis on the contribution of hedges to the character of rural areas. This is not accepted and Policy HE23 also considers important hedgerows.

DM23 – Special Trees, Important Hedgerows and Ancient Woodlands

28. Gladman submit that this policy needs to be flexible. The Policy is intended to provide enhanced protection for trees, hedgerows and ancient woodlands, however development is not necessarily precluded as developments are considered on their own merits and the policies of the Plan and the general presumption in favour of sustainable development will be taken into consideration in assessing the merits of particular applications.

Heritage Policies DM24 – DM31

Shopfronts and Signage DM32 – DM33

29. A number of responses were received on issues relating to the Historic Environment. The majority of comments were from Historic England. A meeting was held between representatives from Historic England and WCC Officers to discuss heritage issues and future working and their comments on LPP2. Following the discussions at this meeting, it has been possible to produce a Statement of Common Ground (WCC SCG 01). In this Statement a number of modifications are proposed to LPP2, having been agreed with Historic England. Many of these relate to the Historic Environment section of LPP2. The proposed modifications in respect of DM24-DM31 are attached at Appendix 1.
30. Aside from Historic England comments, few other representations were received on the Historic Environment policies.
31. The National Trust request that DM33 should be amended to acknowledge the need for signage for tourism facilities within Winchester City, and specifically signage to City Mill. This issue was also raised at the Draft Plan stage and are discussed at paragraphs 249-253 of CAB2721(LP) Appendix O. No changes are proposed as it is considered that the policy does not prohibit such signage. The policy is mostly aimed at visual attractiveness and street clutter in relation to business and shop signs. Signage for tourism facilities would be covered under the design policies (particularly DM15 – Site Design Criteria), where it requires permission.

32. Policies within the Winchester Town Chapter of LPP2 will be relevant for the consideration of City Mill. Criterion i) of Policy WIN 1 – Winchester Town requires proposals to ‘protect and enhance the special character of Winchester Town, including its setting, heritage assets and treed skylines’.
33. The National Trust also states that the current SPD on Shopfronts should be updated. The Council would wish to update the SPD should resources allow, however it is considered that the up-to-date text in policies DM32 and DM33 provide adequate guidance for the assessment of proposals.
34. John Hayter has submitted a number of representations on Policies DM 26, 26, 28, 30, 31 and 32. The detailed criticisms of the wording of the heritage policies and the definitions used within them have been addressed as far as considered necessary by the modifications proposed in Appendix 1.
35. In respect of DM26, the meeting with Historic England was helpful in respect of bringing forward updating of work on Conservation Areas, but no alterations are required in respect of the LPP2 policy. DM31 – Undesignated Rural and Industrial Heritage Assets is considered necessary. Most of these buildings are rural farm buildings and may not be on any local list. The supporting text at paragraphs 6.4.110 – 6.4.121 explains why they are valued and that they may be considered for inclusion on the local list as appropriate.

Further Written Submissions

36. John Hayter submitted further statements in respect of heritage policies DM26, DM27, DM28, DM29, DM30, DM31, DM32 and DM33. Some of these comments repeat earlier representations and responses have been made on these issues above. Modifications are proposed in Appendix 1 of this Response Note to satisfy the concerns of Historic England in respect of these policies and no further changes are considered necessary.

Conclusion

37. The Council considers that the development management policies in relation to the High Quality Environment in LPP2 (DM24 – DM33) are sound, although the Inspector is invited to consider the proposed Minor Modifications in respect of this part of LPP2 as attached at Appendix 1
38. The policies are reasonable and realistic, providing detailed guidance on how the policies of the LPP1 Core Strategy will be interpreted in the consideration of applications for development. The policies are clear and consistent with national policies/guidance in the NPPF/NPG as evidenced and they establish suitable and appropriate criteria for assessing development proposals.

Appendix 1 – Modifications to DM24-33

Section/para/policy ref	Summary of comment	Agreed approach
DM21	Refer to historic parks and gardens (2 nd bullet)	<p>Bullet (ii) is not intended to be a comprehensive list, therefore add reference to historic parks and gardens/battlefields in supporting text at para 6.4.54</p> <p>Amend bullet (ii) to read “...development would affect listed buildings, Conservation Areas, or sites of archaeological importance <u>heritage assets</u> or sites of ecological importance”.</p>
DM25	Refer to desk based assessment	Amend first bullet to read “ <i>the result of desk based assessment ...</i> ”
DM26	Request “has an acceptable impact on character” instead of “limits their impact on character” in (d).	Amend bullet (d) to read “ <i>incorporate any energy efficiency or energy regeneration measures into the design of the proposals in a manner that has an acceptable impact on character</i> ”.
DM28	that the Policy needs clarifying – as written the (total) loss of a designated heritage asset may be permissible (only in exceptional circumstances) but unacceptable harm is not permissible (in any circumstances). We suggest that the Policy make it clear	Amend first paragraph to read “ <i>The loss of designated heritage assets will only be permitted in exceptional circumstances, or in the case of higher grade heritage assets in wholly exceptional circumstances. Works which would cause unacceptable harm to the special interest of heritage assets, or their setting, or would lead to the unsympathetic subdivision of</i>

Section/para/policy ref	Summary of comment	Agreed approach
	that substantial harm to or the loss of any higher grade designated asset will only be permissible in wholly exceptional circumstances and that substantial harm to or loss of other designated heritage assets will only be permissible in exceptional circumstances.	<i>their grounds, will only be permissible in exceptional circumstances, or in the case of higher grade heritage assets in wholly exceptional circumstances”</i>
DM29	Clarify what is meant by ‘beneficial use’ in criterion iii). Clarify criterion iii)	Amend iii) to read “involve a building that is capable of accommodating the proposed change of use....”
DM30		To clarify the intention of the policy pending preparation of a local list amend first sentence to read “ <i>where planning permission is required for buildings or structures that have been identified as a locally significant heritage asset...”</i>
Paras 6.4.68 – 6.4.121	Various minor suggestions	Agree following amendments: 6.4.70 “Statutorily” should be “statutory”; 6.4.82 ‘need’ should be “needs”. last sentence of paragraph 6.4.93: “The Council will proactively seek solutions for assets at risk through discussions with owners and willingness to consider positively development schemes that would ensure the repair and maintenance of the asset, and, as a last resort,

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Section/para/policy ref	Summary of comment	Agreed approach
		<p>using its statutory powers to prevent the unnecessary loss of such buildings”.</p> <p>6.4.95 replace “special interest” with ‘significance’ in first sentence</p> <p>6.4.96 insert “against the importance of the asset” before ‘and the public benefits’</p>
Appendix C	Clarify intention of scoring system referred to.	Update and clarify Appendix C - through moving the notes to above the table

