

SOUTH HAMS DISTRICT COUNCIL LOCAL DEVELOPMENT FRAMEWORK

DEVELOPMENT POLICIES DPD EXAMINATION

HEARING PROGRAMME

TUESDAY 2 MARCH 2010 - 10:00am
WEDNESDAY 3 MARCH 2010 - 10:00am

CARY ROOM, Follaton House, Plymouth Road, Totnes TQ9 5NE

Hearing participants on behalf of South Hams District Council

Graham Swiss – Forward Planning Manager
James Doxford – Forward Planning Officer
David Kenyon – Development Management Area Planning Officer
Ross Kennerley – Landscape and Recreation Manager
Paul Tyler – Major Developments and Projects Manager
John Baker – Executive Director, Baker Associates
Sharon Jefferies – Planning Consultant, Baker Associates

PROCEDURAL MATTERS

- Have all statutory and regulatory requirements connected with the examination been complied with?

HEARING MATTERS

Policy DP4

- Council's Proposed Changes
- Lifetime Home Standards
- Sustainability issues
- Sherford

Additional participants –
Cllr Robert Vint

Kate Wilson on behalf of Adrian Porter - Transition Town Totnes Building & Housing Group

Issues identified in the Inspector's Pre-Hearing Notes, and the Inspector's subsequent comments in response to the Council's Proposed Changes Version 2

- How consistent is the Development Policy DPD with other DPD's (including the emerging RSS) and SPD, and are the linkages and cross-references clear? - (Council Paper 1)
- Is there enough evidence on the local context to justify the policy provisions-employment protection, parking, housing mix, high quality design, sustainable construction, open space, landscape character etc? – (Council Paper 2)
- How reasonable are the S106 provisions? – (Council Paper 3)
- How reasonable is the amount of evidence required to support an application? – (Council Paper 4)

continued over .../

- Policy DP2-basis of the “Undeveloped Coast” notation-it runs deep inland (Appendix 10). Policy CO1 of RSS seeks distinction between developed and undeveloped coast. – (Council Paper 5)
- Policy DP6-whether the Council proposes to produce a local list of buildings of architectural or historic interest that lie outside Conservation Areas that would be protected. –(Council Paper 6)
- Policy DP8- i) whether the policy applies only to **Public** Open Space-see heading to the policy; ii) whether private playing fields should be shown on the proposals map; iii) evidence of open space need on which open space policy is based (Open Space, Sport & Recreation DPD-Annex 3 and Section 3). – (Council Paper 7)
- Policy DP13-whether the protection of temporary touring sites should be included in the policy. – (Council Paper 8)
- Policy DP17-whether the term “original dwelling” needs to be defined and whether the term “significant” needs definition. – (Council Paper 9)
- Appendix 7-Monitoring Framework-whether “targets to be developed” have been progressed. – (Council Paper 10)

Inspector’s Comments on Proposed Changes

Please refer to attached –

- **Appendix 1 - 4 February 2010**

Inspector’s Supplementary Points

Please refer to attached –

- **Appendix 2 – 26 February 2010**
- **Appendix 3 – 1 March 2010**

Inspector’s Further Matters

- PPS4 - (Council Paper 11)
- Marine & Coastal Access Act 2009 – (Council Paper 12)

Council’s Proposed Changes Schedules 1, 2 and 3

Any further issues requiring clarification or further justification for the changes

Inspector's comments on Council's revision of its schedule of proposed changes to the published version of the South Hams Development Policies DPD.

Note: The version of the submitted DPD incorporating the Council's proposed changes that was passed to the Inspector contains changes to the order and numbering of the Appendices which are neither mentioned nor explained in the accompanying schedule of changes. This omission needs to be dealt with urgently.

Three items below relate to issues that are additional to, or have a bearing on those already identified in the Pre-Hearing Notes dated 19 January 2010. These are marked thus: Otherwise the comments do not go to the issues of soundness, but the Council may feel that they need addressing in the interest of clarity and/or to correct drafting errors.**

1. PC6 The Proposals Map is not a DPD. It is a separate part of the LDF. The final sentence infers that the PM is a DPD. It needs to be re-phrased. E.g. "The Proposals Map can be viewed ... It should also anticipate that not everybody has access to the internet. It should say that a paper copy can be viewed at...(the Council offices? Public libraries?)
2. PC9 The change to the final sentence does not reflect the changes that are proposed to appendices numbers. If the changes to numbering of appendices are to be incorporated, Appendix 8 deals with Monitoring.
3. New paragraph 2.14: does the term "Development Plan" need to be included in the Glossary as having the meaning ascribed to in paragraph 1.7 of PPS12?
4. PC19 The new insertion repeats the final sentence of new paragraph 2.14.
5. Paragraph 3.18 appears to be deleted without any explanation.
6. PC36 Would this not scan better as: ..well defined and well landscaped **and** designed public and private spaces..."?
7. **PC62 I note the reasons for deleting items 6, 7 and 8. However, in view of their importance to sustainability objectives and the large number of additional dwellings planned for the district, I will be asking the Council when it expects to have the evidence to be in a position to require the introduction of these requirements. Presumably, RE5 of the emerging RSS will be relied on to secure item 7?
8. PC74 Second sentence. Would this not be clearer and scan better as follows: "This will cover not only the biodiversity present but also the threats posed by the development, what mitigation is required, measures for achieving it, as well as identifying possibilities for enhancement"?

9. **PC91 Is not the effect of this proposed change setting too high a threshold? Do EH have a view? See paragraph 2.4 of PPG15-preserve **or** enhance.
10. PC101The change described on the schedule does not reflect the intended change. The insertion should be made before "**the needs of** pedestrians... etc"
11. New Paragraph 3.80 Should the text here refer to "open space" rather than "public open space" to reflect the definition outlined in the previous new paragraph 3.79?
12. Policy DP8 Item 4. Should the first word read "developers" rather than "Development"?
13. PC113The intended deletion is the 3rd sentence not the 2nd.
14. New paragraph 3.94 does not scan. Should it read: "All sites need to be in sustainable locations that **have reasonable (or good)** access to essential services...?"
15. PC123The first sentence of the new paragraph does not scan. Would it read better as: "...which can make an important contribution to affordable housing"?
16. **New paragraph 3.113 How will the Local Planning Authority determine need in this context? Will it be an excess of demand for permanent sites over supply in high season? Good weather on one year could lead to high demand? It may not be repeated for some time. Will that be a hostage to fortune? In the circumstances, does use of "need" here require an explanation?
17. New paragraph 3.117 First sentence does not scan. It would be improved by inserting "within which" before "they are located"
18. PC146Schedule refers to deletion in the 2nd sentence. It should be 3rd.
19. PC164Schedule proposes deleting "extension" without replacing it with "alteration".
20. PC168Schedule does not include full extent of proposed change. As well as proposing relocation of the text, it should include "**For residential, including holiday use,** it uses a traditional building of architectural or historic interest."
21. Appendix 3 The fifth column has been dropped without explanation.
22. Appendix 6 The key omits "urban" without explanation. In both cases, urban areas are omitted from the map. Should they be included?

Ian Broyd 4/2/10

Some supplementary and new points that the Inspector proposes to raise at next week's hearings on the South Hams Development Policies DPD and the District Council's proposed changes.

1. Papers 2 & 7.

- i) The Public Space Strategy has not been formally adopted as part of the LDF process. If it is being used for seeking contributions to open space does it conform with the advice in paragraph 6.4 of PPS12- Creating strong prosperous local communities through Local Spacious Planning. It is not clear whether the requirements outlined in Section 7 of the Strategy would be applied to all developments of 2 or more residential units wherever located or only in areas of identified need.
- ii) Has the SPD/Strategy been used to obtain contributions under the present development plan? If, yes, on what basis? Examples?
- iii) Policy DP8 - Should not the introduction to part 3 of this policy be couched as follows: "Where open space deficiencies exist as identified inpublic open space...?"

2. DP7 and Paper 2.

The reasoned justification says that residential parking will be assessed on an individual basis. Exactly how does that work? Are there no standards to guide developers? Syntax of proposed change PC100 (new paragraph 3.76).

3. DP5-should it be explained in text (paragraph 3.57 or new 3.53) that SAC's and SPA's are SSSIs for purposes of Criterion 2 of the policy?

4. Paper 5.

- i) The "Undeveloped Coast" (Appendix 10) appears to correspond to the "Coastal Zone" on the Proposals Map? Is that the case? If, yes, should they not carry the same description? If, no, what is the difference?
- ii) What does "visual watershed" mean exactly (paragraph 5.6 of the Council's paper).

5. Paper 6

Whilst I accept it is not mandatory, I draw your attention to paragraph 6.16 of PPG15. If no local list is proposed, are clear criteria required to identify them?

6. Paper 8

The Council's response does not answer the point. The reasoned justification mentions that touring sites should not be lost to permanent holiday accommodation (paragraph 3.116). However, the policy does nothing to support that concern. Does this mean that the Council is confident that touring sites do not need policy protection. Incidentally, how many touring sites, with planning permission, are there in the district?

7. DP15 Is sub-paragraph 1c necessary? The plan should be read as a whole.
8. Paper 9 & Policy DP17- How will the Council defend its concerns to prevent cumulative extensions if "original" remains undefined. See definition in T&CP (General Permitted Development) Order 1995 as amended.
9. Are the different time periods for the production of accounts in paragraphs 3.96, 3.116 and 3.145 justified?
10. New Appendix 7, Map 1. Should "Ancient Monuments" in the key read "Scheduled Ancient Monuments"?
11. Appendix 6- Council' response to omission of urban areas from the key still does not recognise that it needs to be explained as a change.
12. Policy DP16, the syntax of Criterion e has been changed without any mention.

Further supplementary points that the Inspector proposes to raise at next week's hearings on the South Hams Development Policies DPD and the District Council's proposed changes.

1. References to Appendices numbers need to be checked to make sure they reflect the changes - see new paragraph 3.55.
2. New paragraph 3.134. Does it need to be made clear that a demand might arise for an agricultural/forestry dwelling from other than the holding on which it stands?
3. Policy DP17-The policy does nothing to protect a dwelling that might have architectural or historic interest or is of a quality that might have been included on a local list of such buildings if one for the district existed or was to be prepared. Should not the protection of such buildings from demolition or unsympathetic extension be covered? + definition of original-this has already been raised under earlier notes.
4. Glossary-since SPA's are explained, should not SAC also feature? *Ditto*
European Natura 2000 sites

The final bullet point under "LDF" is incorrect. LDDs comprise DPDs and SPDs. All of the DPDs i.e. the first 4 included under "LDF" form part of the statutory development plan.

Under PDL-curtilage is misspelt.

Under UCS there is a typo in "planning".