

Breckland Local Plan Examination

Matter 16:

Communities & Design

**(Policies GEN 1, GEN 2, COM 01, COM 02, COM 03,
COM 04)**

Breckland District Council Hearing Statement

March 2018



Issues

16. 1: To be effective should Policy GEN 1 refer to Neighbourhood Plans?

1. Policy GEN1 seeks to embed the principle of sustainable development within the Local Plan through nationally and locally distinctive sustainable development principles. The policy seeks to accord with paragraph 14 of the NPPF which sets out the principles of sustainable development. In this regard the policy is considered to be effective.
2. Neighbourhood Plans once approved at referendum and coming into force form part of the statutory development plan alongside the Local Plan and therefore have the same legal status as the Local Plan (PPG Paragraph: 006 Reference ID: 41-006-20170728). Given that neighbourhood plans have the same legal status as Local Plans the Council accepts that a minor modification should be made to the first sentence of the final paragraph of the policy replacing the words “Local Plan policies” with “development plan policies”. It is considered that this minor modification would accord with section 38(6) of the Planning and Compulsory Purchase Act 2004. Whilst the policy is already considered to be effective in the context of paragraph 182 of the NPPF, making this modification would provide greater clarity.

16.2: Is Policy GEN 2 consistent with national policy, insofar, that it requires all development to improve the character and quality of the area? Will this be feasible and reasonable for all development proposals?

3. Policy GEN 2 requires high quality design in all development within the District. The policy goes on to state that development of poor design, that does not improve the character and quality of the area and the way the area functions will be refused. It is the Council’s opinion that Policy GEN2 is consistent with the tests of soundness as set out in paragraph 182 of the NPPF, particularly the need to enable the delivery of sustainable development in accordance with the NPPF.
4. Chapter 7 of the NPPF, requiring good design, outlines the great importance that Government attaches to the design of the built environment (Paragraph 56, NPPF). Paragraph 64 of the NPPF is considered particularly relevant stating that:

'Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of the area and the way it functions.'

5. Policy GEN2 stipulating that development of poor design that does not improve the character and quality of the area and how it functions should be refused, is considered to be consistent with the requirements of NPPF paragraph 64.
6. The Council considers it feasible and reasonable to apply this policy to all new development within the District. The PPG notes that *'proper planning, including good design, is the starting point. Initial proposals should then evolve to achieve the most appropriate balance between the vision and deliverability'* (Paragraph: 030 Reference ID: 26-030-20140306). Each proposal will be considered on its merits and applying the policy requirements of GEN 2 to all development, does not disregard or preclude considerations of feasibility or reasonableness for a scheme, rather it seeks to build in design considerations at the outset so as to seek to ensure that the balanced approach set out in the PPG is achieved. Furthermore, all policies have been subject to the plan wide viability assessment (LP/V/2) and it is noteworthy that this has not raised concerns with the impact of this policy on viability.

16.3: To be justified and effective, should Policy COM 01 refer to the need to have regard to the financial viability of schemes?

7. Policy COM 01 provides greater specificity in relation to design in Breckland and should be read in conjunction with the strategic Policy GEN 2. Policy COM 01 seeks to embed good design at the heart of developing a scheme. The policy has sought to bring together a number of the key design concepts as set out in the Government's PPG.
8. The NPPF emphasises the importance of viability noting that Local Plans should be informed by what is deliverable and goes on to note that poorly designed schemes should be refused (NPPF para 64). However, as set out above in the Council's response to issue 16.2, having good design as the starting point for a development helps ensure that a scheme strikes an appropriate balance. The requirements in Policy COM 01 are not considered to be prescriptive in a way in which this would compromise the financial viability of a development.

9. Further to the above, all of the policies within the Local Plan have been subject to a viability assessment (LP/V/2) which has not raised any viability concerns in relation to Policy COM 01.
10. Having regard to the above, particularly given that Policy COM 01 does not set prescriptive conditions for developments to meet, it is considered that the policy is both justified and effective in relation to the tests of soundness.

16.4: Are all of the criteria set out in Policy COM 01 necessary given the other policies included within the Plan? For example, Policy COM 01 cross refers to several other policies.

11. Policy COM 01 provides the detailed development management policy in relation to design to support the overarching design policy GEN 02. In addition to these policies, the Council also commits following adoption of this Local Plan to provide more detail on design within a design SPD.
12. Criteria a-o set out the criteria through which the Council will seek to deliver high quality design. The criteria have been developed having regard to Paragraph: 006 Reference ID: 26-006-20140306 of the PPG and the requirement to consider the following issues: local character (including landscape setting), safe, connected and efficient streets, a network of greenspaces (including parks) and public places, crime prevention, security measures, access and inclusion, efficient use of natural resources, and cohesive and vibrant neighbourhoods.
13. The following criteria in Policy COM 01 cross refer to other policies within the Local Plan:
 - Criterion a: Cross refers to Policies ENV 07 and ENV 08. These policies relate to the historic environment and the criterion seeks to re-inforce their importance where relevant when considering the design of new development.
 - Criterion h: Cross refers to Policy HOU 06. This policy relates the principle of new housing, whilst policy HOU 06 highlights design and layout considerations, criterion h adds additional emphasis, ensuring there is a sufficient level of amenity for dwellings.

- Criterion n: Cross refers to policy TR 01 in relation to parking provision. The criterion also adds additional emphasis around the need to consider the provision of appropriate bicycle storage.

14. Whilst it is important to consider the Local Plan as a whole, it is considered useful to cross refer to other policies within COM 01 based on the Government's emphasis on good design as being the starting point of proper planning (PPG Paragraph: 030 Reference ID: 26-030-20140306). Where COM 01 does refer to other policies within the Local Plan, it seeks to add additional emphasis to them. Furthermore, it is not considered that the approach as set out within Policy COM 01 conflicts with the tests of soundness as set out in the NPPF at paragraph 182.

16.5: Is Policy COM 02 justified, effective and consistent with national policy, insofar, that it requires all large and complex applications to undertake a Health Impact Assessment?

15. The planning system can play a key role in promoting health and reducing health inequalities, this is set out within chapter 8 of the NPPF. The NPPF at paragraph 69 requires planning policies and decisions to consider safe and accessible environments and safe and accessible developments with clear and legible pedestrian routes and high quality public space. In order to achieve this, the PPG notes that Health Impact Assessments can be a useful tool where there are expected to be significant impacts on health (Paragraph: 004 Reference ID: 53-004-20140306). A Health Impact Assessment is a process which ensures that the effect of development on both health and health inequalities are considered and responded to during the planning process.

16. The Council previously included a policy in relation to Health Impact Assessments for large and complex proposals within its post NPPF Thetford Area Action Plan DPD (LP/D/3), which the Local Plan will replace. The policy, and the benefits it can bring through embedding health within decision making, is considered to be relevant District wide and therefore should not just be applicable in Thetford. Policy COM 02 was also consulted on as part of the preferred directions (LP/S/8) and has been subject to sustainability appraisal (LP/S/3 and LP/S/10). The policy scores well against the social objectives within the sustainability appraisal.

17. Breckland's policy only applies to large and complex proposals and as such is not considered to be overly onerous on applicants. The reasoned justification to the policy goes on to state that in the case of large complex development and those that have clear health implications, screening may take the form of a formal Health Impact Assessment (whether or not such an application also requires an EIA).
18. Having had regard to the findings of the sustainability appraisal and the requirements of the NPPF, the policy is considered to conform to the tests of soundness as set out in paragraph 182 of the NPPF.

16.6: To be effective should Policy COM 03 refer to the loss of outlook?

19. Policy COM 03 considers the protection of amenity stating that development would be refused where there are unacceptable effects on residential amenity. Criteria 1-7 set out the considerations in relation to amenity to which regard will be had to in relation to decision taking. Whilst the loss of outlook (as opposed to loss of a view) to residential amenity is capable of being a material planning consideration, this matter is subjective, and occurs where development may be overbearing / overshadowing for existing and/or future occupants. Policy COM 03 considers overbearing at criteria 3.
20. To be effective COM 03 needs to be deliverable over the plan period. COM 03 considers whether a development would be overbearing, alongside the related issues of overlooking and overshadowing. For these reasons the Council does not consider it necessary to include loss of outlook within Policy COM 03, and the policy considered to be effective in relation to the tests of soundness as set out at paragraph 182 of the NPPF.

16.7: Policy COM 04 refers to the 'development strategy' what is this? Should it be defined? Or does this mean the other policies in the Plan?

21. The supporting text in relation to this policy at paragraph 7.25 refers to sustainable locations in line with the locational strategy. Policy HOU 02 sets out the level and locations of growth. The Council considers that to provide greater clarity a minor modification should be applied to Policy COM 04, to remove reference to "development strategy" and replacing it with "locational strategy".

16.8: Should this section of the Plan set out how proposals for new health care facilities would be considered by the Plan?

22. The plan does not set out a specific policy for how new health care facilities should be considered in Breckland. However, the need for new health care facilities has been considered alongside all infrastructure requirements needed to support the delivery of the Local Plan. This is set out within the Infrastructure Delivery Plan (LP/V/1). Provision of health care facilities is also set out as one of the contributions the Council will seek developer contributions for within Policy INF 02. Any contributions for health care facilities would be sought having regard to the requirements of regulation 122 of the Community Infrastructure Levy Regulations (2010) (as amended).
23. Paragraph 8.8 of the Local Plan is also of relevance in this regard. This sets out that where infrastructure deficiencies exist, the Council is committed to achieving a consistent and co-ordinated approach to providing new or improved infrastructure through partnership working.
24. Having regard to the above, it is considered that sufficient hooks exist within the Local Plan to trigger the provision of new health care facilities. The policies in relation to the settlement hierarchy help to define the most sustainable locations within the plan.