



# Local Plan Development Management Policies

(For South Lakeland District outside the Lake District and Yorkshire Dales National Parks)

## Issues and Options Discussion Paper



November 2015

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# 1 Introduction

- 1.1 We are at the first stage of the production of a Draft Development Management Policies Development Plan Document (DPD) for South Lakeland outside of the National Parks.
- 1.2 In this paper we are asking for your comments on our proposed scope and approach to developing development management policies that will help guide future development proposals. We would like to know your views. This is also an opportunity for you to tell us about any other development management policy areas that you would like us to consider. This document does not deal with how much development should be located in the District or sites for new development. It does not re-open matters of a strategic policy nature such as options for future development growth.
- 1.3 Your views on these policy areas will be important in helping us make sure that they are appropriate to today's needs. At this stage we want to hear from you about whether we have identified all the relevant policy areas that should be covered. Responses will be used to inform a draft set of policies that we will consult on next year.

## What is Development Management?

- 1.4 At present, development is assessed against the Core Strategy, Land Allocations and the 'saved' policies of the South Lakeland Local Plan 2006, many of which were adopted in 1997. Of the saved policies, most continue to have relevance to decision making but they were drafted some time ago and need to reflect current national and local circumstances. Taking into account their relationship to national policy and other Local Plan documents, Development Management policies will:
  - Fill any gaps that need filling, particularly since the publication of the National Planning Policy Framework (NPPF) and more recent national Planning Practice Guidance.
  - Update policies that are out of date upon further review of the evidence.
- 1.5 The Development Management (DM) Policies Development Plan Document will provide more detailed policies which will be used in the determination of planning applications, and subsequently help manage and shape new development. The focus of this document is to:
  - Identify policy areas that may require development management policies.
  - Identifying potential impacts in terms of need for additional evidence, taking into account viability implications.
- 1.6 There are a number of documents that are of relevance in considering how to take forward the Development Management Policies (see below):

- South Lakeland Saved Local Plan adopted in 1997 and amended in 2006 (<http://tinyurl.com/pe5pm77>). An extract from the Local Plan has been produced which includes all saved policies of relevance to the Development Management Policies Development Plan Document <http://tinyurl.com/pz4rtu4>
- South Lakeland Core Strategy DPD (2010) (<http://tinyurl.com/l7utyga> )
- South Lakeland Land Allocations DPD (2013) (<http://tinyurl.com/mhvt69w>)
- National Planning Policy Framework (2012) (<http://tinyurl.com/oxlarh9>)
- National Planning Practice Guidance (<http://tinyurl.com/q7qj2g8>)
- Town and Country Planning (General Permitted Development) (England) Order 2015 (<http://tinyurl.com/pldawf2>)
- Town and Country Planning (Use Classes) (Amendment) (England) Order 2015 (<http://tinyurl.com/qypezqr>)

## Sustainability Appraisal

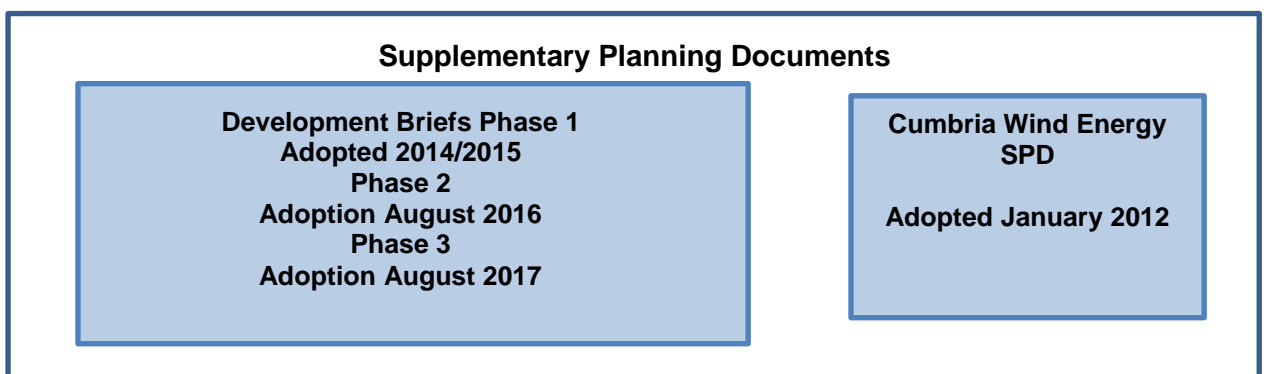
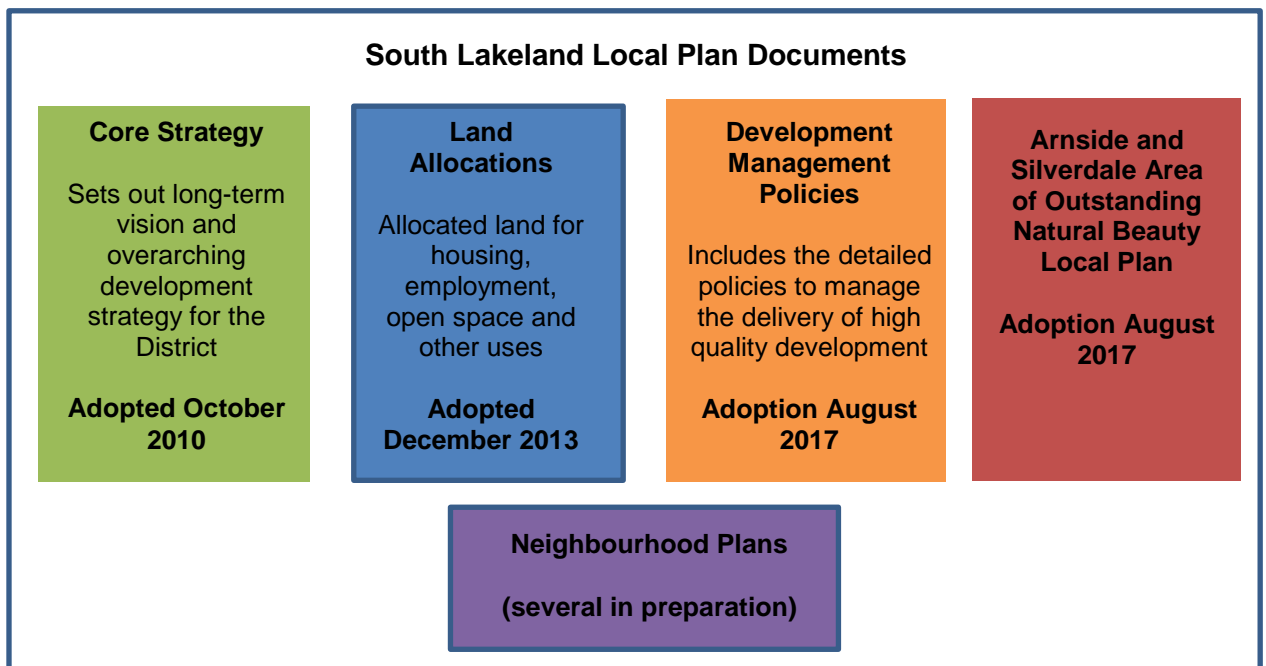
- 1.7 All new Local Plan documents have to be assessed using a Sustainability Appraisal (SA) to ensure that they are contributing to sustainable development. This is required by the Strategic Environmental Assessment (SEA) Directive<sup>1</sup>. The SA will inform plan making throughout the process.
- 1.8 Alongside this document, we are consulting on a SA Scoping report. The SA Scoping Report sets out the approach to SA and the methodology to be used for the appraisal, as well as the timetable and how the SA fits in with the preparation of the DM DPD. The DMDPD sits beneath the Local Plan - Core Strategy and the DMDPD will seek to support the strategic objectives set out by the Core Strategy. Appendix 1 shows how the Core Strategy objectives performed in the SA of the Core Strategy. Each policy area considered in this document is referenced to show which Core Strategy objective(s) it is relevant to.

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<sup>1</sup> Directive 2001/42/EC of the European Parliament and of the Council of 27 June 2001 on the assessment of the effects of certain plans and programmes on the environment

## Local Plan

- 1.9 The Local Plan shapes and guides development and is made up of a number of different documents. We have already adopted a Core Strategy in October 2010 and a Land Allocations Development Plan Document in 2013. These adopted plans form part of the Local Plan and determine the amount and distribution of development in South Lakeland outside of the National Parks.
- 1.10 In addition to these adopted plans, the Council with Lancaster City Council is preparing a separate Local Plan for the Arnside and Silverdale Area of Outstanding Natural Beauty (AONB). This will contain some development management policies bespoke to the AONB; however, some policies in the South Lakeland Development Management Policies DPD will also apply to the AONB within South Lakeland. The DPD will form part of both authorities' Local Plans and is at an early stage of preparation. Neighbourhood Plans are currently being prepared for Grange-over-Sands, Lower Allithwaite and Heversham and Hincaster. Once adopted these may contain Development Management Plan policies that would also need to be applied as appropriate to any proposals within the areas subject to the plans. Consultation on Issues and Options for the AONB DPD will take place from 6<sup>th</sup> November – 18<sup>th</sup> December 2015.



## Timetable

1.11 The key stages in the preparation of the DPD are shown in the table below.

Stage	Timescale
Issues and Options Consultation	November 2015
Consideration of issues and options and work upon redraft and policies	March 2016
Draft DPD Consultation	Summer 2016
Formal Publication	December 2016
Submission to Secretary of State	February 2017
Adoption by Full Council	August 2017

## Consultation

- 1.12 The Development Management Policies Issues and Options Paper (and associated SA Scoping Report) will be published for a six week consultation. Representations on these documents are invited between **6 November and 18 December 2015**.
- 1.13 These documents can be viewed on-line at <http://tinyurl.com/pz4rtu4> and at the following locations during normal opening hours at South Lakeland House, Kendal, Ulverston Coronation Hall and libraries in Arnside, Grange over Sands, Kendal, Kirkby Lonsdale, Milnthorpe and Ulverston.
- 1.14 You can respond to the consultation using our online response facility <http://applications.southlakeland.gov.uk/ldfconsultation>. Alternatively, please complete a consultation response form; this is available on the Council's website <http://tinyurl.com/pz4rtu4> as well as at local libraries and Council Offices. You can also get in touch with us to request a form. Completed forms can be returned either via email to [developmentplans@southlakeland.gov.uk](mailto:developmentplans@southlakeland.gov.uk), by writing to Development Plans Manager, South Lakeland House, Lowther Street, Kendal, LA9 4DL.



## 2 General requirements for all development

2.1 All development should be of a satisfactory standard in terms of securing high quality design, providing acceptable levels of amenity for neighbouring, existing, and future occupants, enhancing its surroundings, creating sustainable, safe and healthy environments and providing for the necessary infrastructure needs it may generate. These are core planning principles set out in the National Planning Policy Framework. The Council currently sets out its requirements and expectations for development in local plan policy through the inclusion of criteria and factors that development must be shown to satisfy and/or take account of in order to achieve an acceptable standard. Many are of a very similar nature though spread out within numerous saved local plan policies and not always in a consistent manner.

### Do we need a new policy?

Current National and Local Plan Policy	
National Planning Policy Framework (NPPF)	Paragraph 17
Core Strategy	CS1.1
Saved Local Plan	Numerous

2.2 The following requirements are currently covered in criteria or factors to be taken into account in various saved local plan policies:

- Provision of **safe convenient access** which avoids conflict, and includes provision for access for disabled people and pedestrians
- Provision of adequate **services** on site.
- Links to existing **transport infrastructure**, demonstrating there is sufficient capacity on roads and will not cause unacceptable traffic generation/highways safety issues.
- Safeguarding local/residential **amenity** (existing, new, neighbouring residents) (including issues such as noise, light, smell etc).
- Taking account of **nature conservation, archaeological** and **geological** interests.
- Provision of adequate **landscaping** which takes account of local character and nearby uses.
- Providing necessary **parking** (including disabled).
- Causes no **visual harm** (both on its own and cumulatively with other dev) on the character/setting of the area (landscape, built environment, streetscape or historic environment) in terms of appearance, scale and prominence.
- Achieves acceptable standard of **design**, layout and makes use of appropriate materials – thinking about issues such as lighting and siting.
- Promotes **sustainable** designs and layouts.
- Provides for the necessary **infrastructure** needs it may generate (for example sewerage, water supply and utilities), taking into account cumulative impacts.
- Addresses any impact on **historic environment** in a satisfactory manner.
- Addresses **health** impacts in an appropriate manner.

- 2.3 Such requirements should be applied to any development regardless of its type and location, yet are repeated in a number of policies. To avoid future repetition and ensure a consistent approach is adopted when it comes to setting common standards, it may be beneficial to condense such requirements in to a single or small number of development management general requirements policies that can be applied to any new type of development. Where other requirements may need to be applied specific policies would be needed.

### Options

<b>Option 1</b>	Maintain the current policy position, i.e. include similar standard requirements within a set of policies for various types of developments
<b>Option 2</b>	Condense requirements as referred to above into a new single or small number of development management general requirements policies that can be applied to any new type of development. Where other requirements may need to be applied additional policies would be adopted.
<b>Option 3</b>	Include no new policy or policies setting out such requirements, and instead rely on the application of national and Core Strategy policies. This option would result in criteria and factors relating to the above within saved local plan policies becoming redundant.

### Evidence Base/Viability Implications

- 2.4 We consider that no further evidence is required to support the development of the options outlined above; and that they will have limited or no implications for viability.

#### Consultation Questions for General Requirements

1. Which option do you think is appropriate?
2. If you support the idea of such a policy what should it contain?

### 3 Housing

**Core Strategy Objective - To achieve a balanced housing market**

**Council Plan Priority: Housing – Providing Homes to Meet Need**

- 3.1 The policy areas in this section will seek to ensure that people have a decent home in a sustainable location. As policies already exist in the Core Strategy and Land Allocations DPD, many housing issues such as the overall numbers of houses, where they will be built and how affordable housing will be delivered have already been established. This section will therefore contain the policies that deal with remaining detailed housing issues.
- 3.2 The policy topics which we have identified that may require more detailed policies are:
- Housing Optional Technical Standards
  - Starter Homes Exceptions Site Policy
  - Self-Build and Custom Build Housing
  - Rural Housing – Exceptions Sites and Infilling & Rounding Off
  - Essential Dwellings for Workers in the Countryside
  - Conversion of Buildings to Residential Use
  - Gypsies and Travellers Sites

## Housing Optional Technical Standards

- 3.3 In March 2015 the Government launched a new set of national technical standards for all new housing as the culmination of the Housing Standards Review. The new set of standards came into effect from the 1 October 2015; they include optional standards that Local Planning Authorities may choose to apply through the Local Plan. Further information about the standards can be found via the National Planning Practice Guidance <http://tinyurl.com/q4zm22v>
- 3.4 The optional standards are:
- **Access to and use of dwellings;** this deals with the accessibility of dwellings for people with limited mobility and other needs. It includes an optional standard covering approach routes, car parking and drop-off, communal entrances and communal lifts and stairs to a dwelling; as well as private entrances and spaces within the dwelling (relating to private entrances, circulation areas and internal doorways, habitable rooms, sanitary facilities and services and controls). In addition there is an additional optional standard for wheelchair user dwellings which includes the above elements and also storage and private outdoor space. Full details of the technical standards and their various elements are set out in the Building Regulations 2010 Approved Document M (Access to and use of buildings) Volume 1: 2015 edition' Online Version <http://tinyurl.com/mdfqkom>. Appendix 3 combines extracts from the document setting out the various requirements.
  - **Internal Space Standards:** This deals with the internal space within new dwellings and is suitable for application across all tenures. It sets out requirements for the Minimum Gross Internal (floor) Area and Storage of new dwellings. Where a local planning authority (or qualifying body) wishes to require an internal space standard, they should only do so by reference in their Local Plan to the Nationally Described Space Standard. Full details of the Nationally Described Space Standard is set out in the Document 'Technical Housing Standards – Nationally Described Space Standard' <http://tinyurl.com/or4mbwh>. Appendix 3 contains an extract from the document setting out the minimum gross internal floor areas and storage (m2) standards.
  - **Water efficiency:** this deals with the amount of water available to a new home and includes an optional standard that local planning authorities can set that would normally be applicable to areas of water stress.
- 3.5 Requirements for energy efficiency of new homes will come into effect from October 2016. These will replace the Code for Sustainable Homes and the requirement for all homes to be Zero Carbon by 2016.
- 3.6 Neighbourhood Plans cannot introduce the optional housing standards, but can remove them (for the Neighbourhood Plan area only) where a local planning authority has introduced them in a Local Plan document.

## Do we need a new policy?

Current National and Local Plan Policy	
National Planning Policy Framework (NPPF)	Paragraphs 94, 95, 99, 156, 162
National Planning Practice Guidance	Reference ID: 56-001-20150327 Paragraphs 001-022 (March 2015)
Building Regulations 2010 Approved Document M (Access to and use of buildings) Volume 1: 2015 edition' Online Version. <a href="http://tinyurl.com/mdfqkom">http://tinyurl.com/mdfqkom</a>	This is a technical document outlining the mandatory and optional standards for accessibility to and use of dwellings.
Technical housing standards – nationally described space standard DCLG (March 2015) <a href="http://tinyurl.com/or4mbwh">http://tinyurl.com/or4mbwh</a>	This sets out the nationally described space standard and deals with internal space within new dwellings and is suitable for application across all tenures.
Core Strategy	CS8.7
Saved Local plan	N/A

- 3.7 The NPPF makes no reference to the amount of space in or accessibility of new homes (beyond wider accessibility relating to e.g. public transport etc). There is no specific reference to water efficiency but references to climate change do require water supply and demand and related issues to be taken into full account in local authorities' strategies for addressing climate change. The NPPF also states that LPAs should actively support energy efficiency improvements to existing buildings, (which are not affected by the new standards). The NPPF required that when setting any local requirement for a building's sustainability, this should be done in a way consistent with the Government's zero carbon buildings policy, however, the policy in place at the time has been superseded by the Housing Standards Review.
- 3.8 The Core Strategy similarly includes no reference to the amount of space in (except for affordable dwellings) or accessibility of new homes. The minimum size standards for affordable housing are:
- 1 bed flats (40 sq.m)
  - 2 bed flats (50 sq.m)
  - 2 bed houses/bungalows (65 sq.m)
  - 3 bed houses (75 sq.m)

It seeks compliance with the Code for Sustainable Homes in line with Building Regulations, based on the requirements and circumstances at the time of the Core Strategy's adoption, including elements relating to water and energy efficiency. These requirements have been superseded by the Housing Standards review and the policy is not sufficient to carry forward as a trigger for the new optional standards. The new standards do not affect non-residential development and BREEAM standards can still be applied as set out in Core Strategy policy CS8.7. The saved

policies of the local plan do not include any references to space or accessibility of new homes or energy or water efficiency standards.

- 3.9 Development in South Lakeland will have to comply with new mandatory standards regardless of existing local or national policies. Neither the Core Strategy nor the saved elements of the local plan set out any policies that could be carried forward and used to apply or trigger the new optional standards. The issue is therefore whether the authority should or shouldn't seek to implement the optional standards.

### Options

<b>Option 1</b>	Maintain the current policy position, and do not implement any of the optional standards.
<b>Option 2</b>	Adopt a new policy or policies to implement one or more of the optional standards, supplementing existing National and Core Strategy policies.

### Evidence Base / Viability Implications

- 3.10 We consider that Option 1 would not require further evidence and would have limited or no implications for viability. However, we consider Option 2 would require additional evidence to be gathered to assess the need to implement the optional standards and inform and justify the proposed approach to implementation and may require an assessment of its implications for the viability of affected housing development.

#### Consultation Questions for Housing Optional Technical Standards

3. Which option do you think is appropriate?
4. Should any of the optional standards be applied?
  - a) Which ones and why?
  - b) To all new homes or just a percentage/just in certain locations?

## Starter Homes Exceptions Site Policy

3.11 In the Ministerial statement of 2 March 2015 the Government introduced a new Starter Homes exception site policy. Later in August 2015, the Government made clear that the Starter Homes scheme will also extend to rural exception sites. The Government aims to deliver 200,000 starter homes by 2020.

### Do we need a new policy?

Current National and Local Plan Policy	
National Planning Policy Framework (NPPF)	Annex 2 Glossary Definition of Rural Exceptions Sites
National Planning Practice Guidance	Reference ID: 55-002-20150318 – Paragraphs 001 to 0012 (March 2015)
Towards a one nation economy: A 10-point plan for boosting productivity in rural areas (Aug. 2015, DEFRA)	Point 8 – More Housing.
Core Strategy	None, but related policies include: Policy CS6 .2 – Dwelling Type and Mix Policy CS6.4 – Rural Exceptions Policy

3.12 Planning Practice Guidance (March 2015) introduced a new Starter Homes Exceptions Site Policy to help meet the needs of new first time buyers, who cannot afford market housing, by offering starter homes at below market value. The main features of the new national policy for Starter Homes are:

- To enable applications for Starter Homes on underused or unviable industrial or commercial land, not currently identified for housing. Applications should be approved unless there are overriding conflicts with the NPPF.
- They should be well designed and suitable for young, first time buyers. Those eligible should be below the age of 40 at the time of purchase.
- Local planning authorities (LPAs) should use S.106 agreements to ensure Starter Homes are offered for sale at a minimum of 20% below market value. They should not be resold or let at open market value for 5 years from the initial sale.
- They are not expected to be priced after the discount significantly more than the average price paid by a first time buyer, which means the discounted price should be no more than £250,000 outside London and £450,000 in London.
- To fund the discount, LPAs should not seek S.106 affordable housing contributions or tariff-based contributions, but may still seek S 106 contributions (other than for affordable housing) required to mitigate the impact of development in planning terms.
- They are likely to be made exempt from CIL, through future updates to CIL Regulations. LPAs will receive New Homes Bonus on Starter Homes.
- A windfall allowance for Starter Homes cannot be included in the 5-year housing land supply, but they would count towards the housing requirement.

- A small proportion of market homes may be included on Starter Homes exception sites where it is necessary for financial viability.
- 3.13 DEFRA’s rural productivity plan sets out the Government’s intended extension of the Starter Homes scheme to rural exceptions sites, in order to provide more housing for first time buyers with existing links to rural areas. This broadens the scope of the Starter Homes initiative beyond brownfield sites. It also broadens the current definition of rural exception sites, which at present are solely for affordable housing and with prices controlled in perpetuity rather than just for five years.
- 3.14 Core Strategy Policy CS6.2 seeks to ensure that new developments offer a range of housing sizes and types, including the need for low cost market housing. Core Strategy Policy CS6.4 sets out a Rural Exceptions policy with criteria to guide suitable sites for 100% affordable housing in perpetuity for people with a local connection. Current Local Plan policy therefore does not reflect national policy in relation to:
- The new Starter Homes exceptions site policy.
  - The recent extension of this policy to rural exceptions sites.
  - Core Strategy CS6.4 does not make clear the provision in national policy that small numbers of market homes may be allowed, for example, to help fund the affordable units.

**Options**

<b>Option 1</b>	Rely on national policy on Starter Homes exception sites and existing Core Strategy policy, without further change.
<b>Option 2</b>	Introduce a local Starter Homes exceptions site policy, setting out how new national policy will be implemented in South Lakeland, both on underused or unviable industrial/commercial land and rural exceptions sites (and also making clear that a small numbers of market homes may be accepted to help fund affordable units).

**Evidence Base / Viability Implications**

- 3.15 We consider that the implications for viability of Option 2 should be assessed further, even though the new national policy already allows for a small proportion of market homes to be accepted on such sites, where this is necessary for financial viability.
- 3.16 At the Conservative Party Conference in October 2015, the Prime Minister announced that Starter Homes will be classified as a form of affordable housing which means they would replace current affordable housing obligations for rent. Replacing social rented units with discounted market units at 20% below market value may increase the viability of housing developments but is likely to reduce the range of affordable housing prices and tenures available to meet the wide range of affordable housing need in the district. More details of this proposal will be made available, as soon as practicable, in order to seek views and take account of its implications for planning policy in South Lakeland.



**Consultation Questions for Starter Homes Exceptions Site Policy**

- 5. Which option do you think is appropriate?**
- 6. If a new policy is needed, what considerations should it address?**
- 7. What are your views on the possible implications for planning policy in the District of the recent Government announcement on Starter Homes?**

## Self-Build and Custom Build Housing

3.17 ‘Self-Build’ dwellings are those built by individuals or groups of individuals for their own use, by building the homes on their own. ‘Custom Build’ dwellings are those built by individuals or groups of individuals for their own use, working with builders. There are no current local planning policies which directly address self-build and custom build housing.

### Do we need a new policy?

Current National and Local Plan Policy	
National Planning Policy Framework (NPPF)	Paragraphs 50 and 159
Self-Build and Custom Housebuilding Act 2015	All
Core Strategy	None
Saved Local Plan	None

3.18 The NPPF (para. 50) states that to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, local planning authorities (LPAs) should plan for a mix of housing to meet needs, including for people wishing to build their own homes. The NPPF (para 159) stipulates that planning authorities should assess the level of local demand from people who wish to build their own homes and plan for this accordingly.

3.19 The Self-Build and Custom Housebuilding Act, 2015 requires LPAs to keep a register of those seeking to acquire a serviced plot for self-building. Future regulations are expected to cover matters including:

- If those on the Register should demonstrate a local connection, their ability to fund the self-build project and their intention to occupy the house as their sole or main residence.
- How LPAs should take account of the Right to Build in planning policy and provide evidence of demand, including in Strategic Housing Market Assessments (SHMAs).
- How local authorities should bring forward serviced plots with planning permission to meet the demand of those on the Register.

3.20 The Core Strategy has no specific policy reference to self-build housing, but policy CS6.2 seeks to ensure that new developments offer a range of housing sizes and types, taking account of the requirements of different groups. The Land Allocations DPD has no specific policy or site provision for self-build homes but para. 2.40 states the Council’s support in principle for self-build projects.

3.21 The Council’s current Strategic Housing Market Assessment (SHMA) does not contain evidence of the demand in South Lakeland for self-build and custom build housing. It is intended to address this in the planned update of the SHMA in 2017.

## Options

<b>Option 1</b>	Maintain the current policy position, encouraging (but not requiring) self-build and custom build housing, through existing national policy and existing relevant local policy and planning guidance
<b>Option 2</b>	Adopt a new policy to support in principle self-build and custom build housing, including practical measures which provide advice and help.
<b>Option 3</b>	Adopt a policy which requires a percentage of plots on larger sites above a specified size threshold to be made available for self-build or custom build housing.

### Evidence Base / Viability Implications

- 3.22 We consider that Options 1 and 2 would not require further evidence and would have limited or no implications for viability. However we consider Option 3 would require additional evidence on the level of demand for self-build and custom build housing and may require an assessment of its implications for the viability of affected housing development.

#### Consultation Questions for Self-Build/Custom Build Housing

8. Which option do you think is appropriate?
9. Have you evidence which supports the case for Option 3?

## Rural Housing - Exceptions Sites and Infilling & Rounding Off

3.23 This section considers whether the following aspects of Core Strategy policy on housing in rural areas may require additional clarification to take account of more recent national planning policy and in the light of development management experience since the adoption of the Core Strategy in 2010.

- **Rural Exceptions** policy CS6.4 which makes provision for 100% affordable housing to be permitted exceptionally on sites in rural areas outside service centres and which do not comprise infilling and rounding off of small villages and hamlets.
- Development Strategy policy CS1.2 which includes provision for housing development on new small scale, ‘**infilling and rounding off**’ sites in the numerous small villages and hamlets across the district.

### Do we need a new policy?

Current National and Local Plan Policy	
National Planning Policy Framework (NPPF)	Paragraphs 54 and 55
Core Strategy	CS1.2 and CS6.4
Saved Local plan	None

3.24 The NPPF (para 54) requires local planning authorities (LPAs) to plan for affordable housing including through rural exceptions sites where appropriate. It also states that LPAs should consider whether allowing some market housing would facilitate the provision of significant additional affordable housing.

3.25 NPPF (para 55) states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. LPAs should avoid new isolated homes in the countryside unless there are special circumstances – for example to meet the essential need for a rural worker to live near their place of work (see para 3.9 above) or where development would re-use a redundant or disused building (see para 3.14 above).

3.26 Core Strategy Rural Exceptions policy CS6.4 provides for 100% affordable housing schemes to be permitted on suitable sites outside service centre development boundaries or which do not comprise infilling and rounding off of small villages and hamlets. Such schemes must meet a number of criteria including clear evidence of need, have local support and that the houses remain affordable in perpetuity.

3.27 Core Strategy Development Strategy policy CS1.2 includes provision for housing development on new small scale, ‘infilling and rounding off’ development in numerous small villages and hamlets across the district. The Core Strategy does not define small villages and hamlets. Core Strategy para 2.25 defines infilling and rounding off as follows.

- Infilling – building taking place on a vacant plot in an otherwise built-up street frontage.
- Rounding off – the completion of an incomplete group of buildings on land which is already partially developed, in such a way that will either complete the local road pattern or finally define and complete the boundaries of the group. Such rounding off should not:
  - change or distort the character or tradition of the group or the settlement in any undesirable way;
  - extend the grouping in such a manner that, when the development has taken;
  - place, undeveloped areas remain or further land is opened up where pressure for development is likely to occur;
  - cause undesirable backland development unrelated to a proper street layout;
  - cause development which pre-empts the provision of public services or gives rise to demands for improvements or extension to services which may not be proposed at that time.

3.28 **Rural Exception Sites:** Core Strategy policy CS6.4 does not fully reflect national policy in NPPF para 54 which makes clear that the planning authority can consider whether allowing some of market housing would facilitate the provision of significant additional affordable housing. A modified policy could make clear that the LPA would consider a small proportion of market housing where justified by independent evidence, which shows that this is necessary to make a scheme viable. In addition, a modified policy could also encourage or require that a proportion of the market housing plots be provided for self-build or custom house building. Such units could be for those with a local connection or affordable.

3.29 **Infilling and Rounding Off:** This matter raises two main issues. Firstly the Core Strategy does not define small village and hamlets – what should be the minimum size or appropriate built form of a small village or hamlet in order to justify additional development on suitable infilling and rounding off sites? To some extent this has been determined through planning applications and appeals over the past five years. Secondly, is the Core Strategy’s definition of ‘infilling and rounding of sites’ sufficiently clear?

**Options - Rural Exception Policy**

<b>Option 1</b>	Maintain the current policy position in CS6.4
<b>Option 2</b>	Adopt new policy or amend existing policy to: <ul style="list-style-type: none"> <li>○ clarify that a small proportion of market housing may be accepted where necessary to make a scheme viable, subject to independent evidence on viability;</li> <li>○ to encourage or require a proportion of market and affordable housing to be for self-build or custom house building:</li> </ul>

## Options – Infilling and Rounding off in Small Villages and Hamlets

<b>Option 1</b>	Maintain the current policy position in CS1.2, without further definition of small villages and hamlets, or of what constitutes infilling and rounding off – with a view to reviewing this aspect of strategic planning policy in the forthcoming single Local plan review.
<b>Option 2</b>	Adopt new policy and/or planning guidance to: <ul style="list-style-type: none"> <li>○ define what comprises a small village or hamlet;</li> <li>○ amend or clarify the definition of infilling and rounding off.</li> </ul>

### Evidence Base / Viability Implications

- 3.30 We consider that Option 2 for Rural Exceptions Policy may require some testing in relation to implications for viability, although the acceptable proportion of market (and self-build housing) would require viability evidence to be assessed for each site. This option would also require evidence of unmet need for plots for self-build and custom housebuilding.
- 3.31 We consider that Option 2 for ‘infilling and rounding off’ of small villages and hamlets would require an assessment of development management experience in relation to the definition of small villages and hamlets and also of applying current guidance relating to infilling and rounding off.

#### **Consultation Questions – Rural Exceptions Sites and Infilling & Rounding Off**

- 10. For each sub-topic, which option do you think is appropriate?**
  
- 11. For each sub-topic, if these matters are progressed in accordance with Option 2, comments are invited on the possible changes suggested, the nature and level of evidence required and whether these matters may be better reviewed in the forthcoming single Local Plan review from 2017**
  
- 12. If you think a ‘small village or hamlet’ should be more closely defined, what do you think the definition should be?**

## Essential Dwellings for Workers in the Countryside

- 3.32 In exceptional cases workers in agriculture, forestry or other rural enterprises may require a new dwelling in close proximity to their rural business. New isolated dwellings in the countryside can have a negative impact on the openness and character of the countryside and are only supported under special circumstances such as when accommodation is required to enable agricultural, forestry and certain other full-time workers to live at, or in the immediate vicinity of their place of work.

### Do we need a new policy?

Current National and Local Plan Policy	
National Planning Policy Framework (NPPF)	Paragraph 55
Core Strategy	CS2, CS3.1, CS4, CS5, CS7.5, CS9.1
Saved Local Plan	H9 Agricultural and Forestry Dwellings in the Countryside H10 Removal of Occupancy Conditions

- 3.33 The NPPF states that isolated homes in the countryside should be avoided unless there are special circumstances, including the essential need for a rural worker to live permanently at or near their place of work in the countryside. The Core Strategy sets out that exceptionally new development will be permitted in the open countryside where it is an essential requirement in a rural location or to sustain an existing business.
- 3.34 Saved Local plan policy H9 sets out eight criteria which need to be satisfied in order for an agricultural or forestry worker dwelling to be permitted. When planning permission has been granted for an agricultural or forestry dwelling it is important that they are occupied as intended. Therefore, the Council imposes restrictive occupancy conditions to ensure that any dwelling remains available to meet the needs of a particular business. Saved Local plan policy H10 sets out the criteria as to when an occupancy condition can be removed on an agricultural or forestry dwelling.
- 3.35 The criteria in Saved Local plan policy H9 do not distinguish at present between established and new rural enterprises and whether it is more appropriate for an enterprise to be served by a temporary (rather than a permanent) dwelling until it is fully established.

### Options

<b>Option 1</b>	Maintain the current policy position, resulting in the retention of policy H9 and H10 in its present state.
<b>Option 2</b>	Adopt a new policy with amended/updated criteria resulting in the replacement of policy H9 and H10.
<b>Option 3</b>	No longer apply any such policy and rely on national and core strategy policy. This option would result in policy H9 and H10 becoming redundant.

### **Evidence Base / Viability Implications**

- 3.36 We consider that no further evidence is required to support the development of the options outlined above; and that they will have limited or no implications for viability.

#### **Consultation Questions for Essential Dwellings for Workers in the Countryside**

- 13. Which option do you think is appropriate?**
- 14. If a new policy is needed should it distinguish between established and new enterprises, and allow only temporary dwellings for new enterprises.**
- 15. Are the criteria in saved local plan policy H9 and H10 still relevant?**



## Conversion of Buildings to Residential Use

- 3.37 South Lakeland’s built heritage of traditional buildings, in towns, villages and rural settlements, continues to provide significant opportunities for the conversion of buildings and in particular to residential use.

### Do we need a new policy?

Current National and Local Plan Policy	
National Planning Policy Framework (NPPF)	Paragraphs 51, 55
Core Strategy	CS6.6 Making effective and efficient use of land and buildings, CS 7.4 Rural Economy
Saved Local Plan	H11 - Conversion of buildings within Development Boundaries H12 - Conversion of buildings outside Development Boundaries

- 3.38 The NPPF urges local planning authorities (LPAs) to bring empty buildings into residential use. For development in rural areas, the NPPF states that LPAs should avoid new isolated homes in the countryside unless development would re-use redundant or disused buildings and enhance the immediate setting.
- 3.39 Core Strategy policy CS6.6 supports the re-use of brownfield land and buildings for housing. Saved Local Plan policies H11 and H12 set criteria for the conversion of buildings within and outside development boundaries respectively. The 2015 General Development Order permits change of use of agricultural buildings, shops (size constraints), offices and buildings used for various types of employment to residential use subject to prior approval on a number of matters See Appendix 2.
- 3.40 Issues to take into account in considering future policy on this matter include:
- Whether several criteria in existing policies could be addressed generically by criteria in a new Development Management General Requirements policy (see section 2 above).
  - Whether more detailed design guidance on building conversion could also be included in a Supplementary Planning Document (SPD) on Design.

### Options

<b>Option 1</b>	Maintain the current policy position, resulting in the retention (or combining) of policies H10 and H11.
<b>Option 2</b>	Adopt a new policy with amended/updated criteria resulting in the replacement of policy H10 and H11. If a ‘General Requirements’ policy is progressed, relevant common criteria could be removed from the updated building conversion policy to avoid duplication.
<b>Option 3</b>	No longer apply any such policy and rely only on national and core strategy policy. This would result in policies H10 and H11 becoming redundant.

### **Evidence Base / Viability Implications**

- 3.41 We consider that no further evidence is required to support the development of the options outlined above; and that they will have limited or no implications for viability.

#### **Consultation Questions for Conversion of Buildings to Residential Use**

**16. Which option do you think is appropriate?**

**17. If an updated policy is needed, should it:**

- (a) Contain criteria also covered by any General Requirements policy?**
- (b) Be supported by detailed guidance in a Supplementary Planning Document (SPD) on Design?**

## Gypsies and Travellers Sites

- 3.42 It is important that the Local Plan meets the needs of all sections of the community, including Gypsies, Travellers and Travelling Show People. The preparation of the Development Management DPD provides opportunity to consider this matter further.

### Do we need a new policy?

Current National and Local Plan Policy	
NPPF – Planning Policy for Traveller Sites, Aug. 2015	
Core Strategy	CS6.5a and CS6.5b
Land Allocations DPD	Paragraphs 2.35 to 2.39
Gypsy and Traveller Accommodation Assessment (GTAA), 2013	

- 3.43 National policy in ‘Planning Policy for Traveller Sites’ was updated in August 2015. It requires LPAs to engage with the travelling community, prepare robust accommodation needs assessments (permanent and transit) and, based on this evidence:-
- set pitch targets for gypsies and travellers accommodation needs
  - identify a supply of specific, deliverable sites to provide 5 years’ worth of sites
  - identify a supply of specific, developable sites or broad locations for years 6-10 and where possible years 11-15
- 3.44 The updated national policy excludes from the definition of gypsies and travellers, those who have ceased to travel permanently. The Government also intends to revoke the ‘Gypsy and Traveller Accommodation Needs Assessments – Guidance’, 2007 and publish new guidance. We understand the Government has also made ‘intentional, unauthorised development’ a material consideration in determining planning applications (weighing against the granting of planning permission).
- 3.45 Core Strategy policies sets out overall policy and criteria to guide proposed traveller sites and plots for travelling show people.
- 3.46 At independent examination of the Land Allocations DPD, the Council agreed to prepare an updated Needs Assessment with other planning authorities in Cumbria and a DPD to update Core Strategy policy if necessary, and, depending on the evidence of need, to set targets and identify sites to provide a 5 years supply of sites.
- 3.47 The Gypsy and Traveller Accommodation Assessment (GTAA), published in November 2013, see <http://tinyurl.com/pzgg2k6> indicated no need (or shortfall) in permanent pitches in South Lakeland in the next 5 years. But records of unauthorised encampments indicated a need for up to 8 transit pitches, in the south of Ulverston area.

3.48 Issues include:

- Whether changes in national policy and the Government’s intention to issue new guidance on traveller accommodation needs assessments, would require the Cumbria GTAA to be updated. The time required to complete this would mean the issue would need to be dealt with in a later, separate Local Plan document, or in the single Local Plan review from 2017.
- Assuming the Development Management DPD should address the current evidence of shortfall for eight transit pitches, the next steps will include the Council seeking suitable sites. Sites will be in the region of 0.25ha – 0.5ha and (based on Core Strategy policy CS6.5a) take account of the need or ready potential for:
  - Road access – including an acceptable impact on surrounding minor roads.
  - Impact on the environment, including character of the area and existing surrounding uses.
  - Landscape screening to minimise impact on the surrounding area
  - Serving by necessary infrastructure.

**Options**

<b>Option 1</b>	Update the Gypsy and Traveller Accommodation Assessment (GTAA), 2013, to take account of revised national policy (August 2015) and forthcoming new national guidance on assessments. Take account of the resulting evidence in a separate Local Plan document or the forthcoming single Local Plan review from 2017. This could include any revisions to Core Strategy policy, if judged necessary.
<b>Option 2</b>	Take account of the current evidence of need for transit pitches for travellers in the 2013 Gypsy and Traveller Accommodation Assessment (GTAA) and develop pitch targets and make site provision accordingly through the DM DPD process, including seeking suitable potential sites.

**Evidence Base / Viability Implications**

3.49 Option 1 would require the updating of the 2013 Gypsy and Traveller Accommodation Assessment (GTAA).

**Consultation Questions for Gypsies and Travellers Sites**

**18. Which option do you think is appropriate?**

**19. If this matter is progressed in accordance with Option 2, comments are invited on the factors and criteria in site selection and assessment.**

## **4 Economy, Town Centres and Tourism**

4.1 The policy areas in this section will seek to ensure that the vision for the economy, town centres and tourism sector as set out within the Core Strategy and Land Allocations DPD are delivered in a sustainable way. The policy areas need to help to boost the vitality and viability of town centres. Many issues in relation to the economy such as the delivery of employment land have already been established. This section will therefore look at policy areas which may require greater detail.

4.2 The policy topics which we have identified are:

- Loss of employment sites and premises
- Tourist Accommodation - Caravans, Chalets and Log Cabins
- Self-catering accommodation
- Kendal Town Centre and Canal Head
- Retail and other Uses in Town Centres
- Retail and Main Town Centre Uses Outside of Town Centres
- Hot Food Takeaways

## Loss of employment sites and premises

- 4.3 Employment land and premises, established industrial estates and business parks, together with large single occupier businesses, are vital in delivering sustainable economic growth. The change of use or loss of good quality employment land and premises to other (non-employment) uses, in both urban and rural areas, can reduce the choice of premises or sites available to accommodate businesses. Saved Local Policy E6 includes two criteria that must be satisfied in order to permit the loss of employment sites and premises. One of the two policy criteria are specific; changes of use of buildings or land to a non-employment use will not be permitted, except where the change of use could assist a move to alternative and more suitable premises in the vicinity. The other criterion is more general; the existing use is un-neighbourly because of traffic congestion, noise, or disturbance to amenity.

### Do we need a new policy?

Current National and Local Plan Policy	
National Planning Policy Framework (NPPF)	Paragraphs 14, 17, 19, 20, 21, 22,
Core Strategy	CS7.1, (CS7.2), CS3, CS4
Saved Local Plan	E6 – Loss of employment sites and premises
Land Allocations DPD Policy	LA1.5 – Existing employment areas

- 4.4 The NPPF states that policies should follow the approach of the presumption in favour of sustainable development. It also specifies that planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. The NPPF states that where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.
- 4.5 The Core Strategy seeks to ensure a 5 year supply of employment land is available and to strongly enforce policies aimed at safeguarding and maintaining the best employment sites from redevelopment for other uses. Saved local plan policy E6 provides two criteria that need to be satisfied in order for the change of use or loss of employment sites and premises to other non-employment uses can be permitted. Policies CS4 and The East (Milnthorpe and Kirkby Lonsdale), CS5, both have a criteria that seeks to ensure that effective use is made of the limited amount of commercial / industrial land and buildings.
- 4.6 Adopted Land Allocations Policy LA1.5 seeks to ensure that a sufficient supply of employment land and premises is available to meet local needs and promote new business creation. Land Allocations Policy LA1.5 provides three policy criteria against which defined areas identified as ‘existing employment areas’ are assessed to

determine whether loss / change of use to other non-employment uses shall be permitted.

4.7 Permitted development rights mean that some changes of use within the business use land classes do not require planning permission; these are set out in Appendix 2.

4.8 Issues to take into account in considering future policy on this matter include:

- Whether specific criteria in policy E6 should be retained, or whether criteria in current other policies (LA1.5) and criteria within a new Development Management General Requirements policy, (see section 2 above), should be applied.

### Options

<b>Option 1</b>	Maintain the current policy position, resulting in retention of Policy E6 in its present state in conjunction with the application of Land Allocations DPD Policy LA1.5.
<b>Option 2</b>	No longer apply Policy E6 and rely only on national, core strategy and land allocations policy, and a General Requirements policy if this is progressed.

### Evidence Base / Viability Implications

4.9 We consider that no further evidence is required to support the development of the options outlined above; and that they will have limited or no implications for viability.

#### Consultation Questions for Loss of employment sites and premises

**20. Which option do you think is appropriate?**

## Tourist Accommodation - Caravans, Chalets and Log Cabins

4.10 Although the pattern of demand for caravan and camping holidays has fluctuated over the past two decades, there are an increasing number of caravans in use, both static and touring. There is development pressure for new sites, extensions to existing sites, for more intensive use of existing parks (increased density) and, increasingly, to replace some static caravans with chalets or log cabins. There have also been planning applications to extend the open season of caravan parks. Within the district, (outside the AONB), there are varying degrees of potential for caravan development. Saved Policy T6 includes criteria that must be satisfied in order to permit new caravan development or small scale extensions to existing sites outside the Arnside – Silverdale AONB. Saved Policy T7 includes criteria that must be satisfied in order to permit extensions to the present open season in caravan parks.

### Do we need a new policy?

Current National and Local Plan Policy	
National Planning Policy Framework (NPPF)	Paragraphs 14, 17, 19, 21, 28, 32, 109, 111, 112, 118.
Core Strategy	CS1.1, CS1.2, (CS3.1), CS4, CS5, CS7.4, CS7.6, CS8.1, CS8.2, CS8.4, CS8.5, CS10.2.
Saved Local Plan	T6 – caravan site development outside the Arnside – Silverdale AONB. T7 – Extensions to caravan park developments' open season. Appendix C Standards for Caravan Development

- 4.11 The NPPF specifies that the provision and expansion of tourist and visitor facilities in appropriate locations should be supported, where identified needs are not met by existing facilities in rural service centres. Development should have safe and suitable access, and should contribute to and enhance the natural and local environment, including valued landscapes and sites of geological conservation interest.
- 4.12 The Core Strategy supports the creation, enhancement and expansion of tourist attractions and infrastructure in accordance with Core Strategy policy CS1.1. Development should be of an appropriate scale and be located where the environment and infrastructure can accommodate the visitor impact. Emphasis is placed on improving the quality of existing visitor accommodation and the need to broaden the range of accommodation provided. Exceptionally, new development will be permitted in the open countryside where it has an essential requirement for a rural location, or is needed to sustain rural businesses.
- 4.13 Saved local plan policy T6 provides three general criteria that need to be satisfied in order to permit new caravan development or small scale extensions to existing sites outside the Arnside – Silverdale AONB. The three criteria concern impact on the



conservation of the landscape and built environment, the capacity of the surrounding road system, adequacy of parking and access and the protection of wildlife, archaeology and geology. Policy T7 includes three criteria that need to be satisfied in order to permit an extension to the existing open season of a caravan park. The three criteria are; that the site is closed for a minimum of six weeks over the winter period and that there will be no adverse impact on Sites of Special Scientific Interest, national nature reserves, or the Arnside and Silverdale AONB. The third, more general criterion, relates to ensuring there is no detrimental impact to landscape or nature conservation interests. Appendix C identifies standards that will be required and the conditions that may be imposed on any future development.

4.14 Issues to take into account in considering future policy on this matter include:

- Whether several criteria in existing policies on matters such as landscape, highway/parking and biodiversity, could be addressed generically by criteria in a new Development Management General Requirements policy (see section 2 above).
- Whether specific criteria regarding matters such as opening hours, should be retained /updated in a new policy.
- The impacts of increased numbers of caravans for infrastructure and local services.

4.15 Whilst planning permission acts as a general control on the use of land in principle, the Caravan Sites and Control of Development Act 1960, is the instrument by which the detailed running and maintenance of a site is regulated. The Council (SLDC) has current Licensing conditions relating to seasonal and residential static caravans and touring caravans.

### Options

<b>Option 1</b>	Maintain the current policy position, resulting in the retention (or combining) of policies T6 and T7.
<b>Option 2</b>	Adopt a new policy with amended/updated criteria resulting in the replacement of policies T6 and T7. If a 'General Requirements' policy is progressed, relevant common criteria could be removed from the updated caravans, chalets and log cabins policy, to avoid duplication.
<b>Option 3</b>	No longer apply any such policy and rely only on national and core strategy policy. This option would result in policies T6 and T7 becoming redundant.

### Evidence Base / Viability Implications

4.16 We consider that no further evidence is required to support the development of the options outlined above; and that they will have limited or no implications for viability.

**Consultation Questions for Caravans, Chalets and Log Cabins**

- 21. Which option do you think is appropriate?**
- 22. If criteria need updating what should it/they be? Are other criteria needed?**
- 23. Does Appendix C still hold relevance? Are updated guidance/standards needed?**

## Self-catering accommodation (excluding caravans and chalets/log cabins)

- 4.17 There has been a steady growth in self-catering holidays in recent decades. It can take many forms – including holiday lets in permanent houses, purpose built units and converted properties. Self-catering units may provide a suitable alternative use for traditional buildings and barns. Saved Policy T4 includes five criteria that need to be satisfied in order for the conversion of traditional buildings and barns to self-catering accommodation will be permitted outside development boundaries. T4 states that proposals for new build self-catering units outside development boundaries will not be permitted.

### Do we need a new policy?

Current National and Local Plan Policy	
National Planning Policy Framework (NPPF)	Paragraphs 14, 17, 19, 28, 32, 39, 56, 109, 129
Core Strategy	CS1.1, CS1.2, (CS3.1), CS4, CS5, CS7.4, CS7.6, CS8.2, CS8.10
Land Allocations	LA1.1 Development Boundaries
Saved Local Plan	T4 – self-catering accommodation outside development boundaries

- 4.18 The NPPF states that sustainable rural tourism which respects the character of the countryside should be supported, as should the provision and expansion of tourist and visitor facilities in appropriate locations.
- 4.19 The core strategy (Policy CS7.6) supports the creation, enhancement and expansion of tourist attractions and infrastructure in accordance with the development strategy in Core Strategy Policy CS1.1. Policy CS7.6 places an emphasis on improving the quality of existing visitor accommodation and the need to broaden the range of accommodation provided. Core Strategy Policy CS1.2 advises that exceptionally, new development will be permitted in the open countryside where it has an essential requirement for a rural location, or is needed to sustain rural businesses, is an appropriate extension of an existing building, or involves the appropriate change of use of an existing building. Adopted Land Allocations Policy LA1.1 is relevant, as it names those settlements which have defined development boundaries.
- 4.20 Saved local plan policy T4 specifies that outside of the development boundaries, proposals for new build self-catering units will not be allowed. It includes five criteria that need to be satisfied in order to permit the conversion of traditional buildings and barns to self-catering accommodation. Three of the five criteria relate to general matters concerning; details of design, parking, vehicular access, the safeguarding of significant architectural or historic features and inappropriate levels of traffic and recreational use. The other two criteria are more specific. Firstly, that the proposal will not give rise to the erection of new or replacement buildings which would be

detrimental to the landscape and amenity of the area and secondly, that the applicant enters into a planning obligation or the permission is subject to a condition limiting the accommodation to self-catering holiday use only.

4.21 Issues to take into account in considering future policy on this matter include:

- Whether several criteria in existing policies could be addressed generically by criteria in a new Development Management General requirements policy (see Section 2 above).
- Whether specific criteria in existing policy needs retaining / updating.

### Options

<b>Option 1</b>	Maintain the current policy position, resulting in the retention of policy T4.
<b>Option 2</b>	Adopt a new policy with amended/updated criteria resulting in the replacement of policy T4. If a ‘General Requirements’ policy is progressed, relevant common criteria could be removed from the updated self-catering accommodation policy to avoid duplication.
<b>Option 3</b>	No longer apply any such policy and rely on national and core strategy policy. This option would result in policy T4 becoming redundant.

### Evidence Base / Viability Implications

4.22 We consider that no further evidence is required to support the development of the options outlined above; and that they will have limited or no implications for viability.

#### Consultation Questions for Self-Catering Accommodation

**24. Which option do you think is appropriate?**

**25. Are the criteria in saved Local Plan Policy T4 still relevant?, need updating?**

## Kendal Town Centre and Canal Head

4.23 Kendal is the main urban centre for South Lakeland. Its character, vitality and cultural importance are central to the identity and brand of South Lakeland District as well as to the quality of life that it offers to residents and visitors. It has some challenges including an increasingly challenging environment for its traditional retail function with competition from various sources. Other challenges relate to management of transport and parking, and environmental impact of traffic. Kendal Canal Head is physically detached from the town centre by the River Kent, and offers a significant opportunity to bring forward complementary development to the town centre including improvements to the public realm, green infrastructure networks, linkages to the town centre, riverside and conservation area. Current local policy includes a broad spatial strategy supporting enhancements to the town centres offer in terms of leisure, community facilities, business, shopping and services and to transport and environment.

### Do we need a new policy?

Current National and Local Plan Policy	
National Planning Policy Framework (NPPF)	Paragraph 17, 23 -27
Core Strategy	CS2 Spatial Strategy for Kendal, CS7.5 Town Centre and Retail Strategy
Land Allocations	LA1.2 Town Centre Boundaries
Saved Local Plan	R1 Retail Development <i>Policies R2, R8 in part, R10, R11, R13 relevant also CS16 Conservation Areas</i>

4.24 National Planning Policy Framework stresses planning policies should be positive and promote competitive town centre environments and set out policies for the management and growth of centres over the plan period. When considering proposals for non- main town centre uses in town centres, the sequential test should apply.

4.25 Core Strategy Policy CS2 sets out a spatial strategy for Kendal as a whole with specific reference to the town centre, but not Kendal Canal Head. Policy CS7.5 seeks to support the vitality and viability of Kendal Town Centre by directing main town centre uses and other development as appropriate to it. The Land Allocations policy LA1.2 specifies which parts of the town centre will be the preferred locations for which types of uses.

4.26 A masterplan for the town centre and Kendal Canal Head which will also look at the town centre highways and transport networks as a whole is being produced to inform decisions about the infrastructure, development and management of the town centre and to feed into the development of a long term strategy in the next phase of the

Local Plan. The Master Plan will provide the spatial framework for the development and management of the town including realistic and deliverable opportunities to secure investment in town centre development and infrastructure.

- 4.27 Current local plan policy R1 includes four criteria that new retail development proposals need to satisfy, these relate to making sure it does not adversely affect the vitality and viability of the town centre, adequately serviced with appropriate access for disabled people, high standard of design and wouldn't result in excessive and unsafe traffic movements.
- 4.28 It could be argued the current policy framework is not an appropriate / relevant basis on which to guide the management and growth of Kendal Town Centre and Canal Head in the future, and there is a need to manage development in a more holistic way (looking at environment, transport, economic, leisure, community interests collectively). There is an option to adopt a new policy that seeks to provide such a framework to help guide and manage future development proposals within the town centre and Canal Head in such a way. Other existing or new policies would also apply where relevant these include a Development Management general requirements policy if progressed, design, historic environment, uses in town centres and retail and non-main town centre uses outside of town centres alongside Core Strategy and Land Allocations policies.

### Options

<b>Option 1</b>	Maintain the current policy position, resulting in the retention of policy R1
<b>Option 2</b>	Adopt a new policy for Kendal Town Centre and Canal Head taking into account the outcomes from the Kendal Town Centre Masterplan. This would provide policy criteria/framework to guide and manage new development (and approach/priorities for management/regeneration) in these locations.
<b>Option 3</b>	Adopt no new policy and rely only on national, core strategy and land allocations policy, and apply other policies (existing or new) as referred to above.

### Evidence Base / Viability Implications

- 4.29 We consider that option 2 would require additional evidence (utilising the Kendal Town Centre Masterplan) and may require an assessment of its implications for the viability of affected development. Option 1 would require no further evidence or have limited or no implications for viability. Option 3 may require additional evidence and have implications for viability of affected development (see other topics).

#### Consultation Questions for Kendal Town Centre and Canal Head

- 26. Which option do you think is appropriate?**
- 27. What do you see as the main issues?**
- 28. If option 2 is supported what criteria should be included?**

## Retail and other Uses in Town Centres

- 4.30 The appearance, performance (vitality and viability), vibrancy, and character of our town centres shapes their attractiveness as places in which people may wish to visit, socialise, work, invest, and shop. Town Centres should support an appropriate balanced mix of uses and be able to respond to changes in shopping, working, living and leisure demands. Their overall performance and appeal may therefore be adversely affected when this balance isn't right.
- 4.31 Current local policy (Core Strategy) specifies these centres should maintain their role as the most appropriate location for main town centre uses, and in their core area the preferred location for shopping development. Local Policies seek to control proposals for certain types of non-retail use within different parts of our centres through application of various criteria in order to promote their prime function as places in which to shop.

### Do we need a new policy?

Current National and Local Plan Policy	
National Planning Policy Framework (NPPF)	Paragraph 17, 23, 24, 25, 26, 27, 123
Core Strategy	CS1.1, CS7.5
Land Allocations	LA1.2 Town Centre Boundaries
Saved Local Plan	R8 Protection of retail frontages in the primary shopping areas Kendal and Ulverston Town Centre, R9 Non-retail uses in minor shopping areas. R1, R13 <i>S2 and C16 of relevance, S14, S15</i>

- 4.32 The NPPF specifies that planning should promote the vitality of our town centres through promotion of competitive town centre environments. It stresses local planning policies should make clear which uses will be permitted in defined town centres, primary shopping areas, primary and secondary frontages, and recognise residential development can play an important role in ensuring the vitality of centres. The 2015 General Development Order permits change of use of retail uses to other uses in certain cases (see Appendix 2).
- 4.33 The Core Strategy seeks to protect and enhance the vitality and viability of the district's defined town centres, supporting retail and other town centre development of an appropriate scale within them. It supports the provision of office space and increased town centre residential development where appropriate. The Land Allocations DPD supersedes definitions of primary and secondary shopping areas in the saved local plan; it specifies primary shopping areas should be the preferred location for shopping development, and that the primary frontages will be maintained in predominantly retail use and within the secondary frontages a greater mix of town centre uses will be permitted. The Town Centre will be the preferred location for leisure, entertainment, food and drink, arts, tourism and office uses.

- 4.34 Saved local plan policy R8 includes six factors that a proposal for a non A1 (retail) use in the primary shopping area of Kendal and Ulverston will need to have regard to. These relate to matters such as prominence and location, floorspace and frontage, number/proximity of premises of non-retail uses nearby, nature and character of use and level of activity, proportion of vacant street level property and whether it would give rise to disturbance or nuisance. Saved Local Plan policy R9 includes 3 criteria that a proposal for non-retail use at ground floor level within Kirkby Lonsdale, Grange-over-Sands and Cartmel and in the secondary shopping areas of Kendal and Ulverston must satisfy to be permitted. These relate to matters such as not causing disturbance or nuisance, no adverse impact on the character of the street/conservation area, and ensuring non-retail uses don't dominate the shopping area which would undermine retail performance.
- 4.35 Policy R13 specifies amusement centres will only be permitted in secondary shopping areas of Kendal and Ulverston subject to them having no adverse effects on surrounding area in terms of noise, disturbance or visual amenity.
- 4.36 Issues to take into account in considering future policy on this matter include:
- Elements of saved local plan policy most notably restrictions placed on the location/number of non-retail development in primary shopping areas and town centres as a whole need updating in order to accord/align with the National Planning Policy Framework, and changes in permitted development rights and use classes order definitions, and Core Strategy/Land Allocations policy.
  - Other elements such as ensuring development is managed so it causes no adverse impacts on character of the area from a visual perspective, or nuisance or disturbance, or on traffic flows and highways safety could possibly be covered in a Development Management General Requirements policy or policies. It may be considered specific criteria are still necessary in order to consider introduction/location/number of specific uses in the town centres. A consistent policy approach to consideration of proposals within all town centres is also required.

## Options

<b>Option 1</b>	Adopt a new policy bringing it into line with NPPF and permitted development rights with amended/updated criteria as appropriate resulting in the replacement of policy R8, R9 and R13. If a 'General Requirements' policy is progressed, relevant common criteria could be removed from the updated uses in town centres policy to avoid duplication. Other existing and new policies on design, historic environment would also apply.
<b>Option 2</b>	No longer apply any such policy and rely only on national, core strategy and land allocations policy. This would result in policies R8, R9 and R13 becoming redundant.



### **Evidence Base / Viability Implications**

- 4.37 We consider that option 3 would not require further evidence and would have limited or no implications for viability. However, we consider option 2 may require additional evidence on level of impact of allowing certain uses in town centres and may require an assessment of its implication for the viability of affected development.

#### **Consultation Questions for uses in Town Centres**

**29. Which option do you think is appropriate?**

**30. If option 2 is supported what criteria should be included in a specific policy?**

## Retail and Main Town Centre Uses Outside of Town Centres

- 4.38 The defined town centres of Kendal, Ulverston, Kirkby Lonsdale, Milnthorpe and Grange-over-Sands should maintain their role as the most appropriate location for main town centre uses. Their viability and vitality can be undermined by retail and other main town centre uses<sup>2</sup> associated outside of them. Current saved local plan policy seeks to direct large scale retail development to Kendal and Ulverston town centres, and includes criteria that must be satisfied in order to permit large scale retail development outside of these centres.

### Do we need a new policy?

Current National and Local Plan Policy	
National Planning Policy Framework (NPPF)	Paragraph 23 -27
Core Strategy	CS7.5, CS2, CS3.1, CS4, CS5
Land Allocations	LA1.2 Town Centre Boundaries
Saved Local Plan	R2 Retail Development outside Kendal Town Centre , R5 Retail Development outside Ulverston Town Centre

- 4.39 The NPPF specifies that local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and not in accordance with an up-to-date Local Plan. They should require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. It states when assessing such applications not in accord with up to date local Plan, an impact assessment is required where the development is over a proportionate, locally set floorspace threshold if there isn't one the default threshold is 2,500 sq m. The Council currently applies this threshold.
- 4.40 The Core Strategy seeks to protect and enhance the vitality and viability of the district's defined town centres, supporting retail and other town centre development of an appropriate scale. Additional retail floorspace outside of the town centres will normally be strongly resisted. The Land Allocations DPD defines the boundaries of the town centres and sets out which parts are the preferred locations for different types of uses. Current saved local plan policy R2 and R5 includes criteria that must be satisfied in order to permit large scale retail development outside of Kendal and Ulverston town centres. These include providing evidence there is need for the development and application of the sequential test (these elements no longer accord with NPPF sequential test application), requiring high standard of design, adequate parking and servicing, landscaping and assessment of impact on travel patterns and car use.
- 4.41 Issues to take into account in considering future policy on this matter include:

<sup>2</sup> Main Town Centre Uses are defined in National Planning Policy Framework Annex 2: Glossary

- Elements of saved local plan policy (with regard to application of the sequential test) don't accord with the National Planning Policy Framework.
- Whether a locally set threshold should be adopted with regard to when an impact assessment is required. Note the South Lakeland Retail Study Update 2012 (paragraph 9.4) suggested that the impact of edge-of-centre and out-of-centre retail proposals should be assessed having regard to the following floorspace thresholds:  
Kendal – 2,000 sq m gross and above;  
Ulverston – 1,000 sq.m gross and above; and  
Milnthorpe, Grange-over-Sands and Kirkby Lonsdale – 500 sq.m gross and above.
- Whether existing criteria (none sequential test related) could be addressed generically in a new Development Management General Requirements policy (see section 2 above).
- Application of policy across all five town centres.

### Options

<b>Option 1</b>	Adopt a new policy applied to all five town centres, with amended/updated criteria setting out requirements for main town centre proposals outside of the centres referring to NPPF sequential test. This would include a new locally set threshold used to determine when an impact assessment is required. If a 'General Requirements' policy is progressed, relevant common criteria could be removed from the updated policy to avoid duplication.
<b>Option 2</b>	No longer apply any such policy and rely only on national, core strategy and land allocations policy. This would result in policies R2 and R5 becoming redundant.

### Evidence Base / Viability Implications

- 4.42 We consider that option 1 would require additional evidence on a threshold for requiring impact assessments and may require an assessment of its implications for the viability of affected development. We consider that no further evidence is required to support the development of option 2 and that this would have limited or no implications for viability.

#### Consultation Questions for Retail and Main Town Centre uses outside of town centres

31. Which option do you think is appropriate?
32. If option 1 is supported what:
  - a) Locally set threshold for the requirement of impact assessments should be used?
  - b) What criteria should be included?

## Hot Food Takeaways

- 4.43 Food and drink establishments including hot food takeaways can help to promote and add to the vitality, attraction and convenience of centres and communities as a whole. They are mainly located within town centres, adding to the evening economy, but can also be found in local service centres and residential areas as well. Their presence can give rise to adverse impacts on local amenity, the environmental quality of an area, and people’s health and wellbeing. Local Policy seeks to control the location of new hot food takeaways within town centres and across the district as a whole and ensure proposals satisfy other various criteria depending on their location.

### Do we need a new policy?

Current National and Local Plan Policy	
National Planning Policy Framework (NPPF)	Paragraph 17, 23 -27, 123
Core Strategy	CS1.1, CS7.5
Land Allocations	LA1.2 Town Centre Boundaries
Saved Local Plan	R10 Hot Food Takeaways in Primary Shopping Areas, R11 Hot Food Takeaways in Secondary Shopping Areas, R12 Hot Food Takeaways in residential areas <i>S2 and C16 of relevance, S14, S15</i>

- 4.44 The NPPF specifies that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings as well as promote the vitality of our town centres through promotion of competitive town centre environments. It stresses local planning policies should make clear which uses will be permitted in defined town centres, primary shopping areas, primary and secondary frontages. It also specifies planning policies and decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development, and mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions.
- 4.45 The Core Strategy seeks to protect and enhance the vitality and viability of the district’s defined town centres, supporting retail and other town centre development of an appropriate scale within them. The Land Allocations DPD supersedes definitions of primary and secondary shopping areas in the saved local plan; it specifies primary shopping areas should be the preferred location for shopping development, and that the primary frontages will be maintained in predominantly retail use and within the secondary frontages a greater mix of town centre uses will be permitted. The Town Centre will be the preferred location for leisure, entertainment, food and drink, arts, tourism and office uses.

4.46 Policy R10 includes two principles that proposals for hot food takeaways within Kendal and Ulverston primary shopping areas must accord with in order for such development to be permitted. These relate to no more than two adjoining non-retail uses including hot food takeaways can be permitted and restricting such uses to premises where there is no rear servicing or a large/dominating ground floor frontage. Policy R11 specifies a range of factors that need to be taken account of for a hot food takeaway to be considered favourably within secondary shopping areas of Kendal and Ulverston and all remaining town centres. These relate to matters such as impact on traffic flows and highways safety, character of the shopping street and if the adjacent property is occupied by another hot food takeaway or non-retail use. Policy R12 specifies hot food takeaways in residential areas will only be permitted subject to effects of noise, cooking smells and general disturbance to neighbours being within acceptable limits.

4.47 Issues to take into account in considering future policy on this matter include:

- Elements of saved local plan policy most notably restrictions placed on the location/number of hot food takeaways in primary shopping areas and town centres as a whole need updating in order to accord/align with the National Planning Policy Framework, and Core Strategy/Land Allocations policy.
- Whether several criteria in existing policies could be addressed generically by criteria in a new Development Management General Requirements policy (see section 2 above)
- Whether the existing policy criteria such as effects on neighbours needs retaining and updating in order to manage the location and effects of new hot food takeaways.
- Whether any new policy criteria should include addressing adverse impacts on people’s health and wellbeing.

### Options

<b>Option 1</b>	Maintain the current policy position, resulting in the retention of policy R10, R11, R12.
<b>Option 2</b>	Adopt a new policy combining policies R10, R11 and R12, updating so in line with NPPF and other local policies in the Core Strategy and Land Allocations DPD, but with updated criteria. If a ‘General Requirements’ policy is progressed, relevant common criteria could be removed from the updated hot food takeaways policy to avoid duplication.
<b>Option 3</b>	No longer apply any such policy and rely only on national, core strategy and land allocations policy. This would result in policies R10, R11 and R12 becoming redundant.

### **Evidence Base / Viability Implications**

- 4.48 We consider that option 1 and 3 would not require further evidence and would have limited or no implications for viability. Option 2 may require additional evidence depending on the type of criteria that may be applied (example any restrictions placed on the operation of a hot food takeaway) and may require an assessment of its implications for the viability of affected hot food takeaway development.

#### **Consultation Questions for Hot Food takeaways**

**33. Which option do you think is appropriate?**

**34. If option 2 is supported what criteria should be included?**

## **5 Quality Environment and Quality Design**

5.1 The policies in this section will seek to ensure that people have South Lakeland's environment continues to be protected and enhanced. It is vital to protect South Lakeland's countryside and enhance the District's built heritage and mitigate and adapt to climate change. Quality design is an integral part in delivering high quality development. This section will therefore contain the policies that deal with the remaining detailed housing issues.

5.2 The policy topics which we have identified are:

- Quality design
- Advertisements and signs
- Sites of Nature Conservation Importance
- Trees and Landscaping
- Historic Environment
- Sustainable Drainage Systems
- Coasts and Watercourses
- Pollution

## Quality Design

- 5.3 Good design is a key aspect of sustainable development. It creates attractive, distinctive natural and built environments informed by local characteristics and sensitivities. It is therefore essential the layout, look and function of new development are of a high quality sustainable design. The current local policy seeks to ensure high standards of design for all types of development, and includes a design code and specific requirements and guidance in relation to certain types of proposals.

### Do we need a new policy?

Current National and Local Plan Policy	
National Planning Policy Framework (NPPF)	Paragraph 17, Section 7, 69
Core Strategy	CS1.1, CS6.2, CS8.7, CS8.10
Saved Local plan	S2 South Lakeland Design Code, S12 Crime and Design, S13 Security Measures town centres, S14 Shop Fronts, S15 External Blinds, Disabled Access Tr6a (in part – not parking), C5 External Lighting Guidance – Appendix F Security Measures to Retail and Commercial Premises Shop Fronts and Design Guide Supplementary Planning Guidance

- 5.4 The NPPF states planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. It specifies local planning authorities should consider using design codes where they could help deliver high quality outcomes, but any design policies should avoid unnecessary prescription or detail and should concentrate on guiding the design of new development.
- 5.5 The Core Strategy seeks to ensure a high quality, localised and appropriate design is incorporated into all developments and that the siting, design, scale and materials is of a character that maintains and enhances the quality of the landscape and townscape..
- 5.6 Saved local plan policy S2 sets out a list of principles in the form of a design code used by the Council as a guide to inform judgement on the merits of individual schemes from a design perspective. Other local plan policies seek to; ensure development limits and deters crime, include criteria used to permit external security measures in town centres, contains guidance and policy for assessing new shop front design, criteria for considering applications requiring external lighting and ensuring access for the mobility impaired is fully considered in the design, layout of new development and transport infrastructure. Of relevance is the Cumbria Design Guide currently under review which provides guidance for assessing layout of new residential development from a roads / access perspective.



5.7 Issues to take into account in considering future policy on this matter include:

- Whether an up to date policy is required with respect to design, combining elements within existing local plan policies and updating these as necessary. This would complement the Development Management General Requirements policy should this be progressed.
- Whether a broad set of design principles should be included in any new policy, with new guidance / updated existing guidance in the form of Supplementary Planning Document prepared to provide details on how to consider development proposals depending on type and location.

**Options**

<b>Option 1</b>	Maintain the current policy position, resulting in the retention of policy S2, S13, S14, S15, C5 and Tr6a in part (non-reference to parking) and associated guidance in their present state.
<b>Option 2</b>	Adopt a new policy setting out a list of specific design principles that should be applied to development as a whole, and as appropriate certain types and location of development and a Design Supplementary Planning Document (SPD) to provide detailed criteria for various types of development and locations where necessary.
<b>Option 3</b>	No longer apply any such policies or guidance and rely only on national and core strategy policy. This option would result in the policies and guidance above becoming redundant.

**Evidence Base / Viability Implications**

5.8 We consider that no further evidence is required to support the development of the options outlined above and that they will have limited or no implications for viability.

**Consultation Questions for Quality Design**

**35. Which option do you think is appropriate?**

**36. If a new policy is needed what should it contain?**

**37. If a Design SPD is needed what should it include?**

## Advertisements and Signs

5.9 Advertisements can have a major impact on the appearance of an area. The siting, size, construction and illumination of advertisements and signs have a significant effect on the quality of the built environment and landscape. Most of the District has been designated an Area of Special Control of Advertisements (ASCA) with only the central areas of Grange over Sands, Kendal, Milnthorpe and Ulverston not falling within the ASCA. The display of advertisements is subject to a separate consent process within the planning system set out in the Town Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended). Current policy seeks to control advertisements to ensure they are compatible with their surroundings, and protect the quality of the built environment.

### Do we need a new policy?

Current National and Local Plan Policy	
National Planning Policy Framework (NPPF)	Paragraph 67 -68
National Planning Practice Guidance - Advertisements	Reference ID:18b-001-20140306 Paragraphs 001-079 (March 2015)
Core Strategy	None
Saved Local plan	S20 Control over advertisements, S21 Areas of special control of advertisements, S22 Advance Directional Signs Appendix H Area of Special Control of Advertisements

5.10 The NPPF states that poorly placed advertisements can have a negative impact on the appearance of the built and natural environment. Control over outdoor advertisements should be efficient, effective and simple in concept and operation. Only those advertisements which will clearly have an appreciable impact on a building or on their surroundings should be subject to the local planning authority's detailed assessment. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts. Local Planning Authorities should consider at least once in every five years whether the area of special control order should be revoked or modified.

5.11 There are three saved local plan policies that manage advertisements and signs within the District. Policy S20 specifies new adverts and signs requiring approval will be strictly controlled in order to ensure compatibility with surroundings and minimise clutter, whilst strict control is placed on adverts in Conservation Areas and the open countryside and in respect to illuminated signs. Within ASCA's applications for new advertisements are judged in relation to criteria set out in Appendix H. Policy S22 includes criteria with respect to the permission of advance directional signs.

5.12 Issues to take into account in considering future policy on this matter include:

- Whether existing policy and guidance needs updating to reflect up to date national policy guidance, and to make clear what criteria will be used to determine effects of amenity and public safety.
- Whether the existing ASCA needs revoking or modifying.

### Options

<b>Option 1</b>	Maintain the current policy position, resulting in the retention (or combining) of policies S20, S21 and S22.
<b>Option 2</b>	Adopt a new policy with amended/updated criteria and guidance resulting in the replacement of policies S20, S21, S22, and a revoked, retained or modified ASCA.
<b>Option 3</b>	No longer apply any such policy and rely only on national policy and guidance This option would result in policies S20, S21, S22 becoming redundant.

### Evidence Base / Viability Implications

5.13 We consider that options 1 and 3 would not require further evidence and would have limited or no implications for viability. However, we consider option 2 would require additional evidence if we modified or revoked the ASCA and introduced new criteria or guidance and may require an assessment of its implications for the viability of affected development.

#### Consultation Questions for Advertisements and Signs

**38. Which option do you think is appropriate?**

**39. If a new policy is preferable what should this contain?**

**40. Should the Area of Special Control be revoked, retained as current or modified?**

## Trees and Landscaping

5.14 Woodlands, copses, hedgerows and individual trees play several important roles as part of a wider green infrastructure network. These roles include supporting biodiversity, improving air quality, adapting to and mitigating against the impacts of climate change and contributing to the character of our landscapes, towns and villages. Some trees and groups of trees are protected by Tree Protection Orders (TPOs) and there are special requirements for works to trees that are in conservation areas. Many hedgerows are afforded some protection through the Hedgerows Regulations. Current policies seek to; safeguard and enhance green infrastructure within and between towns and villages, including the protection of trees subject to TPOs; use landscaping and carefully sited tree planting to support good design in new developments and; conserve and enhance existing trees and woodlands.

### Do we need a new policy?

Current National and Local Plan Policy	
National Planning Policy Framework (NPPF)	Paragraph 58, 59, 96, 109, 118
Core Strategy	CS1.1, CS2, CS3.1, CS3.2, CS7.4, CS8.1, CS8.2, CS8.4, CS8.10
Saved Local plan	C11 Tree Preservation Orders, S3 Landscaping, S18 Trees near buildings  Appendix G Trees Close to Buildings

5.15 The NPPF does not refer specifically to trees, woodlands, copses or hedgerows in terms of how local plans should deal with them, but instead refers to the creation, protection, enhancement and management of green infrastructure in general. The NPPF does specify that planning permission should be refused for development resulting in the loss or deterioration of ancient woodland and aged or veteran trees found outside ancient woodland. It also requires that design policies should guide the landscape and layout of new developments and ensure that they are visually attractive and minimise energy consumption as a result of good architecture and appropriate landscaping.

5.16 The Core Strategy seeks to safeguard and enhance green infrastructure generally, including conserving and enhancing trees and woodlands, however, it does not set criteria that developments must meet in order to be acceptable in this regard. There are no criteria-based policies dealing with landscaping requirements or exceptions to these currently within the Core Strategy. Saved local plan policy protects TPO trees and sets out criteria detailing the circumstances in which exceptions would be allowed. It also seeks that a high standard of landscaping, integrating existing landscape features, and longer term management arrangements be incorporated in proposals for new development.

5.17 National and Core Strategy policy don't provide any specific criteria setting out the requirements for the protection and enhancement of trees, woodlands, hedges and similar or detailing requirements for the incorporation of landscaping within new development. However, they provide very clear overarching policies on the value and function of green infrastructure as a whole, including trees etc and landscaping and how these should be created, protected and enhanced through development.

5.18 Issues to take into account in considering future policy on this matter include:

- Whether criteria in existing policies and guidance continue to provide an appropriate basis on which to consider the potential effect of development for trees.
- Whether a more up to date policy on landscaping is required, setting out specific requirements.

### Options

<b>Option 1</b>	Maintain the current policy position, resulting in the retention of policies C11, S3 and S18.
<b>Option 2</b>	Adopt a new policy with amended/updated criteria and guidance resulting in the replacement of policies C11, S3 and S18.
<b>Option 3</b>	No longer apply any such policy and rely only on national and core strategy policy. This would result in policies C11, S3 and S18 becoming redundant.

### Evidence Base / Viability Implications

5.19 We consider that options 1 and 3 would not require further evidence and would have limited or no implications for viability. However, we consider option 2 may require additional evidence if additional requirements are put forward and in terms of maintenance matters may require an assessment of its implications for the viability of affected development.

#### Consultation Questions for Trees and Landscaping

**41. Which option do you think is appropriate?**

**42. If a new policy is needed should it:**

- (a) Incorporate only the requirements of the extant local plan policies into one new policy?**
- (b) Include additional or alternative new criteria/requirements/guidance? If so, what criteria/requirements/guidance should it include?**

## Historic Environment

5.20 The historic environment plays a key role in shaping South Lakeland’s character and in creating a sense of place in our towns and villages as well as attracting visitors and providing opportunities for education and enjoyment. The impacts of new development on heritage assets and features need to be taken carefully into account for these reasons and for their own intrinsic value. Heritage assets and features include listed buildings and curtilage structures, scheduled monuments, registered parks and gardens and conservation areas, as well as other local features of historic value that do not have these specific protective designations. Current policy seeks to safeguard and enhance historic environment assets, including their settings, and to ensure that new development is sympathetic to local historic character and cultural heritage, including the control of development affecting conservation areas, historic landscapes and sites of archaeological interest, as well as setting out actions for the wider management of historic environment.

### Do we need a new policy?

Current National and Local Plan Policy	
National Planning Framework (NPPF)	Paragraph 7, 9, 17, 55, 61, 65, 77, 114, 115, 126-141, 156, 157, 169, 170
Core Strategy	CS1.1, CS2, CS3.1, CS5, CS7.5, CS7.7, CS8.2, CS8.5, CS8.6, CS9.2
Saved Local plan	C15 Listed Buildings and their Settings, C16 Control of Development affecting Conservation Areas, C18 Satellite Dishes, C19 Sites of Archaeological Interest, C20 Historic Landscapes, S20 <i>Control over advertisements</i>

5.21 The NPPF specifies that protecting our heritage is an important part of sustainability and that plans should set out a positive strategy for the conservation and enjoyment of the historic environment and place great weight on conserving cultural heritage. The council is currently working towards the preparation of a district wide Heritage Strategy that would explain how it intends to further such aims and manage its resources in doing so. The NPPF clearly states that the significance of an asset should be a crucial factor in determining the extent of and approach to its conservation. It sets out a wide range of elements that should be considered when judging planning applications and details of how these judgements should be made. The NPPF also specifies that LPAs should seek opportunities for developments that will enhance heritage assets and also details how enabling development, evidence and information about heritage assets gathered during planning applications of plan-making should be managed.

5.22 Issues to take into account in considering future policy on this matter include:

- National and Core Strategy policy don't provide specific criteria that can be used to determine applications for development affecting the historic environment or cultural heritage.
- Current saved local plan policies provide criteria, and are quite detailed and unique but would require strengthening to fully comply with the NPPF and to cover heritage assets other than those already covered or that have heritage value but do not currently have formal protection.
- Whether criteria in existing policies could be addressed generically by criteria in a new Development Management General Requirements policy (see section 2 above) and whether more detailed design guidance on development affecting the historic environment could also be included in a Supplementary Planning Document (SPD) on design.

### Options

<b>Option 1</b>	Maintain the current policy position, resulting in the retention of policies C15, C16, C18, C19 and C20
<b>Option 2</b>	Adopt a new historic environment policy with amended/updated criteria, to accompany the Core Strategy, resulting in the replacement of the above listed local plan policies. If a 'General Requirements' policy and design policy and SPD is progressed, relevant common criteria and detailed guidance could be removed from the new policy to avoid duplication where appropriate.
<b>Option 3</b>	No longer apply any such policy and rely only on national and core strategy policy. This would result in policies referred to above becoming redundant.

### Evidence Base / Viability Implications

- 5.23 We consider the preparation of a 'local list' of non-protected local buildings and features of architectural and historic importance and the preparation of Conservation Area management plans would assist in the development of Option 2 and would provide additional tools to support decision making in the event that Options 1 or 3 were selected. It is possible that Option 2 would have some implications for viability, depending on the nature of any new criteria set out.

#### Consultation Questions for Development affecting the Historic Environment

**43. Which option do you think is appropriate?**

**44. If Option 2 is selected, what criteria should the new policy contain? How should it differ from the saved local plan policies?**

## Sustainable Drainage Systems

5.24 A Sustainable Drainage System is a structure for dealing with rainwater that is not a sewer or watercourse. Such systems help manage the effects of surface water run off/rainwater (also known as overland flow) by aiming to minimise or eliminate surface water discharges from new and existing developments in a way that mimics nature. It is common good practice to ensure foul water (sewerage) and surface water is managed in separate systems. The government’s expectation is that sustainable drainage systems will be provided in new developments wherever this is appropriate to manage such flows. Current local policy (Core Strategy) seeks to ensure surface water run-off from new development is managed in a sustainable way.

### Do we need a new policy?

Current National and Local Plan Policy	
National Planning Policy Framework (NPPF) / National Planning Practice Guidance – Flood Risk and Coastal Change – Sustainable Drainage Systems  Defra Sustainable Drainage Systems – Non-statutory technical standards for sustainable drainage systems June 2015	Paragraph 17, 94, 99, 100-104  Reference ID: 7-050-20150323 Paragraphs 051-086 (March 2015)
Core Strategy	CS1.1, CS2 – CS5, CS8.1, CS8.8, CS9.1
Saved Local plan	None – surface water management <i>S26 Sewage Treatment and Disposal</i>

5.25 Sustainable Drainage is to be delivered through application of the NPPF and planning practice guidance and Non- statutory Technical Standards for sustainable drainage systems, produced and issued by government. Cumbria County Council (CCC) is the Lead Local Flood Authority giving it new powers and duties for managing flooding from local sources including surface water in the administrative area of Cumbria. The County Council is currently preparing a SuDS Design Guide- that will be used to aid the CCC and developers in the technical assessment process when considering development proposals with respect to sustainable drainage systems.

5.26 The Core Strategy seeks to ensure surface water run-off from new development is managed in a sustainable way, if not development should not be permitted. Saved Local Plan policy seeks to ensure development provides adequate means of sewage disposal, but doesn’t contain any specific policy around sustainable drainage systems.



- 5.27 There is an opportunity through the Development Management Policies document to explore further whether new local policy is needed that seeks to apply specific requirements/standards in relation to the provision of sustainable drainage systems taking into account national policy/guidance and any other local guidance as referred to above.

### Options

<b>Option 1</b>	Adopt a new policy that sets specific requirements/local standards for determining planning applications in relation to sustainable drainage systems as appropriate.
<b>Option 2</b>	Continue to rely on National Planning Policy /Planning Practice Guidance/ and national standards as well as Core Strategy policy in determining planning applications with respect to Sustainable Drainage Systems.

### Evidence Base / Viability Implications

- 5.28 We consider that option 1 may require additional evidence to inform suggested standards and may require an assessment of its implications for the viability of affected development. It is considered option 2 requires no further evidence to support its development or have implications for viability.

#### Consultation Questions for Sustainable Drainage

45. Which option do you think is appropriate?

46. If a new policy is preferable what should this contain?

## Coasts and Watercourses

5.29 South Lakeland’s coastline and rivers play important roles. They are valued elements of the area’s character, they add to its diversity and are crucial resources, including for biodiversity, leisure and tourism and water management. This topic is interconnected with green infrastructure and flood risk topics; water courses are often referred to as ‘blue infrastructure’. Morecambe Bay and the River Kent (including its tributaries) are subject to international protection for their biodiversity importance. Morecambe Bay falls within the North West Shoreline Management Plan area. Several communities lie adjacent to watercourses or on the coast and this can result in flood risk to land and properties and flooding incidences; this needs to be carefully managed. Current policies seek to ensure that coastal development helps to maintain and enhance the coast and is compatible with coastal land uses; reduce and manage flood risk and maintain flood defences and ensure that coasts and watercourses are managed appropriately for their inherent value.

### Do we need a new policy?

Current National and Local Plan Policy	
National Planning Policy Framework (NPPF) Planning Practice Guidance	Paragraphs 17, 94, 99-108, 114, 156, 162, 165-166, 168, 192.
Planning Practice Guidance – Planning and Coastal Change	Reference ID: 7-069-20140306 Paragraphs 069 to 078 (March 2014)
Core Strategy	CS8.5 Coast, CS8.8 Development and Flood Risk
Saved Local plan	C23 Tidal and River Defences, C24 Watercourses and Coastal Margins

5.30 The NPPF specifies that Local Plans should set out a strategic approach to the mitigation of and adaptation to climate change, taking full account of current and future flood risk and coastal change and should seek to maintain the character of the undeveloped coast. Development should be planned to avoid increased vulnerability to coastal change. Local Plans should take account of Shoreline Management Plans (SMP), River Basin Management Plans, the UK Marine Policy Statement and marine plans and apply Integrated Coastal Zone Management. Local planning authorities should identify Coastal Change Management Areas in any area likely to be affected by physical changes to the Coast, setting criteria as to what development will be appropriate in such areas and in what circumstances; and making provision for development and infrastructure that needs to be relocated. Coastal Change Management Areas need not be defined where the accepted shoreline management plan policy is to hold or advance the line for the whole period covered by the plan, subject to evidence of how this may be secured. The current Shoreline Management Plan policy for the period of the current plan is to hold or advance the line.

- 5.31 The Core Strategy seeks to conserve and enhance the coastal landscape, its biodiversity and habitats and other resources including its leisure and tourism resource. It also seeks to ensure that development takes into account impacts of climate change on the coast and coastal plans, such as the SMP and makes provision for the long-term protection of flood protection or mitigation measures. Saved local plan policies seek to protect the integrity of tidal and river defences and to prevent development that would have adverse impacts on rivers and watercourses (including the impacts of culverting), including for their biodiversity, recreation and land drainage value and on the ability to access them for maintenance. Policy C24 includes three criteria that development needs to satisfy in order to safeguard the integrity of coastal margins and watercourses, these are specific in nature, but don't specify types of development that may be appropriate in such locations.
- 5.32 National, Core Strategy and saved local plan policies do not provide specific criteria setting out what types of development may or may not be appropriate in coastal areas or river margins, including in the context of coastal change. As such, it may be considered a new policy is required in light of national policy and practice guidance and supplement Core Strategy policy in this respect.

### Options

<b>Option 1</b>	Maintain the current policy position, resulting in the retention (or combining) of the wording of C23 and C24.
<b>Option 2</b>	Adopt a new policy combining elements of saved local plan policies and adding new/amended criteria, resulting in the replacement of policies C23 and C24.
<b>Option 3</b>	No longer apply any such policy and rely only on national and core strategy policy. This option would result in policies C23 and C24 becoming redundant.

### Evidence Base / Viability Implications

- 5.33 We consider that options 1 and 3 would not require further evidence and would have limited or no implications for viability. However we consider option 2 may require additional evidence in the form of an updated Strategic Flood Risk Assessment and may depending on the extent and nature of any new decision making criteria included in the new policy require an assessment of its implications for the viability of affected development

#### Consultation Questions for Coasts and Watercourses

- 47. Which option do you think is appropriate?**
- 48. If a new policy is needed should it:**
- (a) Include the provisions of the saved local plan policies?**
  - (b) Include criteria for determining applications in coastal and/or river margins?**

## Pollution

5.34 The planning system has an important role to play in protecting the environment, biodiversity, local residents, businesses and the public in general from all forms of development that could give rise to pollution. Pollution can be in many forms and includes all solid, liquid and gaseous emissions to air, land and water (including groundwater) from all types of development. Pollution includes noise, light, vibration, smell, water, smoke and fumes, soot, ash, dust or grit which has a damaging effect on the environment and the public’s enjoyment, health or amenity. Pollution control regimes (including noise), are governed by legislation outside the planning process<sup>3</sup>. Current policy seeks to minimise the impact of lighting in urban and rural areas, whilst Core Strategy policy seeks to ensure the need to minimise air pollution.

### Do we need a new policy?

Current National and Local Plan Policy	
National Planning Policy Framework (NPPF)	Paragraph 120-125
Core Strategy	CS1.1, - air quality, CS9.1, CS2 (Kendal) CS10.2 – air quality assessment requirements
Saved Local plan	None

5.35 The NPPF emphasises the planning system’s role in working towards a healthy and natural environment. This includes preventing both new and existing development from contributing to or being adversely affected by unacceptable levels of land, air, water or noise pollution or land instability. The NPPF puts emphasis on mitigating and reducing to a minimum other adverse impacts on health and quality of life arising from noise from new development. It seeks to limit light pollution in locations which are particularly sensitive to light, such as intrinsically dark landscapes.

5.36 The Core Strategy currently specifies opportunities must be taken to mitigate and improve air quality and the need to tackle air pollution where necessary through the implementation of Air Quality Management Plans (Policy CS2 and CS9.1). Policy CS10.2 requires for developments with significant transport requirements to submit an Air Quality Assessment. The district has one AQMA in Kendal and actions to address impacts are contained in the Kendal Air Quality Management Action Plan. The Council requires a noise impact assessment to be submitted if the proposal generates high levels of noise or if it is considered a new noise sensitive use adjacent to major sources of noise.

5.37 There are no Saved Local Plan policies that include requirements for minimising and mitigating forms of pollution from development. It may be considered necessary to adopt a new policy that sets out types of mitigation measures that may be required to offset pollution impacts that may be generated by different types of developments.

<sup>3</sup> Pollution Prevention and Control Act 1999, Pollution Prevention Control Regulations 2000, Environment Act 1995.

## Options

<b>Option 1</b>	Adopt a new policy that provides more detailed requirements to mitigate and reduce levels of pollution from a development.
<b>Option 2</b>	Rely only on National Planning Policy and associated guidance.

## Evidence Base / Viability Implications

- 5.38 We consider that no further evidence is required to support the development of the options outlined above; and that they will have limited or no implications for viability.

### Consultation Questions for Pollution

49. Which option do you think is appropriate?

50. If a new policy is preferable what should this contain?

## **6 Sustainable Communities and Health and Well Being**

6.1 The policies in this section will seek to ensure that social infrastructure is protected and enhanced and responds to a growing and ageing population. This policy section also looks to expand and enhance the green infrastructure within the District and that infrastructure can be delivered to support the planned development as set in the Core Strategy and Site Allocations DPD. As policies are already in existence in the Core Strategy and Land Allocations DPD relating to these topics this section deals with the remaining detailed issues that may need to be addressed through development management.

6.2 The policy topics which we have identified are:

- Green Infrastructure and Open Space
- Equestrian Development
- Community Facilities
- Renewable and Low Carbon Energy
- Telecommunications and Broadband Provision

## Green Infrastructure and Open Space

- 6.3 Green infrastructure incorporates open spaces, parks, playing fields, private gardens, allotments, agricultural fields, hedges, trees, woodland, street planting, green roofs and walls, rivers, streams, ponds and all other such features, regardless of their ownership, condition or size. Green infrastructure is multifunctional and has a wide range of benefits. and the loss or compromise of elements of green infrastructure can have negative impacts. The provision of new, or improvements to existing green infrastructure, including ensuring connectivity between the different elements, is an important part of delivering and maintaining high quality, sustainable communities. The current policy seeks to protect and enhance the network of green infrastructure.

### Do we need a new policy?

Current National and Local Plan Policy	
National Planning Policy Framework (NPPF)	Paragraph 17 (bullet 9), 58, 73, 74, 76, 77, 78, 99, 114, 115, 117, 118
Core Strategy	CS1.1, CS8.1, CS8.2, CS8.3a, CS8.3b, CS8.4, CS8.5, CS8.8, CS8.10, CS9.1, CS9.2, CS10.1
Land Allocations	Policies LA1.9, LA1.10, LA1.11
Saved Local Plan	Of relevance:  <i>C3 Agricultural Land; C6-C7 Sites of International and National Nature Conservation Importance; C11 Tree Preservation Orders; C20 Historic Landscapes; C23 Tidal and River Defences; C24 Watercourses and Coastal Margins; L6-L7 Golf Courses; L10 Rights of Way; L11 Disused Railway Lines; L12 Lancaster Canal; S3 Landscaping; S18 Trees close to buildings</i>

- 6.4 The NPPF specifies that Local Plans should set out a strategic approach for the creation, protection, enhancement and management of networks of green infrastructure. Requirements for new open space, sports and recreation provision should be based on robust and up-to-date needs assessments and existing open space should be protected unless the assessment has demonstrated that it is surplus to requirements or that replacement equivalent provision is to be made.
- 6.5 The Core Strategy seeks to ensure the protection and enhancement of all elements of green infrastructure and the safeguarding of their benefits as well as requiring green infrastructure to be incorporated into new developments as an integral part of creating sustainable communities. Land allocations policy LA1.10 and LA1.11 set out criteria that development affecting designated open spaces must satisfy in order to be permitted. The relevant saved local plan policies cover various elements of green

infrastructure individually and seek to protect each of these elements for their green infrastructure value and in some cases, for other benefits they provide.

- 6.6 National and Core Strategy policy provide a clear steer about the importance of green infrastructure and that protection and enhancement are the primary objectives. In terms of determining in which circumstances, if any, it may be appropriate to allow for the loss of green infrastructure elements, land allocations policy and Relevant saved local plan policies do provide criteria, but only for specific elements of green infrastructure. Clear policies for determining the quantity (hectares and financial) of green infrastructure required by new developments are currently lacking. New guidance in the form of a Supplementary Planning Guidance may be considered beneficial setting out expectations for quality and functions of green infrastructure.

### Options

<b>Option 1</b>	Maintain the current policy position, resulting in the retention of all the existing policies in their present state (see other topics).
<b>Option 2</b>	Adopt a new policy with amended/updated criteria to capture issues not fully addressed by existing policies to complement the application of Core Strategy policy.
<b>Option 3</b>	Rely only on NPPF, Core Strategy and Land Allocations policies.

### Evidence Base / Viability Implications

- 6.7 We consider that options 1 and 3 would not require further evidence and would have limited or no implications for viability. However we consider option 2 would result in additional evidence being required to support the implementation of Core Strategy policy CS83a and b, and this would require an assessment of its implications for the viability of affected development. However, it may be prudent to delay this until the production of the next Local Plan.

#### Consultation Questions for Green Infrastructure

51. Which option do you think is appropriate?
52. If a new policy is needed should it be informed by a new Open Spaces, Sports and Recreation Study?
  - a) At this stage?
  - b) When a combined Local Plan is produced?
53. Whichever option is chosen, should the policy position be supported by a Green Infrastructure Supplementary Planning Document?
  - a) At this stage?
  - b) When a combined Local Plan is produced?



## Equestrian Development

6.8 Commercial equestrian developments such as racing stables, horse riding centres and liverys are an established part of the rural economy, providing employment and opportunities for recreation. Equestrian activities need access to the countryside for exercising and riding for leisure. As a result they need to be located in the open countryside away from settlements. However, local and national policies strictly control development away from existing settlements.

### Do we need a new policy?

Current National and Local Plan Policy	
National Planning Policy Framework (NPPF)	Paragraph 28, 109
Core Strategy	CS7.4, CS7.6, CS8.1, CS8.2, CS8.3b
Saved Local plan	L9 Equestrian Developments

- 6.9 The NPPF (paragraph 109) sets out the Government’s objectives for rural areas, which include the need to protect the most valued landscapes and environmental resources, as well as providing appropriate leisure opportunities that benefit rural businesses, communities and visitors, and which respect the character of the countryside. The NPPF (paragraph 28) states that local authorities should support activities which contribute to the rural economy and/or promote recreation in, and the enjoyment of, the countryside.
- 6.10 The Core Strategy does not have any policies specific to equestrian development but does seek to support the rural economy and recreation. Saved local plan policy L9 Equestrian Development provides six criteria that need to be satisfied in order for a development to be acceptable. Two of the criteria are specific, i.e. need for any buildings to be part of an existing group, and for the bridleway to have sufficient capacity to accommodate expected use by horses. The remaining criteria are general, covering matters such as design, effect on amenity and nature conservation, adequate road network capacity and access and parking and landscape impacts.
- 6.11 Issues to take into account in considering future policy on this matter include:
- Whether several criteria in existing policy could be addressed generically by criteria in a new Development Management General Requirements policy (see section 2 above).
  - Whether specific criteria needs to be retained/amended in a new policy.

### Options

<b>Option 1</b>	Maintain the current policy position, resulting in the retention of policy L9.
<b>Option 2</b>	Adopt a new policy with amended/updated criteria resulting in the replacement of policy L9. If a ‘General Requirements’ policy is

	progressed, relevant common criteria could be removed from the updated equestrian development policy to avoid duplication.
<b>Option 3</b>	No longer apply any such policy and rely only on national and core strategy policy. This option would result in policy L9 becoming redundant.

### **Evidence Base / Viability Implications**

- 6.12 We consider that no further evidence is required to support the development of the options outlined above; and that they will have limited or no implications for viability.

#### **Consultation Questions for Equestrian development**

**54. Which option do you think is appropriate?**

**55. If a new policy is needed what criteria should be included?**

## Community Facilities

6.13 Community facilities are vital in delivering sustainable communities. They are facilities such as village halls, places of worship, community centres, local shops, public houses, education establishments, libraries, leisure/sports buildings, cultural and health buildings. The loss of these facilities particularly in rural communities can result in reducing a community’s ability to meet its day-to-day needs. This can result in people travelling larger distances to such facilities disadvantaging the less mobile in particular and overall community wellbeing. The current local policy seeks to safeguard against the loss of rural facilities to residential use where this may harm village vitality or where such uses are shown to be viable.

### Do we need a new policy?

Current National and Local Plan Policy	
National Planning Policy Framework (NPPF)	Paragraph 17, 28 and 70
Core Strategy	CS2, CS3.1, CS4, CS5, CS7.5 , CS9.1
Saved Local plan	H13 Conversion of Rural Facilities

6.14 The NPPF specifies that planning policies and decisions should guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community’s ability to meet its day-to-day needs. It states Local plans should promote the retention and development of local services and community facilities in villages. Of relevance are recent permitted development rights which allow certain types of community facilities to change to non-community use (see Appendix 2).

6.15 The Core Strategy seeks to control against the loss of community facilities. It supports proposals for the co-location of community facilities and services and the dual use of facilities for example the opening of a secondary school library facility to the public. Saved local plan policy H13 applies to proposals involving conversion of rural facilities to residential use. It specifies sites must not occupy a favourable position in terms of accessibility and includes three criteria that need to be satisfied these relate to demonstrating the loss of the facility would not result in loss of village vitality, the facility is no longer viable and the property has been marketed for current use for at least 9 months with an accompanying statement.

6.17 National and Core Strategy policy don’t provide any specific criteria that can be used to help consider in which circumstances if any it may be appropriate to allow for the loss of a community facility. However, they do recognise the value such facilities bring to communities as a whole not just in rural areas/villages. Current saved Local plan policy H13 provides criteria, but can only be applied to proposals involving conversion of rural facilities for residential use. The issue is whether the current specific criteria still need to be applied; and if so retained or amended, and whether

such a policy should be applied to other locations and all types of community facilities where the proposal is for any non-community use.

### Options

<b>Option 1</b>	Maintain the current policy position, resulting in the retention of policy H13.
<b>Option 2</b>	Adopt a new policy with amended/updated criteria resulting in the replacement of policy H13 to cover change of use of any type of community facility.
<b>Option 3</b>	No longer apply any such policy and rely only on national and core strategy policy.

### Evidence Base / Viability Implications

- 6.18 We consider that no further evidence is required to support the development of the options outlined above; and that they will have limited or no implications for viability.

#### Consultation Questions for Community facilities

**56. Which option do you think is appropriate?**

**57. If a new policy is needed should it:**

- (a) be applied district-wide, certain areas only?**
- (b) be applied to all community facilities, certain types only?**
- (c) be applied to proposals for residential use only? or all non-community use development?**

## Renewable and Low Carbon Energy

6.19 Increased use of renewable and low carbon energy sources is a crucial part of delivering on a range of sustainability objectives from climate change mitigation to reducing reliance on depleting or imported fuel supplies. Renewable and low carbon energy technologies have developed significantly over recent years and include solar technologies, air and ground source heat pumps, biomass, hydroelectric power and wind energy. Developments can be small private, commercial or community schemes and may provide grid-connected or decentralised supplies. It is important that in securing the delivery of renewable and low carbon technologies, any negative impacts they may have on things like landscape, biodiversity and local communities are managed and balanced appropriately. The current policy seeks to support schemes that are appropriate to their context and include numerous criteria that need to be satisfied for various types of renewable energy.

### Do we need a new policy?

Current National and Local Plan Policy	
National Planning Policy Framework (NPPF) / 'Planning Practice Guidance – Renewable and Low Carbon Energy	Paragraph 17 (bullet 6), 18, 93, 95, 97, 96, 98
Government Ministerial Statement – Wind Energy Development	HCWS42 (18 June 2015)
Core Strategy	CS1.1, CS2, CS7.7, CS8.7
Cumbria Wind Energy SPD	
Saved Local plan	C26 Wind Energy; C28 Hydro electricity; C29 Slurry; C30 Solar Power; C31 Cumulative Impact of Renewable Energy Projects

6.20 The NPPF sets out that the Government is committed to a low carbon future. Planning is expected to play a key role in this. Local Authorities must have a positive strategy, including identifying suitable locations for renewable and low carbon energy and opportunities for co-locating potential heat customers and suppliers. Policies should be designed to maximise renewable and low carbon energy development while ensuring that adverse impacts are addressed satisfactorily. This should include consideration of cumulative landscape and visual impacts. Applicants should not be required to demonstrate the need for renewable or low carbon energy; the contribution of small-scale projects should be valued and community-led initiatives should be supported. Applications should be approved if the impacts are (or can be made) acceptable.

6.21 The Core Strategy is supportive of appropriately located schemes that increase energy production from renewable and low carbon sources and seeks on-site

provision in new developments where possible. It requires that such schemes avoid harmful impacts on the historic environment and secure the protection of the environment. The saved local plan includes criteria-based policies on specific types of renewable technology; these are of a very specific nature. In relation to Wind Energy, existing policy is complemented by the Cumbria Wind Energy SPD.

- 6.22 National policy sets out a positive approach to renewable and low carbon energy schemes and identifies the issues to be considered when judging relevant applications. Core Strategy policy is split over two policies and is slightly disjointed. Various elements of CS8.7 in particular are out of date and there is no reference to cumulative impacts or explicit support for community-led schemes in the Core Strategy. Current policy does not identify locations where schemes would be appropriate or opportunities for co-locating energy suppliers and users. Current saved local plan policies provide criteria for judging applications, but only in relation to specific types of renewable energy technology and some are out of date and fail to account for new approaches and technologies.
- 6.23 Recent Government announcements on renewable and low carbon energy are not accounted for in current policy. A Ministerial Statement was released on 18 June 2015 and National Planning Practice Guidance (NPPG) was subsequently updated. LPAs should now only grant planning permission for wind turbines if the development is in an area identified as suitable for wind energy development in their Local Plan, and if, following consultation, it can be demonstrated that the planning impacts identified by affected local communities have been fully addressed and the proposal has their backing. The Statement and NPPG update do not amend national wind energy policy but are considerations for plan making and decision taking.

### Options

<b>Option 1</b>	Maintain the current policy position, resulting in the retention of policies C26, C28, C29, C30 and C31
<b>Option 2</b>	Adopt a new policy setting out criteria applicable to all technologies resulting in the replacement of all the relevant saved Local Plan policies.
<b>Option 3</b>	Rely on NPPF and Core Strategy policies and the Wind Energy SPD. This option would result in the relevant saved local plan policies becoming redundant.

### Evidence Base / Viability Implications

- 6.24 We consider that Options 1 and 3 would not require further evidence and would have limited or no implications for viability. However we consider Option 2 may require an assessment of its implications for the viability of affected development depending on how closely any new criteria reflect other local policies, although it is not expected that any additional evidence base work would be necessary.

### **Consultation Questions for Renewable and Low Carbon Energy**

**58. Which option do you think is appropriate?**

**59. If a new policy is needed should it:**

- **Include criteria for judging applications only?**
- **What criteria should be included?**
- **Apply specific criteria to different types of renewable and low carbon energy source proposals? What issues do different sources generate?**
- **Include criteria and also seek to fill the gaps left by existing policies (such as, but not exclusively, identifying locations and accounting for recent government announcements)?**

## Telecommunications and Broadband Provision

6.25 Communications infrastructure which is up-to-date and fit for purpose is essential to meet the changing needs of business and individual users. Telecommunications infrastructure can include broadband networks, telecommunications masts, radio equipment, apparatus for mobile phone operators, public CCTV and webcams. Antennae, Radio Masts and Radio Equipment are subject to District Council control in selected areas. Larger scale telecommunication development does requires planning permission, but there are many aspects which do not, as they are permitted by virtue of the General Permitted Development Order (GPDO). The current local policy in place only relate to Antennae, Radio Masts and Radio Equipment and satellite dishes within the AONB, SSSIs and Conservation areas and is in place to ensure that the sighting, design and appearance are appropriate to the locality.

### Do we need a new policy?

Current National and Local Plan Policy	
National Planning Policy Framework (NPPF)	Paragraph 43
Core Strategy	None
Saved Local plan	S28 , C18 Satellite Dishes

- 6.26 The NPPF states that local planning authorities should support the expansion of electronic communications networks, including telecommunications and high speed broadband. They should aim to keep the numbers of radio and telecommunications masts and the sites for such installations to a minimum consistent with the efficient operation of the network. Existing masts, buildings and other structures should be used, unless the need for a new site has been justified. Where new sites are required, equipment should be sympathetically designed and camouflaged where appropriate.
- 6.27 There are no specific policies within the Core Strategy that deal with telecommunication or broadband provision.
- 6.28 Saved Local Plan Policy C18 sets out four criteria for the installation of satellite dishes within Conservation Areas and Areas of Outstanding Natural Beauty (AONB). These are mostly specific in nature relating to matters of colour, size of dish and the need to remove redundant dishes, harm to the building and impact on wider landscape and street scene. Saved Local plan policy S28 sets out where telecommunication masts and equipment will be permitted where they satisfy three criteria within the AONB, Sites of Special Scientific Interest and Conservation Areas. These criteria are general and specific in nature, two of which relate to impact on landscape appearance, the other relates to a need which cannot be adequately met by shared use of existing masts. Neither saved local policies relate to broadband provision.



6.29 Issues to take into account in considering future policy on this matter include:

- Whether the existing criteria need updating and an overarching policy is adopted for telecommunications and broadband as a whole.
- Whether certain criteria should apply to certain parts of the district.

**Options**

<b>Option 1</b>	Maintain the current policy position, resulting in the retention (or combining) of policies S28 and C18
<b>Option 2</b>	Adopt a new policy with amended/updated criteria and requirements and include broadband provision resulting in the replacement of policy S28 and C18.
<b>Option 3</b>	No longer apply any such policy and rely only on national policy. This option would result in policies S28 and C18 becoming redundant.

**Evidence Base / Viability Implications**

6.30 We consider that no further evidence is required to support the development of the options outlined above; and that they will have limited or no implications for viability.

**Consultation Questions for Telecommunications and Broadband**

**60. Which option do you think is appropriate?**

**61. If a new policy is preferable what should this contain?**

## **7 Sustainable Travel and Access**

- 7.1 The policy areas in this section will seek to compliment improvements to accessibility and public transport as set out within the Core Strategy and Land Allocations DPD. As policies are already in existence in the Core Strategy and Land Allocations DPD many of these issues such improvements to transport infrastructure have been established. This section will therefore contain the policies that deal with the remaining detailed sustainable travel and accessibility issues.
- 7.2 The policy topics which we have identified are:
- Protection and creation of Recreation routes
  - Parking Provision

## Protection and creation of Recreation routes

7.3 Existing and proposed rights of way provide an important recreational resource. They provide opportunities for people to access the open countryside and urban areas by non-motorised forms of transport. In the district they comprise footpaths, bridleways and cycle ways and in places follow disused railway lines and other former transport routes such as the Lancaster Kendal Canal. Current local policy seeks to protect rights of way and ensure development doesn't prejudice opportunities for new rights of ways or disused railway lines to become recreation routes, or prevent or impair the former Kendal-Lancaster canal.

### Do we need a new policy?

Current National and Local Plan Policy	
National Planning Framework (NPPF) Policy	Paragraph 35, 41, 69, 75
Core Strategy	CS1.1, CS8.1, CS10.1
Saved Local plan	L10 Rights of Way, L11 Disused Railway Lines, L12 Lancaster Canal <i>Tr2 Safeguarding land for Transport Infrastructure Improvements</i>

7.4 The NPPF specifies planning policies should protect and enhance public rights of way and access, local authorities should seek opportunities to provide better facilities for users, for example by adding links to existing rights of way networks.

7.5 The Core Strategy seeks to where possible provide a choice of sustainable transport modes for all sections of the community, including the provision of cycling and pedestrian infrastructure. It also seeks to protect and enhance linkages between open spaces within service centres, other rural settlements and in the wider countryside, supporting the creation of additions to the footpath network, as well as the promotion of a network of safe cycle and walking routes linking residential areas with key facilities, and services. It protects the Northern Reaches of the Lancaster Canal (route is shown on the Land Allocations policies map) and any associated infrastructure to enable its restoration for navigations.

7.6 Current saved local plan policy L10 seeks to ensure existing and proposed rights of way are maintained and protected from any development that may affect their character or result in their loss or disruption and footpath links are provided between new development and existing rights of way. It specifies development which results in their loss or disruption will only be permitted where a satisfactory diversion can be provided. Policy L11 seeks to ensure development doesn't prevent or reduce opportunities for the use of former railway lines to become recreation routes. Policy L12 seeks to ensure development doesn't prevent or impair the restoration of the Kendal-Lancaster canal. It specifies in what circumstances essential development that may affect the alignment should be permitted and factors to take into account in restoring the canal.

7.7 Issues to take into account in considering future policy on this matter include:

- Some aspects of saved local plan policy are supported in the Core Strategy (protection of such routes in principle) and it is questionable whether this needs repeating.
- Whether existing criteria needs retaining or updating.

### Options

<b>Option 1</b>	Maintain the current policy position, resulting in the retention of policy L10, L11 and L12.
<b>Option 2</b>	Adopt a new policy for all recreation routes with amended/updated criteria for considering any proposal that may affect them resulting in the replacement of policy L10, L11 and L12.
<b>Option 3</b>	No longer apply any policies and rely on National and Core Strategy policy. This would result in policies L10, L11 and L12 becoming redundant.

### Evidence Base / Viability Implications

7.8 We consider that no further evidence is required to support the development of the options outlined above; and that they will have limited or no implications for viability.

#### Consultation Questions for protection and creation of recreation routes

**62. Which option do you think is appropriate?**

**63. If a new policy or policies is needed what should it cover?**

## Parking Provision

- 7.9 It is essential there is adequate parking provision to accommodate expected demands arising from all new developments. A balance must be struck between providing over provision and not enough particularly in areas of congestion. Decisions should be considered in context of promoting sustainable transport choice, locational characteristics and the needs of everyone. Current local policy applies the use of guidance and in the case of town centre car parking additional factors to determine requirements.

### Do we need a new policy?

Current National and Local Plan Policy	
National Planning Policy Framework (NPPF)	Paragraph 35, 39 and 40
Written Statement Parking: helping shops and preventing congestion	HCWS488 March 2015
Core Strategy	CS10.2 Transport impact of new development
Saved Local plan	S10 Parking provision in new development Tr5 Town Centre Parking, Tr6a Disabled Parking

- 7.10 The NPPF specifies local planning authorities should only impose local parking standards for residential and non-residential development where there is clear and compelling justification that it is necessary to manage their local road network. If local planning authorities wish to set local standards then they need to take into account five factors (outlined in paragraph 39). National Maximum parking standards have been abolished.
- 7.11 The Core Strategy specifies development proposals will need to incorporate parking standards that are in accordance with any adopted and emerging sub-regional and /or local policy and guidance. The Council currently uses the County Council's "Parking Guidelines in Cumbria" Supplementary Planning Guidance, to determine the level of parking for new development – these are very much advisory and are currently being reviewed (Cumbria Design Guide).
- 7.12 Saved local plan policy S10 states requirements for off-street parking will be calculated based on Cumbria County Council's guidelines. It states the guidelines will be applied flexibly and will be relaxed in circumstances such as town centres and other locations which have good access to other means of travel than the private car. Saved local plan policy Tr5 includes five factors which need to be considered when considering development proposals in town centres. Saved local plan policy Tr6a specifies disabled parking will be encouraged with new development providing it and sets out three criteria of a general nature (appropriate scale, sympathetic design and good access).

7.13 Local Plan policies need to reflect latest government guidance, if the Council wishes to adopt local parking standards these need to be justified.

7.14 Issues to take into account in considering future policy on this matter include:

- Whether local parking standards should be adopted and if so how these should be applied?
- Is a flexible approach more appropriate when it comes to applying parking requirements?
- Protection and provision of town centre parking.
- Are existing criteria within saved local plan policies still relevant, need updating. Could any elements be addressed generally by criteria in a new Development Management General Requirements policy (see section 2 above).

### Options

<b>Option 1</b>	Maintain the current policy position, resulting in the retention of policies Tr5, Tr6 (part regarding disabled parking provision) and S10.
<b>Option 2</b>	Adopt a new policy, combining the policies above, with new criteria and a reference to how current requirements and local guidelines will be applied. If a 'General Requirements' policy is progressed, relevant common criteria could be removed from the updated parking provision policy to avoid duplication. This would result in the replacement of policy Tr5, part of Tr6 with respect to disabled parking and S10.
<b>Option 3</b>	No longer apply any such policy and continue to apply national and core strategy policy. This option would result in policies Tr5; part Tr6 with respect to disabled parking and policy S10.

### Evidence Base / Viability Implications

7.15 If option 2 is chosen, and the Council decides to impose local parking standards, it will require further evidence and may require an assessment of its implications for the viability of affected development. Otherwise, we consider that no further evidence is required to support the development of the other options outlined above; and that they will have limited or no implications for viability.

#### Consultation Questions for Parking Provision

**64. Which option do you think is appropriate?**

**65. If option 2 is supported what factors should be taken into account?**

## 8 Other Saved Local Plan Policies

8.1 A number of existing saved local plan policies may no longer be required due to several factors listed below.

1. Changes in circumstances over the course of time, out of date, policy matter no longer considered an issue, may therefore no longer be required.
2. Covered adequately by national and up to date local planning policies in the Core Strategy and Land Allocations Development Plan Documents.
3. Could be covered by a DM 'General Requirements' policy and in some cases other policies such as design and historic environment.

Saved Local Plan Policy	Factor why policy may no longer need retaining
H14 Dwellings constructed from temporary materials	1
E1 Land allocated for business parks (Parkside Road)	1 (Site has been developed for housing purposes).
E4 New Development and Extensions to Premises	2 and 3
E5 Redevelopment	2 and 3
E9 Homeworking	2
E10 Farm Diversification	2 and 3
R4 Conversion or extension of existing retail premises, Ulverston Town Centre	2 and 3
R7 Retail Development Outside of Shopping Centres	2
T2 Conversion of buildings to hotels and serviced accommodation	2 and 3
T2a Retention of Holiday Accommodation in Grange-over-Sands	1
T8 Tented Camping Sites	2 and 3
T9 Camping Barns	2 and 3
C6 Sites of International Nature Conservation Importance	2 (Covered by national and European legislation)
C7 National Sites of Nature Conservation	2 (Covered by Core Strategy as well as national

Importance	policy and legislation)
C21 Derelict Land	2
L5 Village Halls	2 and 3
L7 Golf Courses and Driving Ranges elsewhere (outside of AONB)	2 and 3
L8 Provision of club houses and car parking	2 and 3 (Parking element to be covered by parking policy)
Tr2 Safeguarding land for transport infrastructure improvements	2 (Single local plan 2021-2035 will identify any relevant schemes)
Tr9 Better Ways to School	1
R7 Retail Development Outside of Shopping Centres	2
S16 External Cashpoint Machines	3
S19 Percent for Art	2 and 3
S23 Agricultural Buildings	2 and 3
S24 Temporary Buildings	1
S26 Sewage and Disposal	2 and 3
S27 Overhead Lines	3
S29 Waste recycling facilities	2 and 3

### Consultation Questions for Other Saved Local Plan Policies

**66. If you consider any of these policies warrant retention and require specific criteria please provide reasoning why?**

Saved local plan policies and elements of them specific to the Arnside and Silverdale AONB (see list below) are being considered through the development of the Arnside and Silverdale AONB Local Plan.

- Policy T5 Caravan Site Development within the Arnside-Silverdale AONB.
- Policy L6 Golf Courses and Driving Ranges with the AONB.
- Policy E3 (Reference to Quarry Lane, Storth employment land allocation).
- Elements of Policies C18, S28 and T7.



Appendix 1 – Sustainability Appraisal against Core Strategy Objectives<sup>4</sup>

Sustainability Appraisal Objectives		<b>CSSO1</b> To deliver a step change in the local economy and contribute towards the enhancement of the wider Cumbrian economy	<b>CSSO2</b> To achieve a balanced housing market	<b>CSSO3</b> To protect the unique character of the District	<b>CSSO4</b> To improve accessibility to services	<b>CSSO5</b> To improve health and wellbeing for all
<b>SP1</b>	Increase Participation in Democratic Process	+2	+2	+2	+4	+2
<b>SP2</b>	Improve Access to Services & Facilities, the Countryside and Open Spaces	+2	0	+2	+4	+4
<b>SP3</b>	Decent Affordable Housing	+2	+4	0	+2	+2
<b>SP4</b>	Improve Skills, Education, Training	+4	0	0	+2	+2
<b>SP5</b>	Improve Health & Wellbeing	+2	+2	+2	+2	+4
<b>SP6</b>	Create Vibrant, Active and Inclusive Communities	+2	+4	+2	+4	+4
<b>EN1</b>	Protect and Enhance Biodiversity and Geodiversity	0	0	+2	0	+2

<sup>4</sup> Please see the Local Plan – Core Strategy for full text of objectives

<b>EN2</b>	Conserve and Enhance Landscape Quality and Character	0	0	+2	0	0
<b>EN3</b>	Improve the Quality of the Built Environment	0	+2	+2	+2	+2
<b>NR1</b>	Improve Local Air Quality, Reduce Greenhouse Gas Emissions, Promote Renewable Energy and Reduce the Need to Travel	+2	0	+2	+2	+2
<b>NR2</b>	Improve Water Quality and Water Resources	0	0	+2	0	+2
<b>NR3</b>	Restore and protect Land & Soil	0	0	+2	0	+2
<b>NR4</b>	Manage Mineral Resources Sustainably, Minimise Waste and Encourage Recycling	0	0	+4	0	+2
<b>EC1</b>	Retain Existing Jobs and Create New Employment Opportunities	+4	+2	+2	+2	+2
<b>EC2</b>	Improve Training & Access to Jobs	+4	+2	0	+2	+2
<b>EC3</b>	Strengthen Local Economy	+4	+2	+2	+2	+2
		<b><u>28</u></b>	<b><u>20</u></b>	<b><u>28</u></b>	<b><u>28</u></b>	<b><u>36</u></b>

Red = Negative score; consider strengthening objective, to reduce negative effects/increase positive.  
make positive

Pale green = Low positive score; consider ways to improve positive effects/reduce negative aspects.

Orange = Neutral score, consider ways to

Dark green = High positive score

## Appendix 2 - New Permitted Development Rights

Permitted development rights (PDR) allow changes of use to be made to a building and/or land without the need to apply to the Local Planning Authority for planning permission. A summary of new PDRs are provided below which came into force on 15<sup>th</sup> April 2015 under the Town and Country Planning (General Permitted Development) (Amendment and Consequential Provisions) (England) Order 2015. Here is a link to the [The Town and Country Planning \(General Permitted Development\) \(England\) Order 2015](#) . A **summary** of relevant permitted development rights is set out below. Other guidance, for example, the Town and Country Planning (Use Classes) Order 1987 (as amended), puts uses of land and buildings into various classes known as ‘land use classes’. This Order advises when you will need planning permission to change from one use class to another. Here is a link to guidance on the National Planning Portal, [Use Classes order 1987 as amended](#) and [The Town and Country Planning \(Use Classes\) \(Amendment\) \(England\) Order 2015](#). For detailed guidance / reference, please refer to the above links.

\*Please note permitted development rights are more restricted in some areas such as Conservation Areas, Scheduled Ancient Monuments, Areas of Outstanding Natural Beauty, Sites of Special Scientific Interest, a safety hazard area or a military explosives storage area and where the building is an Asset of Community Value or a Listed Building. Conditions, limitations, exceptions may apply in all circumstances.

### A1 (Shops)

Included within A1 use class are; shops; hairdressers, funeral directors and dry cleaners.

#### Permitted changes:

- Temporary permitted change (2 years) up to 150m<sup>2</sup> to A2, A3, B1 (interchangeable with notifications)
- A1 to mixed use as A1 and up to two flats
- A1 to C3 (dwelling house) together with building works deemed necessary for the conversion (subject to prior approval notification).
- A1 to ‘deposit taker’ within A2 Use Class
- A1 to A2
- A1 to A3 (subject to prior approval)
- A1 to D2 (subject to prior approval)

### A2 (Financial Services)

Included within A2 use are; banks, building societies, employment agencies, estate agencies and betting offices.

#### Permitted changes:

- A2 to Class A1 where there is a display window at ground floor level
- Mixed use as A2 and up to 2 flats

- Temporary permitted change (2 years) up to 150m<sup>2</sup> to A1, A3, B1 (interchangeable with notifications)
- A2 to Class C3 (dwelling house) together with building works deemed necessary for the conversion (subject to prior approval notification)
- A2 to A3 (subject to prior approval)
- A2 to D2 (subject to prior approval)

### A3 (Food and Drink)

Included within A3 use are restaurants and cafes.

#### Permitted Changes:

- A3 to Class A1 (where there is a display window at ground floor level)
- A3 to Class A2
- Temporary permitted change (2 years) up to 150m<sup>2</sup> to A1, A2, B1 (interchangeable with notifications)

### A4 (Drinking establishments)

Included within A4 use are public houses and wine bars

#### Permitted changes:

- A4 to A3
  - A4 to A2
  - A4 to A1
- } Subject to building not being an Asset of Community Value
- Temporary permitted change (2 years) up to 150m<sup>2</sup> to A1, A2, A3, B1 (interchangeable with notifications/confirmation from the LPA that the building is not an Asset of Community Value)

### A5 (Hot Food Takeaways)

Included within A5 use are establishments offering hot food for consumption off the premises

#### Permitted changes:

- A5 to A3
- A5 to A2
- A5 to A1
- Temporary permitted change (2 years) up to 150sqm to A1, A2, A3, B1 (interchangeable with notifications)

### B1 (Business)

Included within B1 use are offices, research and development, industrial processes which can be carried out without causing harm to the amenities of the area.

**Permitted changes:**

- B1 to B8 (subject to floor space not exceeding 500m<sup>2</sup>) and only until 30/05/2016
- B1(a) (offices) to C3 (prior approval process required)
- B1 to a state funded school (prior approval process required)
- Temporary permitted change (2 years) up to 150m<sup>2</sup> to A1, A2, A3, B1 (interchangeable with notifications)

**B2 (General Industry)**

General industrial process other than those included within Use Class B1.

**Permitted changes:**

- B2 to B1
- B2 to B8 (subject to floor space not exceeding 500m<sup>2</sup>)

**B8 (Storage or Distribution)**

Includes wholesale warehouse, distribution centres

**Permitted changes**

- B8 to B1 (subject to floor space not exceeding 500m<sup>2</sup>)
- B8 to C3 (subject to prior approval and only until 15/04/2018)

**C1 (Hotels)**

Includes Hotels and boarding houses

**Permitted changes**

- C1 to a state funded school or registered nursery (prior approval process required)

**C2 (Residential institutions)**

Includes residential schools and colleges, hospitals and nursing homes

**Permitted changes**

- C2 to a state funded school or registered nursery (prior approval process required)

**C2a (Secure residential institutions)**

Includes prisons, detention centres, custody centres, military barracks and secure training centres

**Permitted changes:**

- C2 to a state funded school or registered nursery (prior approval process required)

### **C3 (Dwelling houses)**

Includes use as a dwelling house (primary or secondary residence) by not more than 6 residents living together as a single household unless living together as a family.

**Permitted change:**

- C3 to C4

### **C4 (Houses in Multiple occupation)**

Use of dwelling house by 3 to 6 residents

**Permitted change:**

- C4 to C3

### **D1 (Non-residential institutions)**

Includes uses such as schools, non-residential training centres, museums, public libraries, places of worship, law courts, public halls etc.

**Permitted change:**

- Temporary permitted change (2 years) up to 150m<sup>2</sup> to A1, A2, A3, B1 (interchangeable and notifications)

### **D2 (Assembly and Leisure)**

Includes uses such as cinemas, concert and music halls, swimming baths, gyms, other indoor and outdoor sports and leisure uses

**Permitted change:**

- Temporary permitted change (2 years) up to 150m<sup>2</sup> to A1, A2, A3, B1 (interchangeable with notifications)
- D2 to a state funded school or registered nursery (prior approval process required)

### **Sui Generis (a class of its own/unique)**

Uses which fall outside the specified use classes specified above. Includes Petrol Filling Stations, Scrap Yards, Nightclubs, Amusement Centres, Casinos, Theatres and Hostels.

**Permitted changes:**

- Casino to A3 (subject to prior approval)
- Casino to D2
- Amusement Centre or Casino to C3 (subject to prior approval)
- From a betting shop or pay day loan shop to A2
- From betting shop/pay day loan shop with a display window at ground level to A1
- From betting shop/pay day loan shop with a display window at ground level to a mixed use within A1/A2 and up to two flats

## Agricultural Buildings

### Permitted change:

- Agricultural to A1, A2, A3, B1, B8, C1, or D2 (subject to conditions including floor sizes, previous use time restrictions and exemptions including listed buildings) (prior approval may also be necessary)
- Agricultural to C3 (including the building works necessary for the conversion) up to three new homes. Subject to conditions including floor sizes. (Prior approval process required)
- Agricultural to a state funded school or registered nursery (prior approval process required)

## Appendix 3 – Housing Standards Review

The following combines extracts from the ‘Building Regulations 2010 Approved Document M (Access to and use of buildings) Volume 1: 2015 edition’ Online Version. For full details see the document <http://tinyurl.com/mdfqkom>

### ACCESS TO AND USE OF DWELLINGS

#### Requirements

Type of Standard	Summary of requirement	Limits on Application
<p>Accessibility: Part M: Access to and use of dwellings</p> <p><b>MANDATORY</b> – Category 1 Visitable Dwelling Access and Use</p>	<p>M4(1) Reasonable provision should be made for people to –</p> <ul style="list-style-type: none"> <li>a) Gain access to and</li> <li>b) Use, the dwelling and its facilities.</li> </ul>	<p>Requirement M4(1) does not apply to:</p> <ul style="list-style-type: none"> <li>a) An extension to a dwelling; or</li> <li>b) Any part of a building that is used solely to enable the building or any service or fitting in the building to be inspected repaired or maintained.</li> </ul>
<p>Accessibility: Part M: Access to and use of dwellings</p> <p><b>OPTIONAL</b> – Category 2 Accessible and adaptable dwellings</p>	<p>M4(2) Reasonable provision must be made for people to –</p> <p>(1)</p> <ul style="list-style-type: none"> <li>a) Gain access to; and</li> <li>b) Use, the dwelling and its facilities.</li> </ul> <p>(2) The provision made must be sufficient to –</p> <ul style="list-style-type: none"> <li>a) meet the needs of occupants with differing needs, including some older or disabled people; and</li> <li>b) to allow adaptation of the dwelling to meet the changing needs of occupants over time.</li> </ul>	<p>Optional requirement M4(2) –</p> <ul style="list-style-type: none"> <li>a) May apply only in relation to a dwelling that is erected;</li> <li>b) Will apply in substitution for requirement M4(1)</li> <li>c) Does not apply where optional requirement M4(3) applies;</li> <li>d) Does not apply to any part of a building that is used solely to enable the building or any service or fitting in the building to be inspected, repaired or maintained.</li> </ul>
<p>Accessibility: Part M: Access to and use of dwellings</p> <p><b>OPTIONAL</b> – Category 3 Wheelchair user dwellings</p>	<p>M4(3)</p> <p>(1) Reasonable provision must be made for people to –</p> <ul style="list-style-type: none"> <li>a) Gain access to, and</li> <li>b) use, the dwelling and its facilities</li> </ul> <p>(2) The provision made must be sufficient to-</p> <ul style="list-style-type: none"> <li>a) allow simple adaptation of</li> </ul>	<p>Optional requirement M4(3) –</p> <ul style="list-style-type: none"> <li>a) May apply only in relation to a dwelling that is erected;</li> <li>b) Will apply in substitution for requirement M4(1);</li> <li>c) Does not apply where optional requirement M4(2) applies;</li> </ul>



	the dwelling to meet the needs of occupants who use wheelchairs.	<p>d) Does not apply to any part of a building that is used solely to enable the building or any service or fitting in the building to be inspected, repaired or maintained.</p> <p>Optional requirement M4(3)(2)(b) applies only where the planning permission under which the building work is carried out specifies that it shall be complied with.</p>
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**INTERNAL SPACE STANDARDS – NATIONALLY DESCRIBED SPACE STANDARDS**

The following is an extract from the Technical housing standards – nationally described space standard (DCLG March 2015). For full details see the document <http://tinyurl.com/or4mbwh>

Table 1 Minimum gross internal floor areas and storage (m2)

Number of bedrooms (b)	Number of bed spaces (persons)	1 storey dwellings	2 storey dwellings	3 storey dwellings	Built-in storage
1b	1p	39(37)			1.0
1b	2p	50	58		1.5
2b	3p	61	70		2.0
2b	4p	70	79		2.0
3b	4p	74	84	90	2.5
3b	5p	86	93	99	2.5
3b	6p	95	102	108	2.5
4b	5p	90	97	103	3.0
4b	6p	99	106	112	3.0
4b	7p	108	115	121	3.0
4b	8p	117	124	130	3.0
5b	6p	103	110	116	3.5
5b	7p	112	119	125	3.5
5b	8p	121	128	134	3.5
6b	7p	116	123	129	4.0
6b	8p	125	132	138	4.0

## Appendix 4 - Glossary

**Adoption** - The final confirmation of a development plan (Local Plan) or Local Development Document and its status as part of the statutory development plan by a Local Planning Authority (LPA).

**Affordable Housing** - Housing, whether for rent, shared ownership or outright purchase, provided at a cost considered affordable in relation to incomes that are average or below average, or in relation to the price of general market housing.

**Aged or veteran tree** – A tree which, because of its great age, size or condition is of exceptional value for wildlife, in the landscape, or culturally.

**Agriculture** - Defined by Section 336(1) of the Town and Country Planning Act 1990 as including: horticulture, fruit growing, seed growing, dairy farming, the breeding and keeping of livestock (including any creature kept for the production of food, wool, skins or furs, or the purpose of its use in the farming of land), the use of land as grazing land, meadow land, osier land, market gardens and nursery grounds, and the use of land for woodlands where that use is ancillary to the farming of land for other agricultural purposes.

**Air Quality Management Areas** – Areas designated by local authorities because they are not likely to achieve national air quality objectives by the relevant deadlines.

**Allocated Land** - Land identified in a development plan as appropriate for a specific land use.

**Amenity** – This refers to positive element(s) that contribute to the overall character or enjoyment of an area. For example, open land, trees, historic buildings and the inter-relationships between them, or less tangible factors such as tranquillity can all be considered as an amenity asset.

**Ancient Monument** - A structure regarded by the Secretary of State for Culture, Media, and Sport as being of national importance by virtue of its historic, architectural, traditional or archaeological interest. Scheduled Ancient Monuments are listed in a schedule compiled under the requirements of Section 1 of the Ancient Monuments and Archaeological Areas Act, 1979.

**Ancient Woodland** - An area of woodland that has had a continuous cover of native trees and plants since at least 1600 AD, having neither been cleared nor extensively replanted since then. This date is adopted as marking the time when plantation forestry began to be widely adopted and when evidence in map form began to become available.

**Biodiversity** – The whole variety of life on earth. It includes all species of plants and animals and the ecosystems and habitats they are part of.

**BRE Environmental Assessment Method (BREEAM)** – A voluntary measurement rating for green buildings that was established in this country by the Building Research Establishment.

**Brownfield Land (previously-developed land)** - Land that is or was occupied by a permanent structure (excluding agricultural or forestry buildings), and associated fixed surface infrastructure. The definition covers the curtilage of the developed land. Previously-developed land may occur in both built-up and rural settings. The definition includes defence buildings and land used for mineral extraction and waste disposal where provision for restoration has not been made through planning condition or legal agreement. Domestic gardens are not classified as previously developed land.

**Caravan Development** – The creation, extension or adaptation of land which is used for the purposes of accommodating both static and/or touring caravans. The legislative definition can also include chalets which are used for temporary periods for leisure uses. This can also include development which is ancillary to the purpose of using caravans, including toilet blocks, laundry and shower blocks and other associated infrastructure.

**Coastal Change Management Area** – An area identified in Local Plans as likely to be affected by coastal change (physical change to the shoreline through erosion, coastal landslip, permanent inundation or coastal accretion).

**Contaminated Land** - Land that has been polluted or harmed in some way making it unfit for safe development and usage unless cleaned.

**Community Strategy** - A strategy prepared by a local authority to improve local quality of life and aspirations, under the Local Government Act 2000. This is now replaced by sustainable community strategy

**Core Strategy** - A key Local Plan document setting out the spatial vision, strategic objectives and the planning framework for an area, having regard to the Community Strategy.

**Development** - Development is defined under the 1990 Town and Country Planning Act as "the carrying out of building, engineering, mining or other operation in, on, over or under land, or the making of any material change in the use of any building or other land". Most forms of development require planning permission (see also "permitted development").

**Extra Care Housing** - Extra Care Housing is housing designed with the needs of frailer older people in mind and with varying levels of care and support available on site. People who live in Extra Care Housing have their own self contained homes, their own front doors and a legal right to occupy the property. Extra Care Housing is also known as very sheltered housing, assisted living, or simply as 'housing with care'. It comes in many built forms, including blocks of flats, bungalow estates and retirement villages.

**Flood Risk Assessment** - An assessment of the likelihood of flooding in a particular area so that development needs and mitigation measures can be carefully considered.

**Greenfield Land/Site** - Land (or a defined site), usually farmland, that has not previously been developed. Domestic gardens are not classified as previously developed land.

**Green infrastructure** – A network of multi-functional green space, urban and rural, which is capable of delivering a wide range of environmental and quality of life benefits for local communities.

**Gypsies and Travellers** - A person or persons who have a traditional cultural preference for living in caravans and who either pursue a nomadic habit of life or have pursued such a habit but have ceased travelling, whether permanently or temporarily, because of the education needs of their dependent children, or ill-health, old age, or caring responsibilities (whether of themselves, their dependants living with them, or the widows and widowers of such dependants), but does not include members of an organised group of travelling show people or circus people, travelling together as such.

**Heritage asset** – Areas of undeveloped coastline which are managed to conserve their natural beauty and, where appropriate, to improve accessibility for visitors.

**Historic Environment** – All aspects of the environment resulting from the interaction between people and places through time, including all surviving physical remains of past human activity, whether visible, buried or submerged, and landscaped and planted or managed flora.

**Infill development** - Building taking place on a vacant plot in an otherwise built-up street frontage.

**Local Development Document (LDD)** - These include Local Plans (which form part of the statutory development plan) and Supplementary Planning Documents (which do not form part of the statutory development plan).

**Local Plan** - A document setting out the Local Planning Authority's policies and proposals for the development and use of land and buildings in the authority's area-prepared under the Planning & Compulsory Purchase Act 2004. Local Plan documents include the Core Strategy, Land Allocations and, where needed, other documents such as Development Management Policies or documents covering specific topics or areas such as Gypsies and Travellers and Kendal Canal Head. There will also be an adopted Policies Map, which illustrates the spatial extent of policies. The Policies Map must be prepared and maintained to accompany all Local Plans. All Local Plan documents must be subject to rigorous procedures of community involvement, consultation and independent examination, and adopted after receipt of the Inspector's report. Once adopted, Development Control decisions must be made in accordance with them unless material considerations indicate otherwise.

**Local Planning Authority (LPA)** - The local authority or Council that is empowered by law to exercise planning functions, usually the local borough or District Council. National parks and the Broads authority are also considered to be Local Planning Authorities. County Councils are the authority for waste and minerals matters.

**Main town centre uses** – Retail Development (including warehouse clubs and factory outlet centres); leisure, entertainment facilities the more intensive sport and recreation uses (including cinemas, restaurants, drive-through restaurants, bars and pubs, night-clubs, casinos, health and fitness centres, indoor bowling centres, and bingo halls); offices; and arts, culture and tourism development (including theatres, museums, galleries and concert halls, hotels and conference facilities).

**Material Consideration** - A matter that should be taken into account in deciding a planning application or an appeal against a planning decision.

**Mitigation** - Measures to avoid reduce or offset significant adverse effects.

**National Planning Policy Framework (NPPF)** – A document that has been prepared by the Government which has replaced all previous National Planning Policy contained within Planning Policy Statements (PPSs) and Planning Policy Guidance (PPGs).

**National Planning Practice Guidance (NPPG)** – Revised and continuously updated planning practice guidance produced by the government.

**Objective** - A statement of what is intended, specifying the desired direction of change in trends.

**Plan-Led System** - Decisions on planning applications should be made in accordance with the adopted Local Plan, unless there are other material considerations that may indicate otherwise.

**Planning & Compulsory Purchase Act 2004** - The Act updated elements of the 1990 Town & Country Planning Act and introduced:

- A statutory system for regional planning.
- A new system for local planning (the LDF).
- Reforms to the development control and compulsory purchase and compensation systems.
- Removal of crown immunity from planning controls.

**Planning Portal** - A national website provided by the government for members of the public, Local Planning Authorities and planning consultants. [The Planning Portal](#) features a wide range of information and services on planning.

**Previously Developed Land** - See Brownfield Land.

**Registered Social Landlord (RSL)** - Technical name for a body registered with the Housing Corporation. Most Housing Associations are RSLs. They own or manage some 1.4 million affordable homes, both social rented and intermediate.

**Renewable Energy** - Renewable energy is energy flows that occur naturally and repeatedly in the environment, for example from the wind, water flow, tides or the sun.

**Rounding Off** - Completion of an incomplete group of buildings on land that is already partially developed in a way that will either complete the local road pattern or finally define and complete the boundaries of the group (Core Strategy Para 2.24).

**Saved Local Plan Policies** - Policies in Local Plans that remain in operation pending production of replacement Local Development Documents.

**Self-build Housing** - Housing built or commissioned by an individual, group of individuals or community, either directly on a DIY and subcontracting basis or through the involvement of self-build package companies, builders or contractors.

**Site of Special Scientific Interest (SSSI)** - A site identified under the Wildlife and Countryside Act 1981 (as amended by the Countryside and Rights of Way Act 2000) as an area of special interest by reason of any of its flora, fauna, geological or physiographical features (basically, plants, animals, and natural features relating to the Earth's structure).

**Special Area of Conservation (SAC)** - Areas designated under the European Union Habitat Directive. They provide increased protection for a variety of wild animals, plants and habitats and are a vital part of the global effort to conserve world biodiversity.

**Special Protection Area (SPA)** - An area containing an assemblage of breeding populations of rare birds at a level of European significance, designated under EC Directive 79/409.

**Specific Consultation Bodies / Statutory Bodies** - These are bodies that must be consulted on Local Plans and planning applications.

**Statement of Community Involvement (SCI)** - The Statement of Community Involvement sets out the processes to be used by the local authority in involving the community in the preparation, alteration and continuing review of all local development documents and in the consideration of planning applications. The Statement of Community Involvement is an essential part of the Local Plan.

**Strategic Environmental Assessment (SEA)** - Formal process to anticipate the likely significant environmental effects (including cumulative environmental effects) of implementing a plan and its reasonable alternatives with a view to avoiding, reducing or offsetting any negative impacts. See Sustainability Appraisal.

**Strategic Flood Risk Assessment (SFRA)** - The assessment of flood risk on a catchment-wide basis.

**Sub-Regional Housing Market Areas** - Geographical areas within which there are clear links between where people live and work. These areas can be defined by the patterns of household movement. These patterns are influenced by factors such as proximity to family, friends, employment, education and other facilities, and are likely to operate across Local Planning Authority boundaries.

**Supplementary Planning Document (SPD)** - A document that may cover a range of issues, thematic or site-specific, and provide further detail about policies and proposals in a 'parent' Local Plan.

**Sustainability Appraisal (SA)** - Formal, systematic and comprehensive process of evaluating the environmental, social and economic impacts of a plan, policy or programme or its alternatives. The SA process incorporates the SEA process.

**Sustainable Drainage System (SuDS)** - Current "best practice" for new development that seeks to minimise the impact on drainage systems e.g. through the use of pervious areas within a development to reduce the quantity of runoff from the site.

**Town and Country Planning (Use Classes) (Amendment) (England) Order 2015** – This puts uses of land and buildings into various categories known as 'Use Classes'. The Order is periodically amended.

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