

Development Standards

Introduction

- 17.1 An important purpose of this Local Plan is to provide certainty about what types of development will or will not be permitted. In deciding whether to grant planning permission the provisions of this plan will be referred to together with all other material considerations. These considerations will include factors such as the number, size, layout, siting, design and external appearance of buildings, the proposed means of access to them, and landscaping proposals. Impact on the amenity, the archaeological resource, the character of the area, the street scene and the availability of infrastructure are also material considerations.
- 17.2 Whilst the above principles are relevant in some degree to all of the policies in the Local Plan, there are a number of planning issues that do not fit easily into any of the broader topics outlined earlier. Frequently these are issues that are relevant to more than one type of development. To avoid repetition in individual chapters these are grouped here under the heading of Development Standards.
- 17.3 Planning briefs will be prepared for the development of major sites within the area, and for smaller sensitive sites such as Conservation Areas, where there is a need to maintain and raise the quality of new development. Detailed guidance on design will also be prepared, including specific guidance for individual settlements in the form of Village Design Statements (VDSs), one of which has already been prepared for Appleby. These, together with other guidance statements, will be continually published in the form of

Supplementary Planning Guidance which will provide supporting information to policies within the Local Plan. These statements will be based upon the general requirements set down in the policies in this and other chapters of the Local Plan and will be available to assist developers in interpreting those policies in the particular circumstances of each site before formulating detailed proposals and submitting a planning application.

DS1 - General Requirements

A high standard of design is expected in all developments in both built-up areas and the countryside and proposals for poorly designed development will be refused. All proposals will be considered against the criteria set out below:

Quality of Design

- i) The design and external appearance of the proposal should reflect or enhance the character, appearance and setting of the immediate area; and**
- ii) the design and layout should respect and where possible retain and/or enhance the existing landform of the site.**

Amenity

- iii) No unacceptable loss of amenity to neighbouring land uses should result in terms of noise, smell, fumes, dust or other nuisance, or through the effects of overlooking or overshadowing; and**

Development Standards

- iv) amenity open space in the area should be retained, wherever possible; and
- v) no pollution of water, air or land should result which poses a danger or creates detrimental environmental conditions.

Where appropriate, conditions will be imposed requiring the provision of landscaping to enhance new development.

Conservation

- vi) There should not be an adverse effect on features of acknowledged importance, on or surrounding, the site, including species of plants and animals of nature conservation value (particularly species protected by Schedules 1, 5 and 8 of the Wildlife and Countryside Act 1981), Scheduled Ancient Monuments, archaeological remains, listed buildings and Conservation Areas or trees and woodland covered by Tree Preservation Orders; and
- vii) the development must ensure the retention of those existing site features that make an important contribution to the character or amenity of the site or the surrounding area; and

- viii) development proposals should include the results of archaeological assessment, where appropriate, and adequate measures to ensure that there would be no unacceptable impacts on archaeological remains. Conditions will be imposed to secure suitable mitigation at the appropriate time in the development process.

Resources

- ix) There should be no conflict with an allocated or approved land-use proposal in the locality nor should the reasonable potential for development of a neighbouring site be prejudiced; and
- x) the location and design of developments on the urban fringe (sites adjoining settlement development limits) should take into account the need to minimise the impact of the development on adjoining agricultural land or other countryside interests; and
- xi) measures to conserve energy will be expected in:
 - a) the design, orientation and layout of buildings; and

- b) the location of development; and**
- c) improvements to the transport network and in the management of traffic.**

Utilities and Services

- xii) There should be no reliance on public finances being available to provide infrastructure and services; and**
- xiii) suitable on-site drainage should be provided and where there are off-site drainage problems the developer will be expected to overcome them.**

17.4 *The national guidelines for development of business, industry and housing, embodied in PPG1, require local plans to set out the criteria and standards against which all development proposals will be judged. These must specifically include concern for the protection of the environment, efficiency in provision of infrastructure, and matters of location, access, siting and design. Case law and Government regulations have in turn established issues of nature conservation, landscaping, amenity, nuisance, health hazard and pollution as areas of justifiable concern.*

17.5 *The purpose of Policy DS1 is to set out the generality of these environmental and other criteria and standards, which every planning application will be expected to meet, thus achieving economy, efficiency, convenience, amenity and safety in the development and use of land.*

17.6 *The Government's national planning guidance, the UK Strategy on Sustainable Development and the good practice guide Planning for Sustainable Development: Towards Better Practice, encourage energy conservation, in order to reduce emissions of greenhouse gases and the depletion of energy sources. Buildings can be designed to take advantage of new techniques for energy conservation. All new building and conversions must comply with the Building Regulations (Part L) which concern the conservation of energy. However location, density, aspect and orientation can also influence energy conservation and are matters controlled by the planning authority. In addition, the location of different types of development influences how much people need to travel and the scale of carbon dioxide emissions from vehicles. Emission of greenhouse gases can also be reduced by more energy efficient transport policies and encouraging public transport, walking and cycling.*

Planning Benefits

17.7 *New developments can generate demand for additional services, and social and community facilities such as new and improved roads, schools, health centres, public open spaces and leisure facilities.*

17.8 *Section 106 of the Town and Country Planning Act 1990 states that the Council may enter into an agreement or accept a unilateral obligation with a developer to restrict the development or use of land, require operations or activities to be carried out, require land to be used in a specific way or require payments to be made to a local authority in lieu of providing facilities. Such planning obligations should not be used where planning conditions can achieve the same aims, and therefore planning obligations will usually be negotiated to achieve the provision of off-site*

improvements or developments, although in some cases on-site provision of facilities will be appropriate.

DS2 - Planning Benefits

Where development is acceptable in principle, under the policies of this Plan, development proposals will be expected to have regard to existing levels of infrastructure, services and amenities.

Planning obligations will be sought where they would enhance development proposals provided that:

- i) they are necessary to the granting of planning permission, relevant to planning and directly related to the development to be permitted; and**
- ii) the benefits sought are reasonably related in scale and kind to the developments concerned.**

17.9 *Planning legislation allows local planning authorities to enter into agreements which regulate the development of land. It enables agreements to be made about the provision of community benefits which conditions on planning permissions cannot always secure.*

17.10 *Service provision for any development needs to be well planned. This can, in some cases, involve providing open space and land for buildings at no cost to the Council and/or contributions in full or part to the construction of new facilities, or the extension and enlargement of existing facilities.*

17.11 *The following, whilst not being exhaustive, is a list of some of the*

benefits which may be sought from development proposals:

- i) Improvements to public transport facilities;*
- ii) provision of public facilities such as open space, community buildings, sport, leisure and recreational facilities, public cycle/car parking facilities, improved pedestrian access or other facilities which help meet the plan's objectives;*
- iii) conservation or renovation of buildings or places of historic architectural or townscape interest;*
- iv) provision of residential accommodation of a type likely to meet the Council's needs such as low cost housing and housing to rent;*
- v) conservation or enhancement of the countryside or urban environment;*
- vi) redevelopment of areas of poor layout and design including improvements to the highway system which will benefit local residents (e.g. rear servicing, traffic calming, highways' improvements);*
- vii) provision of small industrial or business units;*
- viii) provision of art, murals, sculpture, etc., for the benefit of the community.*

17.12 *Circular 1/97, Planning Obligations 1997, paragraphs B9 to B13 explain that where planning obligations are to be sought regularly in connection with certain types of development, the planning authority's policy should be made clear in the development plan.*