

## **Rochford District Council’s Response to Initial Questions and Comments**

### **Issue 1**

Does the Council wish to make any comments in response to this issue?

No. The policies are considered to be consistent with, and positively promote, the vision and objectives in the Core Strategy for Rochford District.

### **Issue 2**

The questions below relate to the individual policies and supporting text:

#### **Policy DM1**

- (a) Paragraph 58 of the NPPF indicates that design policies should be robust and comprehensive. How does a policy that simply expects account to be taken of certain matters fulfil that expectation?

Noted. It is proposed that ‘should’ in the second paragraph of Policy DM1 is amended to ‘must’ (see Proposed Schedule of Changes).

- (b) Development is expected to reflect the character of the locality. Does this take sufficient account of the NPPF which comments that innovation, originality and initiative should not be stifled?

Requiring new development to reflect the character of the locality is not considered to stifle innovation, originality or initiative. It will, however, ensure that any new development is respectful of the character of existing development.

- (c) Should the individual criteria (such as those relating to trees, car parking and density) be cross-referenced to other policies in the DMD in the interests of clarity?

Noted. It is proposed that the criteria within this policy are cross-referenced to other policies in the Plan (see Proposed Schedule of Changes).

#### **Policy DM2**

- (a) Paragraph 47 of the NPF indicates that local authorities should set out their own approach to density to reflect local circumstances. Does the Council wish to explain any further the rationale for a minimum density threshold of 30 dwellings per hectare?

The national indicative minimum density of 30 dwellings per hectare was established in 2006 within Planning Policy Statement 3 (paragraph 43). Although this national indicative minimum density was removed in 2010, it is considered that 30 dwellings per hectare would strike an appropriate balance between ensuring the efficient use of land and respecting the character of localities.

It is proposed to include additional text in paragraph 2.16 to provide justification for setting a minimum density threshold of 30 dwellings per hectare (see Proposed Schedule of Changes).

- (b) In order that it is effective should reference to the minimum figure be included within the policy itself?

It is proposed that the minimum figure of 30 dwellings per hectare is included within Policy DM2 (see Proposed Schedule of Changes).

### Policy DM3

- (a) The construction of the policy indicates that proposals “should consider” certain matters. Does this provide sufficient certainty to decision makers about what is expected?

Noted. It is proposed that ‘should’ in the first sentence of Policy DM3 is amended to ‘must’ (see Proposed Schedule of Changes).

- (b) Is criterion (ii) clear about what is “appropriate” and should it more fully reflect the supporting text in paragraph 2.24? Is it reasonable to expect that dwellings should be replaced on a like for like basis when the NPPF refers to significantly boosting the supply of housing and optimising the potential of sites to accommodate development?

Whilst paragraph 2.24 advises that the loss of existing dwellings can impact on the character of the streetscene, and that the replacement of dwellings should usually be on a like for like basis, it notes that an alternative dwelling type may be appropriate where the proposed development would ensure a more efficient use of the site without the adverse effects of ‘town cramming’ and residential intensification. Policy DM3, however, does not specify that dwellings should be replaced on a like for like basis, and in any case, applications for replacement dwellings will be considered on a case by case basis.

In terms of criterion (ii) of the policy, it is proposed that ‘having regard to existing character’ is inserted (see Proposed Schedule of Changes).

- (c) Should criterion (vi) refer to either a community benefit or a visual focus?

Noted. It is proposed that ‘and’ is amended to ‘and/or’ in this criterion (see Proposed Schedule of Changes).

- (d) Should criterion (vii) be qualified so that it does not prevent development where any loss of private amenity space would result?

Noted. It is proposed that reference is made to SPD2 – Housing Design to ensure that an appropriate quantum of private amenity space is retained for neighbouring properties (see Proposed Schedule of Changes).

- (e) The NPPF does not rule out either backland or tandem development. Whilst recognising the issues that can arise are the other criteria within the policy adequate to ensure the Council’s planning objectives rather than seeking to avoid a tandem relationship in criterion (x)?

As the NPPF is silent on the issue of backland and tandem development, it is important that local policy provides clarity and a clear steer for applicants. It is proposed that additional text is added to the policy in relation to tandem development to clarify that tandem relationships be avoided unless it can be demonstrated that issues of overlooking, privacy and amenity can be satisfactorily overcome (see Proposed Schedule of Changes).

#### Policy DM4

- (a) Is it too prescriptive to state that development “must” adhere to the standards?

The use of ‘must’ in the policy is considered to be appropriate, particularly given the proposed caveat regarding viability and deliverability.

- (b) Is there any further justification that the Council wishes to put forward for this policy in principle having regard to representation 32685?

Past experience has demonstrated that market housing may not meet the minimum floorspace standards for affordable housing, which has meant that some market housing stock cannot be transferred to social housing providers as required. This therefore impacts on the flexibility of the District’s housing stock.

The NPPF (section 6) promotes the delivery of a wide choice of high quality homes. Given that the NPPF (paragraph 50, bullet 2) requires local authorities to determine the “size, type, tenure and range of housing that is required in particular locations, reflecting local demand”, and in the absence of an established national standard, it is not considered unreasonable to require minimum floorspace standards for market housing akin to affordable housing. Such a requirement would enhance the quality as well as the flexibility of the District’s housing stock.

- (c) How would the suggested change regarding viability and deliverability address the objection made in practice?

The policy would not stifle innovation, originality or initiative but would ensure that, in the absence of an established national standard, reasonably sized, flexible, high quality homes are delivered in the District. The proposed caveat, however, would mean that applicants could demonstrate a need to deviate from the proposed standard if viability and deliverability of the proposed development would be threatened.

Policy DM5

- (a) Paragraph 193 of the NPPF indicates that local planning authorities should only request supporting information that is relevant, necessary and material to the application in question. Whilst taking account of the changes proposed is the Council satisfied that the wording is clear or would it be more effective to start the policy by referring to development above a certain threshold likely to have a need for external lighting?

Noted. The Council would not expect domestic planning applications, such as extensions, to submit a lighting strategy/scheme alongside their proposal. It is proposed to add additional text to paragraph 2.45 to clarify this (see Proposed Schedule of Changes).

- (b) Paragraph 125 of the NPPF establishes that the impact of light pollution from artificial light should be limited by encouraging good design. In seeking to avoid an adverse impact is the policy consistent with national policy? If the thresholds in Table 4 are met would this demonstrate that the impact was acceptable?

Paragraph 2.44 notes that lighting should be “appropriately designed and installed in order to avoid unnecessary light spillage and trespass”. Although the policy is considered to be consistent with national policy, it is proposed that additional text relating to this point is inserted (see Proposed Schedule of Changes).

Policy DM6

- (a) Paragraph 2.51 of the DMP indicates that siting should be avoided in sensitive parts of the District as far as practicable. Should this intention be included within the policy?

Noted. It is proposed that the policy is amended to clarify that such development should be avoided within sensitive locations, as defined in paragraph 2.51 (see Proposed Schedule of Changes). The policy, however, would be positive about telecommunications development in such locations, in exceptional circumstances, as set out in criterion (ii).

- (b) In criterion (ii) if proposals are expected to show that they would not have a negative impact on local landscape character are they not bound to fail?

This is not necessarily the case and would depend on the landscape character in question. Landscape character areas are not homogenous and so there are likely to be locations within landscape character areas which could potentially accommodate such development without having an undue negative impact on local landscape character.

- (c) Are criteria (a) – (d) of criterion (iii) sufficiently clear? For example, how would considering the relationship with other existing masts aid the decision maker?

The applicant would first be required to demonstrate that any proposed new telecommunications development could not be accommodated on existing buildings, masts or other structures. The applicant would then need to carefully consider the impact of the proposal on criterion (a) to (d) in addition to minimising the visual impact

of the proposed development. These criteria would aid the decision maker in determining whether the proposals are suitable. However, it is proposed that the criteria are amended to ensure clarity for decision makers (see Proposed Schedule of Changes).

- (d) Criterion (iv) repeats parts of criterion (ii).

Noted. It is proposed that criterion (iv) is deleted (see Proposed Schedule of Changes).

#### Policy DM7

- (a) Is it worth stating in the text that buildings on the Local List carry the status of non-designated heritage assets?

Noted. It is proposed that paragraph 2.54 is amended to acknowledge this. The Local List has recently been adopted and so it is proposed that this paragraph is updated to reflect this situation (see Proposed Schedule of Changes).

- (b) Statements about what owners should consider do not fall within the expectations for Local Plan policies in the NPPF as set out earlier.

Noted. It is proposed that ‘owners’ is changed to ‘applicants’ in paragraph 2.56 and the policy (see Proposed Schedule of Changes).

#### Policy DM8

- (a) Is it too punitive to state that the building to be demolished should be of “no” interest?

If a building is considered to be of architectural or historic interest, it is likely to be either a nationally Listed Building, a local listed non-designated heritage asset and/or within a Conservation Area. It is proposed that this is clarified within the policy (see Proposed Schedule of Changes).

- (b) What is the rationale for insisting upon a planning obligation rather than the use of a condition having regard to paragraph 203 of the NPPF?

The requirement for applicants to redevelop a site within an agreed timeframe would ensure that a site does not remain undeveloped for a lengthy period of time, which could have a negative impact on the Conservation Area. It is not considered, having regard to paragraph 203 of the NPPF, that conditions attached to a planning permission would ensure sufficient certainty as to the timely redevelopment of a site. As such a legal agreement prior to a grant of permission for demolition is considered to be more appropriate.

Policy DM9

The change to the second paragraph of the policy refers to the setting of conservation areas for proposals to alter the appearance of a building. Why, having regard to paragraph 132 of the NPPF, is a similar reference not included in the first paragraph relating to developments generally?

Noted. It is proposed that reference to the impact on setting is included within the first paragraph of the policy (see Proposed Schedule of Changes).

The Green Belt and Countryside

In general terms there is a degree of potential overlap between Policies DM11, DM12, DM13 and DM15. For example, a proposal for Green Tourism to convert and extend an existing building would be assessed against 3 of these policies. Is the Council satisfied that all are required?

Yes, the Council is satisfied that all three policies are required. There are circumstances when an application may relate to only one of the policies, for example proposals for an extension to an existing business’ premises may only apply to Policy DM11.

Is the intention that development which meets the relevant policies is not to be treated as inappropriate development in the Green Belt? If so, is this worth stating?

Yes, development which meets the policies within this section is not, by definition, inappropriate development. As such, it is proposed to clarify this within the introduction for this section (see Proposed Schedule of Changes).

Many of these policies have a ‘catch all’ final sentence which, in some cases, repeats earlier provisions. In the interests of clarity is this always necessary?

Yes, the final ‘catch all’ sentence is considered to be helpful as the policies potentially relate to different types of development and may not be applicable to all applications. Inclusion of this sentence within the policies provides clarity that it relates to all types of development.

Paragraph 3.12 – on what basis is it said that horticultural buildings are within the definition of previously-developed land when they are defined as agricultural buildings by section 336 of the 1990 Act? Having regard to the definition in the NPPF private residential gardens outside built-up areas would be previously-developed land. Has the Council taken account of this?

In relation to horticultural buildings, this is an error and as such it is proposed that ‘does not’ is removed from this sentence (see Proposed Schedule of Changes).

In relation to the definition of previously developed land, although the NPPF (page 55) specifically states that land in built-up areas such as private residential gardens, parks, recreation grounds and allotments would be excluded from this definition, this does not automatically mean that such uses outside the residential area would meet the overarching definition of previously developed land as set out in paragraph 3.12 of the Development Management Document.

Policy DM10

- (a) The heading of the policy refers to “redevelopment” but the paragraphs referring to residential, retail and other development make no such reference. Is this deliberate?
- (b) Should “redevelopment” be defined?

Both ‘redevelopment’ and ‘development’ would be applicable to previously developed land. For clarity it is proposed that ‘redevelopment’ is changed to ‘development’ in the section heading and policy (see Proposed Schedule of Changes).

- (c) In the second paragraph there is reference to sustainable development. Presumably this will be achieved if the various criteria are met. If so, should this be acknowledged?

Noted. It is proposed that the second paragraph of the policy is amended to reflect this (see Proposed Schedule of Changes).

- (d) What is meant by not undermining the purposes of the Green Belt in the penultimate paragraph?

This relates to the five purposes of the Green Belt as set out in the NPPF. It is proposed that this paragraph is amended to clarify this (see Proposed Schedule of Changes).

- (e) Should the policy make reference to openness along the lines of paragraph 3.31 of the DMD?

Noted. It is proposed to include reference to openness within the policy (see Proposed Schedule of Changes).

- (f) What is the basis for the 800m walking distance in paragraph 3.29?

The SHLAA practice guidance<sup>1</sup> advises that: “Pedestrian Catchments are commonly defined as the areas within a 10 minute walk (up to 800m) of an established centre.” (footnote 22, page 13). In the absence of any other guidance on appropriate walking catchments, this is considered to be appropriate.

Policy DM11

- (a) Should this policy also refer to replacement buildings as allowed for at the 4<sup>th</sup> bullet point of paragraph 89 of the NPPF?

Noted. It is proposed that the policy is amended to include reference to replacement buildings (see Proposed Schedule of Changes).

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<sup>1</sup> ‘SHLAA Practice Guidance’:

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/11500/399267.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/11500/399267.pdf)

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- (b) Should the meaning of criterion (ii) be clarified? Should reference be made to the suitability of adjoining vacant units for the existing business in the interests of supporting economic growth in rural area in line with paragraph 28 of the NPPF?

Noted. It is proposed that the policy and supporting text is amended to clarify that vacant units would need to be suitable for the purposes of the business (see Proposed Schedule of Changes).

- (c) Is a proportionate increase equivalent to 25% as allowed for under Policy DM17? Should this be clarified?

There is no set standard for extensions to existing business premises in the Green Belt, as in some cases this could potentially lead to very substantial extensions which would, in absolute terms, impact on the openness of the Green Belt and character of the countryside. Applications will be determined on a case by case basis.

- (d) Is it reasonable for the need for the proposal to be demonstrated in criterion (iv)?

It is considered reasonable for the applicant to demonstrate that the proposed extension or change of use is necessary for the functioning of the business and the proposed development would not be more appropriate in an alternative location, due to the potential impact on the Green Belt.

### Policy DM12

- (a) What is rural diversification? Should it be defined for the purposes of the policy?

Core Strategy Policy GB2 sets out the overarching approach to rural diversification. Rural diversification includes the conversion of existing buildings for small-scale employment use, green tourism which is small-scale and sensitive to the local natural environment (e.g. walking or bird watching), conversion of buildings to bed and breakfasts/small-scale hotels and outdoor recreation and leisure activities.

The above uses are referred to in paragraph 3.39 of the Development Management Document, however, it is proposed that what constitutes rural diversification is clarified (see Proposed Schedule of Changes).

- (b) Should criterion (iii) not refer to the actual impact of the development on the sensitivity of the landscape character area?

Criterion (iii) is considered to be appropriate as currently worded.

Paragraph 3.43 – where does the NPPF encourage the reuse of farm buildings in the interests of rural diversification?

Whilst the NPPF may not explicitly encourage the reuse of farm buildings for rural diversification, paragraph 28 does however state that local plans should:

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- “support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings;
- promote the development and diversification of agricultural and other land-based rural businesses;”.

In addition, government guidance on diversification for farmers<sup>2</sup> suggests a number of potential options for those wishing to diversify out of agriculture to consider, including developing tourist accommodation such as bed and breakfast and the conversion of redundant buildings to other uses.

### Policy DM13

- (a) Criterion (i) is not within the NPPF. This requirement was previously part of Planning Policy Guidance Note (PPG) 2: Green Belts but was removed. On what basis is it included here?

Although the requirement within criterion (i) is no longer set out in national policy, it is still considered appropriate for inclusion in local policy as it would ensure that conversion would not have an undue impact on the openness of the Green Belt.

- (b) Is the allowance for additions the same as for dwellings as set out in Policy DM17?

As set out above, there is no set standard for extensions to existing business premises in the Green Belt, as in some cases this could potentially lead to very substantial extensions which would, in absolute terms, impact on the openness of the Green Belt and character of the countryside. Applications will be determined on a case by case basis.

- (c) What does “due regard” mean in this context?

It is proposed that criterion (v) is amended to ‘would not have an undue impact on residential amenity’.

- (d) Why is criterion (vii) and the text in paragraph 3.45 included when these provisions do not apply to Policies DM11, DM12 and DM14?

A change of use to existing agricultural or rural buildings is applicable to this policy, but not necessarily to other policies within this section.

- (e) Paragraph 55 of the NPPF indicates that the re-use of redundant or disused buildings in a manner that would enhance their immediate setting is a special circumstance that may justify isolated new homes in the countryside. Rather than a blanket prohibition of residential uses should this national guidance be reflected in the policy?

Paragraph 3.44 of the Development Management Document sets out the local circumstances for the approach taken to residential development outside defined

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<sup>2</sup> ‘Diversification out of agriculture’: <https://www.gov.uk/diversifying-farming-businesses#planning-for-farm-diversification>

residential areas. Permitting such ad hoc and isolated residential development in the Green Belt and wider countryside would undermine the Council’s strategic approach to residential development as set out in the Core Strategy, as well as have a potentially detrimental impact on the openness of the Green Belt. It is also noted that whereas business uses can support economic development in rural areas, residential conversion does not.

Policy DM14

- (a) The construction of the policy only requires the decision maker to have “regard” to certain matters. Does this provide an effective basis to determine what will and will not be permitted?

Noted. It is proposed that the first sentence of the policy and subsequent criterion are amended for clarification (see Proposed Schedule of Changes).

- (b) In the third paragraph what is the concern about an agglomeration of facilities at criterion (a)? How is this to be defined?

The Council is concerned about the potential impact that an agglomeration of similar facilities could have on the openness of the Green Belt and character of the countryside. Whether a proposal would result in an agglomeration of similar facilities would be a matter of judgement for those determining the planning application.

- (c) Why is it necessary to expect evidence of an intention and ability to develop the business and of sound financial planning in criteria (b) and (c) of the third paragraph and also in paragraph 3.40? This is not required of other uses referred to in Policy GB2 of the Core Strategy and relates to the conversion of existing buildings so the impact on the openness of the Green Belt is unlikely to be great.

The Council is concerned that proposals for bed and breakfasts / small-scale hotels in some cases could be a means for existing agricultural and rural buildings to become residential by default. This would undermine both the Council’s strategic approach to the delivery of housing and support for the rural economy as there would be fewer agricultural and rural buildings available for rural diversification and green tourism.

Paragraph 3.49 – Unlike PPG2 the NPPF does not include within the list at paragraph 90 any reference to material changes of use as a form of development that is not inappropriate. It therefore cannot be inferred from national policy that the use of land for outdoor sport and recreation is appropriate. However, paragraph 81 indicates that authorities should plan positively to enhance the beneficial use of the Green Belt including providing opportunities for outdoor sport and recreation. The Council may therefore wish to consider clarifying its positioning this regard.

Noted. It is proposed that last sentence of this paragraph is amended for clarification (see Proposed Schedule of Changes).

Paragraph 3.51 – Where are the intentions attributed to the NPPF in the penultimate sentence to be found?

It is proposed that this sentence is amended to better reflect the objectives of paragraph 28 of the NPPF (see Proposed Schedule of Changes).

Policy DM15

- (a) What is the rationale behind resisting a “proliferation” of similar businesses? How is this to be determined?

A proliferation of small-scale equestrian facilities would likely have a cumulative impact on the openness of the Green Belt and character of the countryside, similar to a large scale development. Whether a proposal would result in an agglomeration of similar businesses would be a matter of judgement for those determining the planning application. It is proposed that paragraph 2.53 is amended to clarify this (see Proposed Schedule of Changes).

- (b) How would the encouragement to utilise existing buildings operate in practice? Would it be effective?

It is anticipated that a sequential approach would be adopted. The applicant would firstly need to demonstrate that they have considered utilising existing buildings in the location, but they are not suitable to accommodate the proposed development. The proposal for new buildings would then be considered in accordance with the policy.

Policy DM16

- (a) Although further qualified in response to Sport England, why is it necessary to expect that new pitches be provided in areas with a defined deficit in the first place?

It is necessary to expect that new pitches be provided in areas with a defined deficit in the first place because these are the locations where a need has been identified within the Playing Pitch Strategy. Applications for the development of playing pitches therefore provide an opportunity to address such deficits. Criterion (i), however, would permit development in alternative locations where more up-to-date evidence on supply and demand is available, or where it can be demonstrated that it is not feasible to share facilities or utilise other existing facilities in the locality.

- (b) What is the justification for restricting the siting of containers or portable buildings?

The siting of containers and portable buildings is proposed to be restricted due to the potential impact on the openness of the Green Belt and character of the countryside (paragraph 3.58). However, more detail can be provided on this if deemed necessary.

Policy DM17

- (a) What is the basis for the 25% increase in floor area as opposed to any other figure?

The use of a percentage and this particular figure in determining extensions to dwellings is considered to be a proportionate approach, particularly in the absence of any other guidance on what is appropriate. Determining the appropriate extension size is a challenging issue and although permitted development rights may permit larger developments in the Green Belt than local policy, this does not mean that it is appropriate.

The 2006 Replacement Local Plan (Policy R3)<sup>3</sup> has already established that 140sq.m is an appropriate size for a new agricultural dwelling and 35sq.m (which is 25% of 140sq.m) is an appropriate sized extension in the Green Belt.

The proposed figure of 25% for extensions to dwellings in the Green Belt has been consulted on and tested through Sustainability Appraisal and, as noted above, in the absence of any other guidance, it is considered to be an appropriate figure. Further information can be provided, if required.

- (b) Is floor area the most effective measure?

Floor area is considered to be the most effective method. It is an established method and is considered to be more workable than volume for both applicants and officers.

- (c) What is the rationale behind the provision that there should be no material increase in overall height?

An increase in height would have an impact on the openness of the Green Belt.

- (d) Is the wording in criterion (ii) that the proposal should “avoid impact” sufficiently precise?

Noted. It is proposed that this is changed to ‘avoid a negative impact’ (see Proposed Schedule of Changes).

- (e) Has consideration been given to extensions to dwellings permitted under Policy DFM18 or replacement dwellings permitted under Policy DM21 which would be covered by the wording of the policy?

All of the policies are considered to be consistent.

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<sup>3</sup> Replacement Local Plan (2006): [http://fs-drupal-rochford.s3.amazonaws.com/pdf/planning\\_rochford\\_district\\_replacement\\_local\\_plan\\_2006.pdf](http://fs-drupal-rochford.s3.amazonaws.com/pdf/planning_rochford_district_replacement_local_plan_2006.pdf)

Policy DM20

What are the exceptional circumstances that warrant removing permitted development rights following the grant of permission for a basement extension?

If permitted development rights were not removed this could increase the residential use of a dwelling in the Green Belt which would potentially impact on the Green Belt. Further detail can be provided within paragraph 3.73, if required.

Policy DM21

- (a) It is accepted that a replacement dwelling can be larger than the existing so is it reasonable to expect the visual mass to be no greater as per criterion (iii)?

An increase in additional mass (criterion (i)) is accounted for in criterion (iii).

- (b) Why should the overall height remain the same?

The height should remain the same due to the potential impact on the openness of the Green Belt.

- (c) Why should bungalows remain as such?

This is due to the impact of intensified residential uses on the openness of the Green Belt.

- (d) Is the Council satisfied that its preference to low pitched roofs in paragraph 3.75 is justified?

The preference for low pitched roofs is established policy. The Council is satisfied that it is appropriate due to the impact on the openness of the Green Belt.

Policy DM22

- (a) Is the first sentence sufficiently clear? Does the policy relate to extensions to domestic gardens onto land within the Green Belt?

This sentence is considered to be sufficiently clear, however, any suggested improvements to the wording would be welcome.

- (b) Is the meaning of “residential fringe” clear?

Noted. It is proposed that ‘residential fringe’ is amended to ‘defined residential area’ in paragraph 3.80 and the policy (see Proposed Schedule of Changes).

- (c) What is meant by “appropriate”? Should criterion (ii) reflect paragraph 3.80?

It is proposed criterion (ii) is amended to reflect paragraph 3.80 (see Proposed Schedule of Changes).

- (d) As any proposal is likely to impact on openness and undeveloped character to a degree should the wording in criterion (iii) be clarified?

Noted. It is proposed that criterion (iii) is amended to reflect paragraph 3.81 (see Proposed Schedule of Changes).

#### Policy DM23

- (a) Given the other policies relating to the Green Belt is there a need for a further policy regarding Conservation Areas?

This policy is considered necessary due to the unique set of circumstances where Conservation Areas and Green Belt overlap.

- (b) Should there be a link to Policy DM10 or is this policy not concerned with previously-developed land?

Policy DM10 may apply to an application in a Conservation Area on Green Belt land, however, this would be determined at the application stage alongside Policy DM23.

- (c) What is meant by criterion (ii)?

An alternative use could have a greater impact on the openness of the Green Belt or character of the countryside. More detail can be provided at paragraph 3.85, if required.

#### Policy DM25

- (a) Why is the test for protecting other important landscape features in Policy DM26 more stringent than in this policy? Should reference be made to the unavoidable loss?

Noted. It is proposed that the policy is amended to reflect the intentions of Policy DM26 (see Proposed Schedule of Changes).

- (b) Should reference be made to the Characterisation Project mentioned in Policy DM26?

It is proposed that the policy is amended to include reference to the Characterisation Project (see Proposed Schedule of Changes).

#### Policy DM26

Are the features referred to in this policy those outside of Core Strategy Policy ENV1 and Policy DM25? If so, should this be clarified?

Yes, the features identified in Policy DM26 are in addition to those identified in Core Strategy Policy ENV1 and DM25, and they do not necessarily have protection. It is proposed that additional text is added to paragraph 4.17 (see Proposed Schedule of Changes).

Policy DM27

Should the first and third paragraphs be reconciled as both refer to instances when development will be permitted in different ways?

Noted. It is proposed that the first and third paragraphs are merged (see Proposed Schedule of Changes).

Policy DM29

Is there a definition of “major developments”?

Major development is defined in the Town and Country Planning (Development Management Procedure) (England) Order 2010 as:

- (i) the number of dwelling-houses to be provided is 10 or more; or
- (ii) the development is to be carried out on a site having an area of 0.5 hectares or more and it is not known whether the development would constitute 10 dwellings or more.

It is proposed that the Plan is amended to clarify this (see Proposed Schedule of Changes).

Policy DM30

Why are other areas with good links to public transport excluded from the relaxation of the minimum standards for residential development?

The reference in the policy to the potential relaxation of parking standards for residential development in town centres or in proximity to train stations is established within Core Strategy Policy T8.

Policy DM32

The purpose and wording of the first sentence of the second paragraph is unclear.

Noted. It is proposed that additional wording is added to the first sentence of the policy to provide clarification (see Proposed Schedule of Changes).

Policy DM33

- (a) Why is it necessary to maintain a link to a residential use if the activity meets the other criteria?

This is necessary, given the need for housing, to avoid a reduction in the District’s housing supply.

- (b) Are conditions relating to the size and frequency of delivery vehicles and a personal permission in accordance with Circular 11/95 The Use of Conditions in Planning Permissions?

The proposed conditions in relation to the frequency of delivery vehicles and a personal permission are considered to be achievable in accordance with Circular 11/95. It is noted that the size of delivery vehicles may be challenging to enforce so it is proposed that reference to size is removed from the policy (see Proposed Schedule of Changes).

#### Policy DM34

- (a) Given that similar policies are to be included in the Area Action Plans why is this policy necessary at all?

This policy is considered necessary as the Area Action Plans may not be adopted or may be withdrawn in the future. As such it is important to ensure that there is an overarching policy in place.

- (b) Notwithstanding the above, consideration should be given to ensuring consistency with Policy 7 of the Hockley Area Action Plan. In particular, the explanation regarding a “cluster” of uses in paragraph 7.8 is unclear.

Noted. It is proposed that paragraph 7.8 and policy DM34 are amended to reflect Policy 7 of the Hockley Area Action Plan (see Proposed Schedule of Changes).

#### Policy DM35

Paragraph 51 of the NPPF indicates that applications to change to residential use from commercial buildings should normally be approved. However, the policy seeks to avoid a net loss of leisure or commercial uses. Is the policy consistent with the NPPF?

The policy is considered to be consistent as, although the NPPF may favour commercial to residential conversion, retaining the vitality and viability of town centres is also of importance.

#### Policy DM36

In the light of paragraph 51 of the NPPF referred to above why is the conversion of retail uses to residential not supported and why is the change of non-retail units to residential not to be favourably considered in the Green Belt?

As above, although the NPPF may favour commercial to residential conversion, it is important to retain the viability and viability of the village and neighbourhood shopping centres. The loss of village and neighbourhood shops would likely have a detrimental impact on accessibility for some residents, particularly those without access to a private vehicle. Those with access to a private vehicle would have to travel further afield to access services. Further detail could be added to paragraph 7.15, if required.

The policy would permit residential conversion of retail premises if it can be demonstrated that the loss of the existing use is justified because the unit is vacant, or the use is not

financially viable. Such conversion in the Green Belt, however, would not be supported as this could encourage isolated residential development which would undermine the Council’s strategic approach to residential development as set out in the Core Strategy, as well as have a potentially detrimental impact on the openness of the Green Belt.

### **Representations**

Are there any further comments beyond those in the Consultation Statement which the Council wishes to make in response to the representations from the South East Essex Organic Growers (32678)?

The Council understands and respects the intentions of the organic gardeners association in putting forward a proposal for a policy dealing with sustainable food systems, but this is not considered to be a relevant or appropriate policy for the Development Management Policy Document.