

Main changes made to Draft NP Policies in response to Cornwall Councils Reg 14 and further comments

Original Policy Heading	Original Policy	Post Reg 14 Draft used by Cornwall Council's Consultation 2019	Reasons for amendments
Policy LH1 Settlement Pattern	<p>a) Housing proposals will normally be expected to fit within existing settlement patterns as infill and being proportionate to the existing settlement pattern.</p> <p>b) Proposals for housing development must not impact on:</p> <ul style="list-style-type: none"> i. undeveloped gaps that form an important break in development between built surroundings; ii. prominent local physical features within the settlement that contribute to its character. 	<p>LH1 - New Housing Development</p> <p>Small-scale incremental housing development of an appropriate scale, density, character and appearance that reflects and enhances the village and Parish of Luxulyan shall be permitted where this</p> <ul style="list-style-type: none"> (a) is proportionate with and will help to support social and community facilities available in the Parish; (b) provides suitable infrastructure, including safe access to adjacent main roads and with safe walking and cycling access to the village amenities (where possible); and, (c) is either: <ul style="list-style-type: none"> i. a proposal for an affordable housing Rural 	<p>Amended on advice from Cornwall Council Case Officer 19-04-2018 Items 31-35 and Comments on Luxulyan's draft NDP 11-10-2018 Item 31</p> <p>The Steering Committee felt that this did not alter the intent and kept faith with the community's wishes</p>

		<p>Exception Site (in accordance with CLP Policy 9), which is non-contiguous and a minor development of 10 or less houses;</p> <p>ii. the conversion of suitable disused buildings within the Parish; or,</p> <p>Housing for a rural worker where there is an essential need for a rural worker to live permanently at or near their place of work in the countryside.</p>	
<p>Policy LH2 Rural Exceptions Housing for Local People</p>	<p>Rural exceptions sites for single plot affordable housing will be permitted to meet a local need where this need is evidenced and where the development does not have an unacceptable impact on the visual and landscape amenity of the area. This may be acceptable in the case of either new build dwellings or conversion of traditional buildings. In each case ancillary works such as access, outbuildings, curtilage boundaries also should not have an unacceptable impact on the visual and landscape amenity of the area. These developments will need to consider how the balance of benefits such as any social, economic, environmental or community benefits for the intended</p>	<p>LH2 - Rural Exceptions Housing for Local People Affordable homes will be permitted to meet a local need where this need is evidenced and where the development does not have an unacceptable impact on the visual and landscape amenity of the area. This may be acceptable in the case of either new build dwellings or conversion of traditional buildings. In each case ancillary works such as access, outbuildings and curtilage boundaries should not have an unacceptable impact on the visual and landscape amenity of the area.</p>	<p>Amended on advice from Cornwall Council Case Officer 19-04-2018 Items 47-55 and Comments on Luxulyan's draft NDP 11-10-2018 Item 35-36(part)</p> <p>The Steering Committee felt that this did not alter the intent and kept faith with the community's wishes</p>

	<p>occupier or wider local community justifies the proposal. This policy operates throughout the plan area and no size restriction applies. Affordable housing for local people will be secured as such for its longevity through a Section 106 Agreement.</p> <p>Permitted Development rights will be removed to ensure the justification for the dwelling remains linked to housing need and affordability.</p> <p>The following criteria apply:</p> <ol style="list-style-type: none"> 1. The proposal is to deliver a small, lower cost home 2. The proposal should be well-related to existing hamlets and houses 3. The property has a maximum of 2 bedrooms although up to 3 bedrooms may be considered in exceptional circumstances 4. The property must be used as a principal residence. 5. The house has a maximum size of 60sqm for a one-bedroom property or 90 sqm for a 2-bedroom property. Any garden area must be less than 300sqm. 6. All Part 1 permitted development rights from the TCPA (GPDO) 2015 will be removed by planning condition. 7. Applications to extend or otherwise enlarge these properties will not normally be supported. 	<p>The Parish Council would normally expect Cornwall Council to restrict Permitted Development rights to ensure the amenities and accommodation of the dwelling remain linked to housing need and affordability.</p> <p>New dwellings will be supported where the following criteria apply:</p> <ol style="list-style-type: none"> 1. The proposal is to deliver an affordable home for discounted sale or rent 2. The proposal should be well-related to existing hamlets 3. The property has a maximum of 3 bedrooms although up to 4 bedrooms may be considered in exceptional circumstances 4. Applications to extend or otherwise enlarge these properties will not normally be supported. 5. Self-build, modular off site construction and other innovative low-cost housing models are encouraged under this policy. 	
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	<p>8. Self-build, modular and other innovative low-cost housing models are encouraged under this policy.</p> <p>This policy applies to new build properties and to the conversion or re-use of existing buildings, including where appropriate the change of use of holiday units to permanent residential accommodation where the above criteria are met.</p>		
<p>Policy LH3 Housing on Farms</p>	<p>Established farm enterprises or rural businesses may have additional dwellings that can be used by family members, holiday letting or renting to local people.</p> <p>Applications for any additional housing must be accompanied by justification for at least one of the forms of housing that the policy intends to permit. In addition, it will be subject to a Section 106 Legal Agreement which specifically permits the use of the property to housing for family members, holiday letting, farm worker, and for rent to local people. The Section 106 Agreement will prevent the sale of the property except as part of the farm enterprise or rural business or alternatively, as an affordable dwelling.</p> <p>Consideration of the siting and design of such new houses will be important to allow both the flexibility that the policy intends and also</p>	<p>LH3 - Housing on Farms</p> <p>Additional dwellings will be supported at existing farm enterprises or rural businesses where these are for the use of family members, for holiday letting or sale/rent to local people. Applications for such housing must be accompanied by a clear justification for its need.</p> <p>Such development should be limited to a maximum of two properties per farm or rural enterprise and where such a need is clearly demonstrated.</p> <p>Consideration of the siting and design of such new houses will be important to allow both the flexibility that the policy intends and ensuring that there will be no unacceptable impact on the landscape character and visual amenity of the surrounding area, where development should reflect the locally distinct</p>	<p>Retained policy contrary to advice from Cornwall Council Case Officer 19-04-2018 Item 56 and then changed in response to comments on Luxulyan's draft NDP 11-10-2018 Item 36</p> <p>The Steering Committee felt that this did not alter the intent and kept faith with the community's wishes</p>

	<p>ensuring that there will be no unacceptable impact upon the visual or landscape amenity of the area. The reuse of an existing traditional building within the landscape or a suitable plot within or near to the existing farmyard, may prove to be a suitable site.</p> <p>Such development should be limited to a maximum of 3 properties per farm where such a need is clearly demonstrated. 'Local people' shall include only those who live or work within the Parish or have immediate family ties within the Parish</p>	<p>character, and not result in a loss of landscape amenity. Proposals which reuse an existing traditional building or a suitable plot within or near to the existing farm/rural enterprise will be encouraged.</p> <p>Planning permissions, granted under this policy, must be subject to a Section 106 Legal Agreement which specifically permits the use of the property to housing for family members, holiday letting, farm worker, and/or for affordable rent or sale to local people. The Section 106 Agreement must prevent the sale of the property separate to the farm enterprise or rural business, except where there is a case for this to be sold as an affordable dwelling to Local People. 'Local people' shall include only those who live or work within the Parish, or adjacent parishes, or have immediate family ties within the Parish.</p>	
<p>Policy LH4 Housing for Older People</p>	<p>Within the Parish housing developments should address the local need for older persons' housing. This can occur through the provision of bungalows or other suitable housing types restricted to occupancy for those local households where one person is over state pensionable age.</p>	<p>LH4 - Housing for Older People Within Luxulyan Parish housing developments that address the local need for older persons' housing will be supported. This can occur through the provision of bungalows or other suitable housing types.</p>	<p>Changed on advice from Cornwall Council Case Officer 19-04-2018 Item 63 and Comments on Luxulyan's draft NDP 11-10-2018 Item 37-38</p>

	<p>Proposals when at least one occupant is over state pensionable age (or requires specialist housing by virtue of personal incapacity or impairment) will be assessed and supported where the following are met:</p> <ul style="list-style-type: none"> a) meeting the needs of an identified older local person in housing need; b) releasing an unsuitable dwelling into the market or, for transfer to a family member; c) does not have an unacceptable impact on the visual or landscape amenity of the area. <p>The new dwelling will be subject to a s106 Legal Agreement ensuring that it remains available for local households where one member is over the state retirement age, or as an affordable dwelling for local people in perpetuity.</p>	<p>Proposals when at least one occupant is over state pensionable age (or requires specialist housing by virtue of personal incapacity or impairment) but are not deemed to be in housing need will be supported.</p> <p>Consideration of the siting and design of such new houses will be important to ensure that there will be no unacceptable impact on the landscape character and visual amenity of the surrounding area, where development should reflect the locally distinct character, and not result in a loss of landscape amenity'. The reuse of an existing traditional building within the landscape or a suitable plot within or near to the existing buildings, farmsteads or hamlets may prove to be a suitable site.</p> <p>The new dwelling, wherever possible, should be subject to a s106 Legal Agreement ensuring that it remains available for local households where one member is over the state retirement age or can be sold or rented as an affordable dwelling for local people in perpetuity.</p>	<p>The Steering Committee felt that this did not alter the intent and kept faith with the community's wishes</p>
<p>Policy LH5 Extensions and Annexes</p>	<p>Proposals for extensions or annexes will be supported subject to the following:</p>	<p>Deleted</p>	<p>Deleted on advice from Cornwall Council Case Officer19-04-2018 item 64. On the basis that this does not add to higher level</p>

	<p>(i) there being no significant adverse impact upon the residential amenities of adjoining properties through loss of privacy, loss of daylight, visual intrusion by a building or structure, loss of car parking or loss of mature vegetation or landscape screening;</p> <p>(ii) the design of any extension or annex is subsidiary in size and sympathetic to the character of the existing dwelling;</p> <p>(iii) due consideration is given to retaining proportionate garden space, trees, planting and landscaping in keeping with other dwellings in the surrounding area;</p> <p>(iv) the development is in keeping with its setting and respects the distinctive local character of the area in terms of bulk, scale, height and materials;</p> <p>(v) safe access and adequate parking are available or can be provided;</p> <p>(vi) a condition will be imposed to ensure that the extension or annex is retained as ancillary to the main dwelling and not used as a separate unit without the consent of the planning authority.</p> <p>In addition to the above, to ensure there is no abuse of the general presumption against new dwellings in the open countryside, the Local Planning Authority will require that:</p> <p>(vii) an extension or annex is physically attached or closely related to the existing dwelling and is of a size and layout to</p>		<p>policies and existing procedures and in places is contrary to these.</p> <p>The Steering Group did not feel that this undermined the intent of NP and the community's wishes.</p>
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	<p>facilitate its eventual integration into the main house; (viii) conditions will be imposed, or a Section 106 agreement sought, restricting occupation of extensions or annexes to the main householders or their relatives or dependents, to ensure that the annex remains ancillary to or is integrated into the original dwelling if the original circumstances justifying the development cease to exist.</p>		
<p>Policy LRE1 Commercial Development</p>	<p>To support economic growth, proposals for economic development and premises for business and other development such as infrastructure or necessary utilities development (where they require planning permission) will be supported provided that it has been demonstrated that: (i) the development does not involve building on greenfield sites unless there are no suitable, available or deliverable opportunities to re-use existing buildings or previously developed land (including buildings and land already in commercial use); (ii) the development does not entail building on good quality agricultural land Grades 3a or, where reasonable alternatives can be identified, Grade 3b agricultural land; (iii) the development does not involve building on or immediately adjacent to land</p>	<p>Deleted</p>	<p>Deleted on advice from Cornwall Council Case Officer19-04-2018 item 68. On the basis that this does not add to higher level policies and existing procedures.</p> <p>The Steering Group did not feel that this undermined the intent of NP and the community's wishes.</p>

	<p>subject to statutory and non-statutory designations for wildlife and geological value or semi-natural habitat;</p> <p>(iv) the development would not have significant harmful impacts on the natural and historic environment of the area or the built environment of the settlements;</p> <p>(v) the development respects the character of settlements and any adjoining residential properties;</p> <p>(vi) any extension or additions to an existing complex should be sympathetic in terms of scale, design and materials;</p> <p>(vii) the development has regard to the Cornwall Design Guide, i.e. the design and layout of the development should create a minimal impact upon the surrounding landscape;</p> <p>(viii) the proposal does not relate to areas subject to risk of flooding as identified by the Environment Agency;</p> <p>(ix) the proposal does not require development on visually-exposed plateaus, ridges or skylines or on steep sided valley sides or any other visually exposed sites;</p> <p>(x) the approach roads are capable of accommodating the volume of traffic generated on the development and a safe access can be provided;</p> <p>(xi) adequate parking is provided;</p> <p>(xii) the development should be suitably landscaped involving a mix of appropriate</p>		
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	<p>soft and hard landscaping retaining existing trees and hedgerows where appropriate;</p> <p>(xiii) external storage areas should be appropriately landscaped and screened;</p> <p>(xiv) the development should not cause a new or exacerbate an existing pollution problem where pollution is defined widely and includes chemical, light, noise and smell pollution;</p> <p>(xv) adequate provision can be made for the disposal of foul and surface water drainage to the satisfaction of the local planning authority;</p> <p>(xvi) appropriate provision is made for the protection of any significant wildlife interest which would be displaced by the development;</p> <p>(xvii) special care is taken to ensure that bats, barn owls or other birds or their nesting areas or roosts are not disturbed.</p>		
<p>Policy LLNE1 Local Landscape Character</p>	<p>Proposals for development will be supported where they have demonstrated that they respond to local character and reflect the identity of the local surroundings. Where development is proposed which will detract from, or have an adverse impact on existing landscape characteristics that have been identified by the community or by the Cornwall & Isle of Scilly Landscape Character Assessment as the essence of the character of the local area, it will not be supported.</p>	<p>LLNE1: Local Landscape Character.</p> <p>Planning applications should be accompanied by an appropriate statement and/or assessment (perhaps supplemented with diagrams) setting out how proposals are of an appropriate scale, density, character and appearance that reflects and enhances the village and Parish of Luxulyan.</p>	<p>Amended on advice from Cornwall Council Case Officer 19-04-2018 Items 70-71 and Comments on Luxulyan's draft NDP 11-10-2018 Item 40-41</p> <p>The Steering Committee felt that this did not alter the intent and kept faith with the community's wishes</p>

		<p>No development will be supported in the area highlighted in yellow in Figure 6.</p> <p>Proposals that detract from, or have an adverse impact on existing landscape characteristics that have been identified by the community (see EBD, specifically consultation documents) or by the 2007 Landscape Character Assessment (CA 20 Mid-Cornwall Moors and CA 39 St Austell Bay and Luxulyan Valley, will not be supported.</p>	
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