

**NORTH DORSET LOCAL PLAN 2011 – 2026 PART 1
EXAMINATION**

**RESPONSE TO
INSPECTOR'S QUESTION 6 TO THE COUNCIL**

May 2015

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1. Recommendations

1.1 The recommendations that are made as a result of this note are:

Solar energy: protecting the local and global environment

- Add a reference to Solar PV on Commercial roofs in the supporting text for Policy 3.

Brownfield land: increasing support for councils

- No change

Green belt: protecting against inappropriate development

- No change

Unauthorised encampments: ensuring fair play in the planning system

- No change

Parking: helping local shops and preventing congestion

- Amend paragraph 10.43 of the Local Plan to reflect update to paragraph 39 of the NPPF.

Planning applications: streamlining the process

- No change

Short term lets: championing the shared economy

- No change

Planning guidance: making the planning system more accessible

- The revised National Policy on Section 106 Planning Obligations is considered in NDDC Issue 4B.

Change of use: supporting brownfield regeneration

- Update supporting text to Policy 11, paragraphs 6.27-6.29 and Policy 11 concerning 'Uses on Employment Sites' to reflect the new opportunity to convert Business (B8) to residential development.
- Opportunity to consider change of Business (B8) to residential development estimated within the windfall allowance contributing towards the Plans 5-year housing land supply.
- Amend footnotes to reflect the new consolidation of the Development Management Procedure Order.

Zero Carbon Homes: supporting small builders

- Update paragraph 4.18 to reflect the announcement that small housing sites of 10 or fewer units will be exempt from contributing towards further off site measures.

Housing standards: streamlining the system.

- The implications of these new technical standards for the Local Plan (Part 1) are discussed within the supplementary note MHD017.

Plan making

- The implications of these new technical standards for the Local Plan (Part 1) are discussed within the supplementary note MHD017.

Decision taking, transition and compliance

- The implications of these new technical standards for the Local Plan (Part 1) are discussed within the supplementary note MHD017.

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2. Introduction

2.1 This statement is in response to a question asked by the Inspector on 27th March 2015.

2.2 The Inspector's question was:

A written ministerial statement was made by Eric Pickles MP and published on 25th March 2015. It covers a wide range of issues intended to streamline the planning system, protect the environment, support economic growth and assist locally-led decision-making. Reference is made to a new system of housing standards.

It would be helpful if the Council could comment briefly on whether or not, in its view, the content of the Statement has any implications for the Local Plan Part 1 of which I should be aware.

2.3 The full Ministerial Statement can be viewed at the following web-link.

<https://www.gov.uk/government/speeches/planning-update-march-2015>

2.4 The new steps the Government are taking to streamline the planning system protect the environment, support economic growth and assist locally-led decision making are outlined under the following sub headings. This note seeks to briefly consider their implications for the Local Plan Part 1.

- Solar energy: protecting the local and global environment
- Brownfield land: increasing support for councils
- Green belt: protecting against inappropriate development
- Unauthorised encampments: ensuring fair play in the planning system
- Parking: helping local shops and preventing congestion
- Planning applications: streamlining the process
- Short term lets: championing the shared economy
- Planning guidance: making the planning system more accessible
- Change of use: supporting brownfield regeneration
- Zero Carbon Homes: supporting small builders
- Housing standards: streamlining the system
- Plan making
- Decision taking, transition and compliance:

3. The Council's Response

3.1 The Councils response to each sub heading is outlined below.

Solar energy: protecting the local and global environment

- 3.2 The Secretary of State underlines the importance of solar energy as part of the country's energy mix focusing growth on both domestic and commercial roof space and previously developed land.
- 3.3 New permitted development rights implemented through the 'The Town and Country Planning (General Permitted Development) (England) Order 2015' will encourage the take up of much larger scale solar power generation (solar photovoltaic) on non-domestic buildings. These reforms allow for a 20-fold increase in the amount of solar that can go onto the roofs of non-domestic buildings such as warehouses and offices without having to submit a full planning application, subject to strict safeguards to protect local amenity. This measure came into force on the 15 April 2015.
- 3.4 This change broadly reflects comments made by CPRE at the Local Plan Hearing Issue 2 Climate Change in which the Council are now seeking to make a reference to Solar PV on Commercial roofs in the supporting text for Policy 3.
- 3.5 The Secretary of State also acknowledged the concerns of communities in regards to large scale solar farms and reiterates planning practice guidance on the loss of best and most versatile land.

Brownfield land: increasing support for councils

- 3.6 The Secretary of State has challenged local authorities to have Local Development Orders in place on more than 90% of brownfield land suitable for new homes by 2020.
- 3.7 This will be a separate process and therefore there are not considered any direct implications for the Local Plan Part 1.

Green belt: protecting against inappropriate development

- 3.8 The Government continues to attach great importance to safeguarding the green belt and remains concerned about harm to the green belt where there is unauthorised development of land in advance of obtaining planning permission.
- 3.9 A new evidenced-based planning and recovery policy for the green belt is to be introduced early in the next Parliament to strengthen protection against unauthorised development.

- 3.10 As there is no Green Belt within North Dorset there are no anticipated implications for the Local Plan Part 1.

Unauthorised encampments: ensuring fair play in the planning system

- 3.11 In regards to unauthorised encampments, the Secretary of State is clear that human rights and equality laws should not outweigh breaches of the rules.
- 3.12 There are no anticipated implications for policies in Local Plan Part 1.

Parking: helping local shops and preventing congestion

- 3.13 This government is keen to ensure that there is adequate parking provision both in new residential developments and around our town centres and high streets.
- 3.14 Parking standards are covered in paragraph 39 of the NPPF. The following text now needs to be read alongside that paragraph: “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.”
- 3.15 A minor implication for the Local Plan Part 1 is that Paragraph 39 of the NPPF is replicated in paragraph 10.43 of the Local Plan and it would therefore be appropriate to insert the additional paragraph alongside that text. This has been included in the schedule of changes.
- 3.16 There are not thought to be any major implications for Policy 33 Parking Standards and Appendix C Standards and Guidance for Parking Provision as these parking standards are justified by Dorset Residential Car Parking Study (DRCPS) and are presented as ‘minimum’ standards as opposed to ‘maximum’ standards which were abolished in 2011.

Planning applications: streamlining the process

- 3.17 As part of the commitment to streamline the planning application process, the Government has laid in Parliament a newly consolidated Development Management Procedure Order that came into force on 15 April 2015.
- 3.18 The new order consolidates the 15 amendments made to the 2010 Order in order to simplify and improve the planning process for all users of the system. It will also bring into force a number of important new measures including changes to improve the process of statutory consultation and the introduction of a new ‘deemed discharge’ of conditions to ensure that planning conditions are cleared on time.

- 3.19 The streamlined process will have no direct impact on the Local Plan Part 1 however the new permitted development rights may well and these are discussed in further detail below under Change of Use: supporting brownfield regeneration.

Short term lets: championing the shared economy

- 3.20 The Deregulation Bill takes forward the Governments reforms to the 1973 legislation which restricts the ability of Londoners to let out their homes on a short-term basis. The provisions in the bill will commence two months after Royal Assent.
- 3.21 This change through the Deregulation Bill is London specific and has no implications for the North Dorset Local Plan Part 1.

Planning guidance: making the planning system more accessible

- 3.22 The Government is seeking to increase the accessibility of planning guidance through new and consolidated practice guidance.
- Following the 2014 review of the nationally significant infrastructure planning regime, the Government are updating guidance on the pre-application and examination stages.
 - Planning practice guidance on hazardous substances ('Seveso III') is being updated to reflect changes to new regulations being introduced on 1 June 2015.
 - Planning practice guidance is also being updated to explain the changes to the environmental impact assessment screening thresholds which came into effect on 6 April 2015.
 - Revised guidance will be published on 'Section 106 Planning Obligations – speeding up negotiations'.
 - Restating the revised national policy on Section 106 thresholds to help small builders and to encourage empty buildings to be brought back into use, recognising that some councils have misinterpreted the written ministerial statement of 28 November 2014.
 - Publishing guidance on the vacant building credit.
 - Publish guidance on the new social housing relief rules under the amended Community Infrastructure Levy regulations.
 - Updating planning guidance to make clear that up to date assessments of housing need should not normally need to be updated for a full 12 months, and that untested assessments of housing need are inevitably less robust than those which have been subject to examination.
- 3.23 In reviewing the changes to the Planning Practice Guidance outlined above, no implications for Local Plan policies have been identified with the exception of the

Revised National Policy on Section 106 Planning Obligations which has been considered in NDDC Issue 4B.

Change of use: supporting brownfield regeneration

- 3.24 A newly consolidated Development Management Procedure Order came into force on 15 April 2015 supporting the regeneration of brownfield sites.
- 3.25 The main purpose of this Order is to grant planning permission for certain classes of development without the requirement for a planning application to be made. The planning permissions granted are subject to some provisions, in particular where a development is 'EIA' development or subject to certain regulations contained in the Conservation of Habitats and Species Regulations 2010.
- 3.26 The Order lays down procedures where local planning authorities and the Secretary of State can direct that a particular development permitted is not to apply to a specified area. Also, local planning authorities, following a notification from a developer, will be permitted to direct that certain minerals development permitted is not to apply.
- 3.27 Where a period for determining a prior approval is not specified, then the period shall be 8 weeks.
- 3.28 In addition to some minor changes the Order makes the following changes:
- the date for the expiry of the time-limited permitted development right for larger home extensions has been extended, it now expires in May 2019;
 - the previously time-limited permitted development rights for extensions to non-domestic premises (offices, shops, industrial buildings and schools etc) have been made permanent;
 - a number of new permitted development rights have been inserted in Part 3 of Schedule 2 (changes of use): the conversion of retail premises to restaurants / cafes (Class C); the existing permitted development to convert a shop to a deposit-taker is replaced by a wider right to convert a shop (or a betting office) to a premises providing financial and professional services (Classes D and F); the conversion of retail premises to assembly and leisure (Class J); the conversion of casinos or amusement arcades to dwelling houses (Class N); and the conversion of premises used from storage or distribution centre uses to dwelling houses (Class P);
 - a new permitted development right for temporary use of building and land for commercial film;
 - a new permitted development right has been included for the provision of click and collection facilities within the curtilage of a shop and for increasing the size of loading bays for shops and permitted development for the extension etc of buildings used for waste facilities; and

- a new permitted development right for the installation of solar PV panels, with a generating capacity of up to 1 megawatt, on the roofs of non-domestic buildings.
- 3.29 The majority of the changes to the Permitted Development Rights are anticipated to have limited implications for the Local Plan Part 1. However the change allowing the conversion of premises used from storage or distribution centre uses to dwelling houses is anticipated to have some implications.
- 3.30 Supporting text to Policy 11, paragraphs 6.27-6.29 will need to be updated to reflect this change alongside corresponding text in Policy 11 concerning 'Uses on Employment Sites'. Amendments will need to reflect the new opportunity to convert to residential development.
- 3.31 There may also be an opportunity to factor in this change to the estimated windfall allowance contributing towards the Plans 5-year housing land supply.
- 3.32 The consolidation of the Development Management Procedure Order will require a number of footnotes to be consequently amended. In particular footnotes 356 and 360.

Zero Carbon Homes: supporting small builders

- 3.33 The Government has committed to implementing the zero carbon homes standard in 2016 and, in addition to the future strengthening of minimum on-site energy performance requirements introduced in the Infrastructure Act 2015. It is also committed to introducing powers needed to enable off-site carbon abatement measures (Allowable Solutions) to contribute to achieving the zero carbon standard.
- 3.34 The Government has also decided there will be an exemption from the allowable solutions element of the zero carbon homes target, for small housing sites of 10 units or fewer, which are most commonly developed by small scale home builders and can be more expensive to develop irrespective of the size of the builder.
- 3.35 This means that all new homes will be required to meet the strengthened on-site energy performance standard, but those building on small sites will not be required to support any further off-site carbon abatement measures. There will also be legislation put in place to ensure that this exemption is not abused.
- 3.36 The North Dorset Local Plan (Part 1) discusses the Governments intended progressive tightening of building energy performance through its Zero Carbon buildings policy in supporting paragraphs 4.16 – 4.18. In advance of the policies implementation, reference to higher energy standards have already been removed.
- 3.37 Paragraph 4.18 should be updated to reflect the announcement that small housing sites of 10 or fewer units will be exempt from contributing towards further off site

measures and will not be required to contribute to projects on a prescribed local or national list.

Housing standards: streamlining the system

- 3.38 The Government has created a new approach for the setting of technical standards for new housing. This rationalizes the many differing existing standards into a simpler, streamlined system. The new system will comprise new additional optional Building Regulations on water and access, and a new national space standard referred to as “the new national technical standards”. This system complements the existing set of Building Regulations, which are mandatory.
- 3.39 The written ministerial statement sets out the Government’s new national planning policy on the setting of technical standards for new dwellings. This statement should be taken into account in applying the National Planning Policy Framework, and in particular the policies on local standards or requirements at paragraphs 95, 174 and 177, in both plan making and decision-taking.
- 3.40 The implications of these new technical standards for the Local Plan (Part 1) are discussed in more detail within the supplementary note MHD017.

Plan making

- 3.41 The Secretary of State explains that from the date the Deregulation Bill 2015 is given Royal Assent, local planning authorities and qualifying bodies preparing neighbourhood plans, should not set any additional local technical standards or requirements relating to the construction, internal layout or performance of new dwellings in their emerging Local Plans, neighbourhood plans, or supplementary planning documents. This includes any policy requiring any level of the Code for Sustainable Homes to be achieved by new development. The Government has now withdrawn the code, aside from the management of legacy cases.
- 3.42 The Ministerial Statement sets out transitional arrangements for energy performance until the amendment commences.
- 3.43 Measures relating to flood resilience and resistance and external noise will remain a matter to be dealt with through the planning process, in line with the existing national policy and guidance. In cases of very specific and clearly evidenced housing accessibility needs, where individual household requirements are clearly outside the new national technical standards, local planning authorities may ask for specific requirements outside of the access standard, subject to overall viability considerations.
- 3.44 The implications of these new technical standards for the Local Plan (Part 1) are discussed in more detail within the supplementary note MHD017. There are no

anticipated issues for the Local Plan (Part 1) relating to flood resilience and resistance and external noise.

Decision taking, transition and compliance:

- 3.45 The Secretary of State explains that from the date the Deregulation Bill 2015 is given Royal Assent until 30 September 2015, the Government's policy is that planning permissions should not be granted requiring, or subject to conditions requiring, compliance with any technical housing standards other than for those areas where authorities have existing policies on access, internal space, or water efficiency.
- 3.46 From 1 October 2015, existing Local Plan, neighbourhood plan, and supplementary planning document policies relating to water efficiency, access and internal space should be interpreted by reference to the nearest equivalent new national technical standard. Decision takers should only require compliance with the new national technical standards where there is a relevant current Local Plan policy.
- 3.47 Planning policies relating to technical security standards for new homes, such as door and window locks, will be unnecessary because all new homes will be subject to the new mandatory Building Regulation Approved Document on security (Part Q). Policies relating to the external design and layout of new development, which aim to reduce crime and disorder, remain unaffected by this statement.
- 3.48 The implications of these new technical standards for the Local Plan (Part 1) are discussed in more detail within the supplementary note MHD017.

4. Conclusion

- 4.1 The District Council has undertaken a review of the new steps the Government are taking to streamline the planning system, protect the environment, support economic growth and assist locally-led decision making outlined in the recent Ministerial Statement 25th March 2015.
- 4.2 The review has not identified the requirement for any significant modifications to policies in the North Dorset Local Plan Part 1 but has highlighted a number of minor amendments and clarification to supporting text and policy wording to update the Plan. These amendments are summarised below:
- Add a reference to Solar PV on Commercial roofs in the supporting text for Policy 3.
 - Amend paragraph 10.43 of the Local Plan to reflect update to paragraph 39 of the NPPF.
 - Update supporting text to Policy 11, paragraphs 6.27-6.29 and Policy 11 concerning 'Uses on Employment Sites' to reflect the new opportunity to convert Business (B8) to residential development.
 - Opportunity to consider change of Business (B8) to residential development estimated within the windfall allowance contributing towards the Plan's 5-year housing land supply.
 - Amend footnotes to reflect the new consolidation of the Development Management Procedure Order.
 - Update paragraph 4.18 to reflect the announcement that small housing sites of 10 or fewer units will be exempt from contributing towards further off site measures and will not be required to contribute to projects on a prescribed local or national list.
- 4.3 Two issues raised by the Ministerial Statement are discussed in greater detail in supplementary notes.
- The revised National Policy on Section 106 Planning Obligations which has been considered in NDDC Issue 4B.
 - The implications of these new technical standards for the Local Plan (Part 1) are discussed within the supplementary note MHD017.