

Reviewing the Plan for Purbeck's future

Purbeck Local Plan Partial Review
New Policies Background Paper, June 2016



Thriving communities in balance
with the natural environment

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Introduction

1. This background paper looks at proposed new policies that the Council believes it should introduce through the Partial Review of the Purbeck Local Plan Part 1. And it discusses other new policies considered by the Council.
2. The Council will update this background paper as it progresses with the preparation of the Partial Review, in order to provide a clear picture for how proposed new policies have evolved.

Part 1: proposed new policies

3. In summary, the Council would like to introduce the following new policies:
 - Coastal change management areas
 - Occupational dwellings in the countryside
 - Sustainable drainage systems
 - Housing mix

Part 2: other new policies considered

4. In summary, the Council has considered introducing the following new policies, but has decided not to take them forward:
 - Land stability
 - Restricting domestic extensions
 - Restricting second homeownership
5. Appendix 1 of this paper provides a summary of new policies that were suggested during the issues and options consultation. It details which could and could not be taken forward and why.

Part 1: proposed new policies

Coastal Change Management Areas

Reason for proposed new policy

6. Paragraphs 106-108 of the National Planning Policy Framework (NPPF) require councils to identify coastal change management areas (CCMAs), where necessary. The Council stated in Policy CE: Coastal Erosion of the PLP1 that it would investigate the issue further through future plans. Given the significant predicted rates of shoreline change in areas that will not be protected by defences over the next 100 years, the Council believes there is a case for identifying CCMAs and making clear what development will be allowed within them.
7. The Council has produced a background paper¹ to support this new policy and show maps for where the CCMA could be.
8. Should the Council take this policy further forward, it will be accompanied by a preamble, setting out further information.

Policy CCMA: Coastal Change Management Areas

Development within the Coastal Change Management Areas (CCMAs), as defined on the proposals map, will be granted planning permission, subject to the proposal comprising:

1. Development linked to the coast;
2. Hotels, shops, office or leisure activities with substantial social and economic benefits to the community; or
3. Other key community infrastructure, provided the applicant demonstrates that it has to be located within the CCMA and there are clear, costed plans to manage the impact of coastal change on it and the service it provides.

New residential development will not be appropriate within a CCMA.

Any planning application for 1, 2 or 3 must demonstrate that the proposal will not result in an increased risk to life or property and that it will not have an adverse impact on rates of coastal change at the site or elsewhere. Proposals must be accompanied by a coastal erosion vulnerability assessment that assesses the degree of risk and the scale, nature and location of the development. The applicant will be expected to prepare this in advance in consultation with the Environment Agency and any other relevant stakeholders. The assessment must demonstrate that the development:

- Would not impair the ability of communities and the natural environment to adapt sustainably to the impacts of a changing climate;
- Will be safe through its planned lifetime, without increasing risk to life or property, or requiring new or improved coastal defences; and

¹ <https://www.dorsetforyou.com/purbeck-partial-review>

- Would not affect the natural balance and stability of the coastline or exacerbate the rate of shoreline change to the extent that changes to the coastline are increased nearby or elsewhere.

The assessment should also consider measures for management of the development at the end of its planned life, including any proposals for the removal of the development before the site is immediately threatened by shoreline changes. Planning conditions attached to any grant of planning permission will require the removal of the development prior to the anticipated impact of the coastal change. Any proposed development should demonstrate that secure financial arrangements are in place for the removal of any time-limited development.

Ministry of Defence installations

Ministry of Defence installations that require a coastal location will be allowed within CCMA, provided that any material impact on coastal processes is managed to minimise adverse impacts on other parts of the coast.

Relocation of existing development from a CCMA

Existing development that is forecast by a coastal erosion vulnerability assessment to be affected by erosion or permanent inundation within 20 years of that assessment may be relocated away from the CCMA. Planning permission will be granted, provided that:

- The proposal is for the same lawful use;
- It is a similar scale and character as the development it replaces, subject to landscape and townscape considerations;
- It is located at an appropriate location inland from the CCMA and, where possible, remains close to the coastal community from which it was displaced;
- It is able to demonstrate that no suitable site is available within an existing settlement boundary, or on previously developed land; and
- The proposal ensures that the site from which the development is relocated is cleared, made safe, or put into a temporary use in accordance with this policy.

Occupational dwellings in the countryside

Reason for proposed new policy

9. The Council receives applications for rural workers' dwellings, but the criteria by which they used to be assessed have been deleted by the government. Therefore, the Council believes there is a strong case for it to introduce its own criteria.
10. Should the Council take this policy further forward, it will be accompanied by a preamble, setting out further information.

Policy OD: Occupational Dwellings in the Countryside

A rural worker's dwelling is for agricultural, forestry and other full-time workers in the countryside where there is an essential need for them to live at or near their place of work.

A new permanent dwelling for an agricultural, forestry or rural worker will only be permitted if:

- a) the need relates to a full-time worker and does not relate to a part-time requirement; and
- b) there is an essential existing functional need for a worker to live at, or in the immediate vicinity of, their place of work; and
- c) the economic viability of the enterprise to which the proposed dwelling relates can be demonstrated by satisfying the 'financial test' applied by the Council; and
- d) the functional need could not be fulfilled by any other means; and
- e) it is of the minimum size and an appropriate design commensurate with the established functional requirement and reflective of the enterprise's financial projections; and
- f) it is sited so as to meet the identified functional need and is well-related to existing farm, forestry or rural business buildings, or other dwellings.

Temporary rural workers' dwellings

A new temporary dwelling for a rural worker will only be permitted if:

- g) the need relates to a full-time worker and does not relate to a part-time requirement; and
- h) it is essential to support a new activity for which there is a clearly established functional need for the worker to live on or in the vicinity of the holding; and
- i) the economic viability of the enterprise to which the proposed dwelling relates can be demonstrated by satisfying the 'financial test' applied by the Council; and
- j) the functional need could not be fulfilled by any other means; and
- k) it takes the form of a caravan, a wooden structure, or other temporary accommodation of the minimum size required to support the proposed new activity, not the preferences of the applicant.

Where the Council requires independent verification of an applicant's justifications for functional need and the financial test for either a permanent or temporary rural worker's dwelling, the applicant will be expected to meet the costs for this in full. This would apply to both the planning application and, where relevant, the pre-application stages.

Removal of occupancy conditions

An agricultural or forestry occupancy condition will only be removed if the applicant can demonstrate that:

- l) the dwelling has been sufficiently and realistically marketed without success for a continuous period of at least 9 months within the 12 month period prior to submitting the planning application; and
- m) the occupational dwelling no longer serves a need in connection with the holding to which it relates and there is no agricultural or forestry occupational need elsewhere that it could reasonably serve, nor is it likely that any such needs will arise in the foreseeable future.

In cases where there is an occupational dwelling associated with a rural enterprise site, the occupancy condition will only be lifted if the applicant can demonstrate that:

- n) the site with the occupational dwelling has been sufficiently and realistically marketed without success for a continuous period of at least 9 months within the 12 month period prior to submitting the planning application; and
- o) the occupational dwelling no longer serves a need in connection with the rural enterprise site to which it relates and there is no agricultural, forestry or essential rural business need elsewhere in the locality that it could reasonably serve, nor is it likely that any such needs will arise in the foreseeable future.

Sustainable drainage systems

Reason for proposed new policy

11. Planning Practice Guidance (PPG)² states the following in relation to sustainable drainage systems:

'Generally, the aim should be to discharge surface run off as high up the following hierarchy of drainage options as reasonably practicable:

1. into the ground (infiltration);
2. to a surface water body;
3. to a surface water sewer, highway drain, or another drainage system;
4. to a combined sewer.

Particular types of sustainable drainage systems may not be practicable in all locations. It could be helpful therefore for local planning authorities to set out those local situations where they anticipate particular sustainable drainage systems not being appropriate.'

12. The Council does consider it would be helpful to set out relevant local situations.
13. Should the Council take this policy further forward, it will be accompanied by a preamble, setting out further information.

Policy SUDs: Sustainable Drainage Systems

The Council considers that SUDs may not be appropriate for development in the following circumstances:

- In the proximity of coastal cliffs;
- Contaminated land; and
- Areas of potential land instability.

The need for a sustainable drainage system will depend on a number of aspects, such as the size; location; and materials of a proposed development. Applicants seeking planning permission will need to demonstrate that they have considered such aspects alongside factors such as existing drainage arrangements; the depth of the water table; the lie of the land; and underlying geology, and that the proposed drainage arrangements are appropriate under the specific circumstances. Applicants may therefore need to seek professional drainage advice to assist with their site investigations and designing the most appropriate solutions.

² Ref ID: 7-080-20150323

Housing mixes

Reason for proposed new policy

14. The National Planning Policy Framework (NPPF) requires councils to ‘deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities³.’ The NPPF goes on to clarify that councils should plan for a mix of housing, which needs to be based on current and future demographic trends, market trends and the needs of different groups in the community.
15. The Council’s Strategic Housing Market Assessment (SHMA)⁴ looks at the likely housing mix that will be required from both affordable housing and market housing. The Council has summarised this in a housing background paper, which concludes that the mixes would be best addressed through new policies.
16. Should the Council take this policy further forward, it will be accompanied by a preamble, setting out further information.

Policy HM: Housing Mix

The Council will generally expect new affordable housing to include the mixes cited in the Eastern Dorset Strategic Housing Market Assessment. However, applicants will need to liaise with the Council’s Housing department to ascertain the precise mix for their particular proposal.

In order to achieve mixed and balanced communities, with a particular focus on family housing and providing opportunities for older households to downsize, the Council will generally expect new market housing to include the mixes cited in the Eastern Dorset Strategic Housing Market Assessment.

For sites delivering 20 or more units, the Council will expect 5% of the market housing mix to be self-build plots. As a minimum, the Council will require plots to be provided with a means of access and utility services to the boundaries of the plot.

For sites delivering 20 or more units, the Council will expect 10% of the market housing mix to be bungalows (single storey dwellings) to help meet the needs of the ageing population.

For strategic settlement extension sites, the Council will expect 20% of the market and affordable housing mix to be C3 specialist accommodation.

Sites that are phased or sub-divided and developed separately will be considered by the Council as part of a larger ‘comprehensive’ scheme. The policy requirements will apply in accordance with the combined site area, rather than smaller phased or subdivided areas.

Where an applicant believes they cannot comply with this policy’s requirements in full, they will be expected to accompany their planning application with compelling evidence to support

³ Paragraph 50

⁴ <https://www.dorsetforyou.com/article/404418/2015-Update-and-Review-of-the-Strategic-Housing-Market-Assessment>

their case. This may include reference to factors such as the nature of the site, the prevailing local townscape character and the local housing stock. Where viability is questioned, the planning application must be supported by an independent viability assessment. The applicant will be expected to fund the assessment by a person appointed by the Council.

Part 2: other new policies considered

Land stability

18. The PPG says that councils may need to consider identifying areas where land stability might be an issue and have policies to ensure appropriate development is allowed in those areas.
19. Officers recommend that land stability should be addressed on a case by case basis, as it is a site-specific issue. Officers have reviewed evidence from national and local records as to where stability issues could be and the only area of particular relevance is south Swanage. The Council is aware of areas of the town that are built above former mines, but intense development has already happened here. Therefore, it is difficult to see what a new planning policy could achieve. Should there be any further proposed developments in south Swanage, this can be dealt with on a case-by-case basis.
20. Thanks to existing evidence available to the Council, stability could be flagged up by the Council in the Strategic Housing Land Availability Assessment (SHLAA) and Strategic Economic Land Availability Assessment (SELAA). This means the Council would be able to notify landowners and developers if there are any potential issues that would require remediation. This could then be factored into a site-specific policy, or the Council could reasonably request further details at the planning application stage.
21. Consequently, there seems little merit in introducing a new policy on land stability.

Restricting domestic extensions

22. The Council's Partial Review Advisory Group suggested to officers that a way to suppress the value of homes for local people is to not allow small properties to be bought and extensions added. Some second homeowners do this and the result is fewer smaller homes for those wishing to get on the housing ladder.
23. Officers do not believe that introducing such a policy would be possible. The first reason is because many extensions are undertaken as 'permitted development' (PD), meaning that they do not require planning permission and are therefore outside the Council's control. The PD regulations are set out by the government and can be quite generous. For example, it would be possible for a property in the green belt to add 50% to its width, as well as add a two storey rear extension without planning permission (subject to various conditions).
24. Secondly, many people extend properties because they need to, for example if they are having children. It is often cheaper to extend a property than move. Plus, a household may have established local roots, such as employment, family, and school places. Therefore, it could be unfair and unreasonable to penalise these people and expect them to move house.
25. Thirdly, any policy the Council introduces has to accord with national planning policy and guidance. There is nothing in either that would support such a policy.
26. As a result, officers recommend that the Council should not consider any further introducing such a policy.

Restricting second homeownership

27. A number of people raised concerns about the level of second homes in Purbeck during the recent Partial Review issues and options consultation.
28. Officers requested advice⁵ on this matter from the Planning Advisory Service, and presented it to the August 2015 Partial Review Advisory Group (PRAG) meeting. The advice highlights that there are considerable difficulties in controlling second homes through planning policy, concluding that such an approach would unlikely be found sound because it would be exceptionally difficult to justify and enforce.
29. This led to officers recommending that this matter should not be considered further though the Partial Review. Members of PRAG acknowledged that the level of second homes was a problem in some communities, but agreed with the officer recommendation that it would not be appropriate to include a policy to restrict second homes as part of the Partial Review.
30. At a further PRAG meeting⁶ a member of the public suggested that the Council consider charging a community infrastructure type levy for second homes and that all monies collected through the sale of those homes be used to offset building costs for truly affordable housing. Officers have considered this and will not be able to pursue it for several reasons:
 - This would not be permissible under national policy or guidance;
 - Market homeownership is not within a council's control;
 - There would be nothing to stop a property that was bought new then being sold as to a second homeowner. This presents a problem as to how that levy is collected, especially if the house is then re-sold again, this time to someone for whom it would be their only home. In such instances, the money might need to be recouped.
 - It is not clear if it would be viable.
31. Since the two PRAG meetings, an examiner has found the St Ives Neighbourhood Plan complies with national planning policy, despite it containing a policy to restrict second homeownership. The plan has since successfully passed referendum.
32. By the time of the Partial Review preferred options consultation, it was too late for the Council to explore this further and consult on any potential new policy. However, the Council does intend to investigate whether or not a similar policy could be introduced either through the Partial Review or neighbourhood plans in Purbeck.

⁵ https://www.dorsetforyou.com/media/207891/Planning-Advisory-Service-advice-on-second-homes/pdf/Second_Homes_Advice.pdf

⁶ 29/01/2016

Appendix 1: schedule of suggestions submitted to the Council during the Issues and Options consultation

The table below contains relevant suggestions for new policies. Several respondents to the I&O consultation who were promoting land for development saw it as an opportunity to request a policy to include their land. The choice of sites for land allocations is dealt with elsewhere, so this is not the appropriate place to assess comments relating to the Council’s strategy for growth.

Theme	Respondent	Suggested policy	Officer comment	Actions
Agriculture	Church Knowle Parish Council	Farm diversification & food security.	Farm diversification is already covered by PLP1 Policy CO: Countryside. There are no restrictions allowed by national policy or legislation that the Council can insist on through planning policy to require food security.	None.
	Member of the public	Preserve agricultural land for future, not immediate financial benefit of landowners.	There are no restrictions allowed by national policy or legislation that the Council can insist on through planning policy, other than where paragraph 112 of the NPPF says: ‘Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in	None.

Proposed new policies background paper

			preference to that of a higher quality.’	
Climate change	Member of the public	Climate change policies to take account of increased risks of storm damage and flooding, e.g. no building in the 20-year risk flood zone.	Flood risk is already covered by PLP1 Policy FR: Flood Risk.	None.
Coast	Member of the public	Coastal change management areas / coastal defences.	Policy CE (coastal erosion) already exists and a policy on coastal change management areas is already proposed through the Partial Review.	None.
Energy	Member of the public	Policy for energy saving in housing and transport.	Further to the Housing Standards Review, the Council cannot impose energy efficiency on new development through the planning system. In order to reduce energy used in transport, the Council will endeavour to locate development in the most sustainable locations, where possible.	None.
Flooding	Church Knowle Parish Council	Flood policy.	Flood risk is already covered by PLP1 Policy FR: Flood Risk.	None.
Green infrastructure	Member of the public	Policy protecting allotments.	Already covered by Policy GI: Green Infrastructure, Recreation and Sports	None.

Proposed new policies background paper

			Facilities.	
	Member of the public	Greater protection of recreation sites.	Already covered by Policy GI: Green Infrastructure, Recreation and Sports Facilities.	None.
	Member of the public	Undertake a built facility and playing pitch review.	Purbeck is one of the Dorset districts considering joint working to produce a Dorset-wide review.	Incorporate any new evidence of playing pitch and built facility needs into a new policy, where relevant.
	Member of the public	Greater public involvement in the co-ordination of policy & management in publicly owned shared spaces e.g. Durlston Park, National Trust, Natural England. There needs to be a central liaison method to protect countryside.	This is not within the remit of planning.	None.
General	Member of the public	Policy that can verify and justify when a location has reached saturation level such that further development would alter its character to excess.	The Council already takes into account environmental constraints through the plan making process.	None.
Housing	Agent	Suggests including a policy around supported housing, for example requiring specialist housing in strategic allocations. Refers the	The example policy is out of date and not appropriate. However, the Council is aware, through the SHMA, of the need for C2 dwellings and will ensure that they are	Plan for the delivery of C2 accommodation.

Proposed new policies background paper

		Council to an example policy on page 13 of 'Housing in Later Life: Planning Ahead for Specialist Housing for Older People'	planned for.	
	Numerous members of the public	Better provision for the elderly as part of development sites, e.g. care homes and bungalows.	National policy and guidance require the Council to meet the needs of the ageing population.	Plan for the delivery of C2 accommodation.
	Chaldon Herring Parish Council	Widespread application of section 157 local area restriction (<i>on forward sales of ex-social housing</i>) on new developments.	Section 157 refers to forward sales of ex social housing. This is outside of planning legislation and therefore not something the Partial Review can address.	None.
	Numerous members of the public and town / parish councils	Calls for a policy to restrict second homeownership.	This is covered in this background paper.	Consult at preferred options on the potential to introduce a new policy on second homeownership.
	Church Knowle Parish Council	Policy on affordable homes.	This is already covered by PLP1 policies AH: Affordable Housing and RES: Rural Exception Sites.	None.
	Church Knowle Parish Council	Policy on self build.	The Council is already considering a policy through the Partial Review.	None.
	Member of the public	The Council needs its own council house building policy.	Housing associations now provide affordable housing and not the Council.	None.
	Member of the public	Policies that take into	All comments received by	None.

Proposed new policies background paper

		account comments from smaller communities.	the Council as part of the plan-making process are required to be taken into account by law. It would be inappropriate to have a policy on this.	
	Morden Parish Council	The role of redundant mineral sites in providing tourist attractions and sites or affordable homes in new settlements should be considered.	The Council has investigated the potential for using former mineral sites and none are available that are not already being promoted for development.	None.
	Member of the public	Insist disused property and that in disrepair is renovated and sold to local residents, in order of proximity to site.	The Council has some powers to bring derelict properties back into use under housing legislation. This is not something that planning policies can enable.	None.
	Member of the public	Need majority vote of immediate neighbours of potential new developments.	There are no provisions in legislation that would allow this.	None.
Landscape	Member of the public	A green belt policy that affords it greater protection and enhances biodiversity.	Green belt policy is set nationally and is outside the Council's control.	None.
	Member of the public	No / very limited development in the AONB.	AONB policy is dealt with through national policy and is outside the Council's control.	None.
Litter	Member of the public	Tighter policies on	This is not within the remit of	None.

Proposed new policies background paper

		woodland dumping and wide scale litter problems.	planning.	
Poole Harbour	RSPB	New policies are needed in relation to nutrient management and addressing recreational disturbance to Poole Harbour.	This should be addressed through the forthcoming Poole Harbour SPD.	None.
Telecoms	Mobile Operators' Association	State that it is important that there is a specific telecommunications policy, as laid out in paragraphs 42 and 43 of the NPPF. A recommended policy is attached.	Officers agree that a specific policy would be consistent with the NPPF. The recommended policy would need to be tailored better to Purbeck: 'Proposals for telecommunications development will be allowed, provided: (i) the siting and appearance of the proposed apparatus and associated structures minimise impact on the visual amenity, character and appearance of the surrounding area; (ii) if on a building, apparatus and associated structures would be sited and designed in order to seek to minimise impact to	Officers emailed Mobile Operators' Association with the suggestion. Mono Consultants, who submitted comments on behalf of the MOA, is no longer representing the MOA. Officers attempted to contact alternative contacts, but no response was received. Therefore, it appears a policy may not be required. However, the Council could consider further the usefulness of this policy and maybe include it in the pre-submission draft version of the plan.

			<p>the character, appearance and, where relevant, the historic significance, of the host building;</p> <p>(iii) if proposing a new mast, any planning application is supported by robust evidence demonstrating that possibilities have been explored for installing apparatus on existing buildings, masts or other structures.</p> <p>In all cases, development must not lead to an unacceptable effect on any area of ecological interest, landscape importance, or heritage asset.</p> <p>When considering applications for telecommunications development, the Council will have regard to the operational requirements of telecommunications networks and the technical limitations of the technology.'</p>	
Transport	Member of the public	More car parking spaces	It would be inappropriate for	None.

		per dwelling.	the Council to be prescriptive, as parking depends on the characteristics of the locality (e.g. alternative transport options) and the need to reduce reliance on private cars. Furthermore, it is also already covered by Manual For Streets and the Bournemouth, Dorset and Poole Residential Car Parking Study.	
	Church Knowle Parish Council	Road infrastructure and vehicle level crossings on major roads.	The Council can require infrastructure that is necessary to allow development proposals to go ahead and this can be enshrined in local plan policies. The Council will continue to work closely with Dorset County Council, as the highway authority, to ensure that appropriate infrastructure requirements are identified in the Partial Review.	None.
	Church Knowle Parish Council	Park & rides at Holton Heath and Wareham.	The Council is working with DCC Highways to investigate park and ride facilities through the Partial Review.	Incorporate into a new policy(s) any outcomes of working with DCC Highways on park and rides.

Proposed new policies background paper

	Member of the public	Require developers to build new roads and prove that they can pay for it.	Highways impacts are a key consideration and any development that has an impact that needs mitigating will be obliged to provide that mitigation, otherwise the development will not go ahead. This will be required site by site and therefore a generic policy will not be necessary.	None.
	Member of the public	There should be a policy setting out a proposal to establish a proper cycle track along the shoreline from Wareham/Sandford to connect to Poole, making cycling a more viable and practical means of commuting between the two, rather than accept the pathetic expanded pavement that has been built.	DCC Engineering preparing very provisional drawings and cross sections and cost estimates. The next stage will be to progress to pre-feasibility work to look at options. There are concerns over flooding, environmentally sensitive marshland and land ownership. Funding could be a major issue, although DCC is not yet in receipt of cost estimates.	Await further feedback from DCC.
	Member of the public	Sandford bypass.	This would not be deliverable, owing to environmental constraints.	None.