

LOCAL PLAN SUB COMMITTEE - 16 JUNE 2020

PART I – NOT DELEGATED

6. LOCAL PLAN: REVISED DRAFT POLICIES (DCES)

1 Summary

1.1 This report sets out the minor changes to the draft policies that have previously been considered by the Local Plan Sub Committee for recommendation to the Policy & Resources Committee for inclusion in the new Local Plan. It also provides details of a recent MHCLG consultation on changes to the Building Regulations which may require a review of the Carbon Dioxide Emissions and Renewable Onsite Energy policy at a future date.

2 Details

2.1 Over the last year, the Local Plan sub-committee (LPSC) have considered and resolved to recommend a number of draft policies to the Policy & Resources Committee for inclusion in the Draft Local Plan.

2.2 A review of the draft policies has been undertaken to incorporate minor changes requested by relevant stakeholders (such as Development Management, Sport England etc. that were received following the relevant LPSC meeting) and any relevant changes to national policy, legislation and evidence based studies.

2.3 As a result, the following draft policies have been revised:

- **Advertisements** (Appendix 1) (LPSC 8 August 2019) - minor change to supporting text for clarification from the Development Management Team.
- **Renewable Energy Developments** (Appendix 2) (LPSC 8 August 2019) Policy wording change to better reflect National Planning Policy Framework (NPPF) requirements and for clarification.
- **Residential Design and Layout and Accessible & Adaptable Buildings** (Appendix 3) (LPSC 25 September 2019) – policy change to reflect update to the Local Housing Needs Assessment (2020) in relation to Accessible & Adaptable Buildings.
- **Broadband and Electronic Communications** (Appendix 4) (LPSC 4 July 2019): Policy change to strengthen the requirement for developments to be served by super-fast broadband where possible.
- **Heritage and the Historic Environment** (Appendix 5) (LPSC 8 August 2019): Additions to the wording of draft policy to better reflect the requirements of Heritage Statements as set out in the NPPF and National Planning Practice Guidance (NPPG). Minor wording has also been added to in relation to proposals resulting in substantial harm to Grade I and II* Listed Buildings.
- **Open Space, Sport and Recreation Policy** (Appendix 6) (LPSC 15 July 2019): Additions to the wording of the draft policy in response to comments received from Sport England for clarification purposes and additional wording regarding contributions required to indoor and outdoor sports facilities. There

is also additional wording in relation to protecting the commons in the District from the effects of accumulative minor works such as parking.

2.4 Further details relating to some of the above policies are set out in section 3 of this report.

2.5 The following draft policies remain as agreed by the LPSC.

Policy	LPSC resolution to recommend to the Policy & Resources Committee
Social and Community Facilities	15 July 2019
Ground Conditions, Contamination and Pollution	8 August 2019
Retail and Leisure	20 June 2019
Local Distinctiveness and Place Shaping	8 August 2019
Housing Density	22 August 2019
Residential Design and Layout and Accessible and Adaptable Buildings Policy	25 September 2019
Provision for Gypsies, Travellers and Travelling Showpeople	28 March 2019
Waste Management and Recycling	8 August 2019
Deliveries, Servicing and Construction Policy	22 August 2019
Adapting to Climate Change and Sustainable Construction	8 August 2019
Carbon Dioxide Emissions and Renewable Onsite Energy *paragraph 4	4 July 2019
Waterways	8 August 2019

3 Further Details on Revised Policies

3.1 Residential Design and Layout and Accessible and Adaptable Dwellings

3.2 The draft policy for Accessible and Adaptable Dwellings that the LPSC considered at its meeting on the 25 September 2019 was based on the initial draft findings of the then Draft Local Housing Needs Assessment (LHNA).

3.3 The draft policy set out the recommendations for Accessible and Adaptable Buildings which were based on Part M of the Building Regulations which deal with accessible housing standards.

3.4 The standards have three categories:

- M4 (1) Category 1: Visitable Dwellings (mandatory¹)
- M4 (2) Category 2: Accessible and Adaptable Dwellings (optional)

A new dwelling makes reasonable provision for most people to access the dwelling and incorporates features that make it potentially suitable for a wide range of occupants, including older people, those with reduced mobility and some wheelchair users.

- M4 (3) Category 3: Wheelchair User Dwellings (optional)

A new dwelling makes reasonable provision, either at completion or at a point following completion, for a wheelchair user to live in the dwelling and use any associated private outdoor space, parking and communal facilities that may be provided for the use of the occupants

- 3.5 Planning Practice Guidance² states that Local Plan policies for homes readily useable by a wheelchair user (M4 (3)) should only be applied to those dwellings where the local authority is responsible for allocating or nominating a person to live in that dwelling. Therefore the draft policy required a percentage of new homes to meet M4 (2) requirements and a percentage of the affordable housing to meet M4(3) requirements.
- 3.6 The draft policy required that on developments of 50 or more, 10% of new homes should meet the Building Regulations M4(2) standard (accessible and adaptable dwellings) and 4% of affordable housing should meet Building Regulations M4(3) standard (wheelchair user dwellings).
- 3.7 The LHNA (2020) has now been finalised and recommends that we should be seeking 10% of affordable housing to be M4(3) compliant to meet the identified need. The draft policy has been amended accordingly (Appendix 3).
- 3.8 The percentages sought for accessible and adaptable dwellings in the draft policy will be subject to a Whole Plan Viability Assessment.
- 3.9 It should be noted that where it is likely that a policy will impose greater financial burdens on developers, regard should be had to its potential adverse consequence on the delivery of other important policy objectives e.g. the provision of affordable housing.
- 3.10 Broadband and Electronic Communications
- 3.11 The draft policy for Broadband and Electronic Communications that the LPSC considered at its meeting on the 4 July 2019 has been amended to strengthen the requirement for developments to be served by super-fast broadband where possible.
- 3.12 The amended wording of the draft policy means that the policy requires developments, where possible, to be served by super-fast broadband in the first instance (for example, in urban areas where the super-fast broadband network already exists). Where this is not possible, the draft policy requires that developments

¹ This is mandatory for all new dwellings unless one of the optional requirements M4(2) or M4(3) applies

² <https://www.gov.uk/guidance/housing-optional-technical-standards#accessibility-and-wheelchair-housing-standards>
Paragraph: 009 Reference ID: 56-009-20150327

are capable of being served by super-fast broadband (such as through open access ducting).

3.13 Heritage and the Historic Environment

3.14 The draft policy for Heritage and that Historic Environment that the LPSC considered at its meeting on the 8 August 2019 has been amended to better reflect the requirements of Heritage Statements as set out in the NPPF and NPPG. Minor wording has also been added in relation to proposals resulting in substantial harm to Grade I and II* Listed Buildings.

3.15 The NPPF states that for proposals affecting heritage assets, applicants should consider the significance of any assets, including any contribution made by their setting (Paragraph 189). NPPG³ states that in doing this, applicants should detail the significance of the heritage asset and its setting, as well as how this significance has informed the development of the proposals. Part (5) of the draft policy has been amended to better reflect the need for Heritage Statements to consider settings of heritage assets and to ensure that the significance of heritage assets informs the development of proposals.

3.16 The NPPF (Paragraph 194) states that substantial harm to or loss of a Grade I and II* Listed Buildings should only be granted in wholly exceptional circumstances. The minor addition to Part (8) of the draft policy has been made to better reflect Paragraph 194 of the NPPF and to ensure that applications resulting in substantial harm to Grade I and Grade II* Listed Buildings are considered in the same way as applications resulting in the demolition of these assets.

3.17 Open Space, Sport and Recreation

3.18 As well as the minor amendments set out in 2.3, additional wording has been added to refer to a Supplementary Planning Document that will provide the detailed guidance on the provision of open space and children's play space and on the contributions to indoor and outdoor sports facilities

3.19 This will be based on the existing Open Space, Amenity and Children's Play Space SPD (2007) but updated to reflect the NPPF and the Open, Space Sport and Recreation Study recommendations and Sport England requirements.

4 Forthcoming Changes on National Policy

4.1 MHCLG published a consultation of the Building Regulations at the beginning of October 2019, specifically on the uplift to standards in Part L (conservation of fuel and power) that apply to new dwellings in England. The consultation is proposing for Part L to be brought in during 2020.

4.2 The consultation sets out two options to uplift energy efficiency standards and requirements:

- Option 1: 20% reduction in carbon emissions compared to the current standard for an average home. It is anticipated that this could be delivered by very high fabric standards (typically with triple glazing and minimal heat loss from walls, ceilings and roofs).

³ NPPG Historic environment, Paragraph 009.

- Option 2: 31% reduction in carbon emissions compared to the current standard. It is anticipated this could be delivered based on the installation of carbon-saving technology such as photovoltaic (solar) panels and better fabric standards.

4.3 The Carbon Dioxide Emissions and Renewable Onsite Energy policy approved by the LPSC on 4 July 2019 equates to Option 1 above. Members will recall that the 20% reduction target was the highest we could set under the current national policy and guidance.

4.4 The report to the LPSC on the 4 July 2019 also advised that Section 43 of the Deregulation Act (2015) would remove the ability of local plan policies to require developers to exceed the building regulations for energy efficiency when it comes into force⁴.

4.5 Given the current Covid-19 pandemic and the Governments intentions to improve the housing market there may not be a quick decision on the outcome of the consultation. However, if/when the proposed changes to the Building Regulations are introduced it is also likely that Section 43 of the Deregulation Act will also be enacted and the draft policy approved by the LPSC will have to be reviewed accordingly.

4.6 Members should be aware that this may mean that we will not be able to require an uplift on carbon emissions above those required under Part L of the Building Regulations 2020.

4.7 It should be noted that where it's likely that a policy will impose greater financial burdens on developers, regard should be had to its potential adverse consequence on the delivery of other important policy objectives e.g. the provision of affordable housing.

5 Policy/Budget Reference and Implications

5.1 The recommendations in this report are within the Council's agreed policy and budgets.

6 Financial, Legal, Equal Opportunities, Staffing, Environmental, Community Safety, Public Health, Customer Services Centre, Communications & Website, Risk Management and Health & Safety Implications

6.1 None specific.

7 Recommendation

7.1 That the Local Plan Sub Committee note the contents of this report and recommend to the Policy and Resources Committee the revised Draft Policies as set out in Appendices 1 - 6 be taken forward in the Local Plan.

⁴ The Commencement Section of the Deregulation Act sets out when each section of the Act will come into force and as Section 43 is not specifically listed it falls under a provision that states that it will come into force on 'such a day as the Secretary of State may by order made by a statutory instrument.'

- 7.2 That delegated authority be granted to the Head of Planning Policy & Projects and the Director of Communities and Environmental Services in consultation with the portfolio holder to make changes to all draft policies.

Report prepared by: Claire May, Head of Planning Policy & Projects

Background Papers

National Planning Policy Framework (2019)

Town and Country Planning (Control of Advertisements) Regulations 2007 (as amended)

Local Plan Sub Committee Reports https://www.threerivers.gov.uk/listing/council-meetings?only_expired=1&tagid=1041

The Future Homes Standard: changes o Part L and Part F of the Building regulations for new dwellings <https://www.gov.uk/government/consultations/the-future-homes-standard-changes-to-part-l-and-part-f-of-the-building-regulations-for-new-dwellings>

Section 43 of the Deregulation Act (2015)
<http://www.legislation.gov.uk/ukpga/2015/20/section/43/enacted>

Open Space, Amenity and Children's Play Space SPD (2007)

Open, Space Sport and Recreation Study

APPENDICES

Appendix 1 Advertisements Policy

Appendix 2 Renewable Energy Developments Policy

Appendix 3 Residential Design and Layout & Accessible and Adaptable Buildings Policy

Appendix 4 Broadband and Electronic Communications Policy

Appendix 5 Heritage and the Historic Environment Policy

Appendix 6 Open Space, Sport and Recreation Policy