

# **The Development Sites and Policies Plan**

## **Issue 3: The Natural Environment (DSP7 – DSP16)**

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Actions arising from hearing session

December 2014

**DCD-21**

## Introduction

Chapter 4 of Local Plan Part 2: Development Sites and Policies (DSP) Plan deals with the Natural Environment, which includes Development Outside of the Defined Urban Settlement Boundaries (DUSBs). At the DSP Plan examination hearing session on Issue 3: The Natural Environment (DSP7 – DSP16), a number of pieces of work were requested by the Inspector, to address points raised in the hearing session.

As such, this note specifically addresses the following;

1. Council to consider criteria based Policy for frontage infill outside of Settlement Boundaries.
2. Council to consider criteria based approach to changes of use to Garden Land outside of Settlement boundaries.
3. Council to consider wording of DSP11 Solent Breezes regarding seasonal occupation.
4. Council to re-consider wording of paragraph 4.26 to clarify the Council's approach to identifying opportunities for new green space.
5. Council to consider the impact of the latest changes to Permitted Development Rights on Policy DSP7, specifically regarding the conversion of existing buildings.

### 1 Frontage Infill Outside of Settlement Boundaries

- 1.1 At the Issue 3 hearing session, the Inspector asked the Council to consider whether it should include a criterion based policy to allow for frontage infill outside of the defined Settlement Boundaries. The Inspector's request related to participant concerns that Council Policy DSP7, which states there to be a presumption against new residential development outside of the defined urban settlement boundaries, does not allow for frontage infill outside of the urban settlements.
- 1.2 Currently the Council has *Policy H14: Frontage Infill in the Countryside* from the Fareham Borough Local Plan Review (June 2000). However, through the development of the DSP Plan, it was initially decided to restrict this element of development within the countryside due to a range of infringements in relation to this policy.
- 1.3 However, to reflect the suggestions of the Inspector, the Council is proposing the following modifications, to insert new criteria into Policy DSP7 which provides further clarification on the Council's position on frontage infill outside of the Defined Urban Settlement Boundaries, with new text underlined and deleted text ~~struck through~~:

#### **Policy DSP7 New Residential Development Outside of the Defined Urban Settlement Boundaries**

**There will be a presumption against new residential development outside of the defined urban settlement boundaries (as identified on the Policies Map). New residential development will be permitted in instances where one or more of the following apply:**

- i. It has been demonstrated that there is an essential need for a rural worker to live permanently at or near his/her place of work; or
- ii. It involves a conversion of an existing non-residential building where;
  - a) the buildings proposed for conversion are of permanent and substantial construction and do not require major or complete reconstruction; and
  - b) evidence has been provided to demonstrate that no other suitable alternative uses can be found and conversion would lead to an enhancement to the building's immediate setting.
- iii. It comprises of one or two new dwellings which infill an existing and continuous built-up residential frontage, where:
  - a) the new dwellings and plots are consistent in terms of size and character to the adjoining properties and would not harm the character of the area; and
  - b) it does not result in the extension of an existing frontage or the consolidation of an isolated group of dwellings; and
  - c) it does not involve the siting of dwellings at the rear of the new or existing dwellings.

A change of use of land outside of the defined urban settlement boundary to residential garden will not normally be permitted unless other environmental benefits can be secured.

New buildings should be well-designed to respect the character of the area and, where possible, should be grouped with existing buildings.

Proposals should have particular regard to the requirements of Core Strategy Policy CS14: Development Outside Settlements, and Core Strategy Policy CS6: The Development Strategy. They should avoid the loss of significant trees, should not have an unacceptable impact on the amenity of residents, and should not result in unacceptable environmental or ecological impacts, or detrimental impact on the character or landscape of the surrounding area.

- 1.4 As a consequence of the suggested amendment to Policy DSP7 proposed above, a proposed modification to the supporting text in paragraph 4.6 is also required and is suggested as follows, with new text underlined and deleted text ~~struck through~~:

4.6 The Borough Council will protect the areas outside of the DUSBs from development that would adversely affect the landscape character, appearance, and function, by avoiding non-essential residential development, including changes of use to residential garden area. Subject to other planning policies, exceptions may be made for the conversion of existing buildings, one-for-one replacement of existing dwellings, infill between existing residential frontages or where there is a proven requirement for a new dwelling to support an agricultural worker's employment requirements to live in close proximity to their

place of work.

- 1.5 To fully understand the potential implication of this proposed modification an addendum to the combined Sustainability Appraisal (SA)/Strategic Environmental Assessment (SEA) and Habitats Regulation Assessment (HRA) has been undertaken by Urban Edge Environmental Consulting (DSA06). This addendum concluded that this proposed modification was not considered to alter the profile or scale of the predicted effects of the original policy.

## 2 Changes of use to Garden Land outside of Settlement boundaries

- 2.1 At the Issue 3 hearing session, the Inspector indicated to the Council that the wording in Policy DSP7 on the change of use of land in the countryside to residential garden use was too rigid. Furthermore, the Inspector also indicated that he was unclear as to what was meant by 'environmental benefits'. As such, the Council agreed to review the wording relating to garden land in Policy DSP7.
- 2.2 The purpose of the existing wording in Policy DSP7 was to prevent applications coming forward for the large scale conversion of land outside of the urban settlement boundary into residential garden, as a precursor for applying for residential dwellings on such land. It is recognised that small scale changes of use to garden land can legitimately take place which provide minor extensions to existing residential gardens which are both in accordance with the character of the area and with the scale of the existing garden and property.
- 2.3 The Council is therefore proposing to make modifications to the wording of Policy DSP7 which relates to garden land. New text is underlined and deleted text is ~~struck through~~:

**A change of use of land outside of the defined urban settlement boundary to residential garden will only be ~~not normally be permitted unless where~~ other environmental benefits can be secured.**

- i. it is in keeping with the character, scale and appearance of the surrounding area; and
- ii. it will not detract from the existing landscape; and
- iii. it respects views into and out of the site.

- 2.4 It is thought that these changes to the policy wording will help provide the flexibility that the Inspector is seeking, whilst retaining the appropriate level of protection for land outside of the urban settlement boundary. To reflect this change to the Policy the following modification is also sought to paragraph 4.6, with new text underlined and deleted text ~~struck through~~:

4.6 The Borough Council will protect the areas outside of the DUSBs from development that would adversely affect the landscape character, appearance, and function, by avoiding non-essential residential development, including unacceptable changes of use to residential garden ~~area-land~~. Subject to other planning policies, exceptions may be made for the conversion of existing buildings, one-for-one replacement of existing dwellings, infill between existing residential frontages or where there is a proven requirement for a new dwelling to support an agricultural worker's

employment requirements to live in close proximity to their place of work.

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### **3 DSP11 Solent Breezes and seasonal occupation**

- 3.1 At the Issue 3 hearing session, the Inspector indicated that he wished the Council to consider the wording in Policy DSP11 relating to seasonal occupation and whether it was acceptable to restrict the operator of the caravan park in the way that was set out in the existing policy.
- 3.2 In light of the concerns raised by the Inspector the Council have reviewed the Policy and have prepared the amended wording set out below. The Council continue to take a strong line on preventing occupation of holiday accommodation on a permanent residential basis but references to seasonal occupation have been removed.
- 3.3 The amended Policy DSP11 is now a criteria based policy, which sets out the circumstances by which proposals at the Solent Breezes Holiday Park would be acceptable. It is the aim of the policy to provide clarity on the issue of development at the Holiday Park but to allow the Council flexibility in dealing with any applications that come forward. The proposed modification to the Plan is set out below, with a new Policy DSP11. The previous version of DSP11 has been deleted in its entirety, with all new text underlined.

#### **DSP11: Development Proposals within Solent Breezes Holiday Park**

**Within the Solent Breezes Holiday Park (as defined on the Policies Map), planning permission, or proposals to vary condition on existing permissions, will not be granted to allow the occupation of any proposed or existing chalets or caravans on a permanent basis. To ensure this, all permissions will be subject to holiday occupancy conditions, including maximum occupancy of 10 months in a calendar year. Permissions will only be granted for holiday occupation provided all the following criteria are met:**

- i. **the holiday accommodation is of a high standard and appropriate for the time of proposed use;**
- ii. **it can be demonstrated how the prevention of accommodation for permanent residential use will be managed, monitored and enforced, to be agreed between the Council and site/property owner or operator in advance;**
- iii. **the submission of a Coastal Change Vulnerability Assessment that identifies that the proposal will result in no increased risk to life or significant increase in risk to property; and**
- iv. **where it can be demonstrated that the proposal will not have an adverse impact on the SPA.**

3.4 As a result of the changes to Policy DSP11 it is necessary to amend the supporting text in paragraphs 4.19 and 4.20. Suggested modifications to these paragraphs is set out below, with new text underlined and deleted text ~~struck through~~.

4.19 Proposals for developing caravans for holiday accommodation purposes, or the conversion of existing properties, or development or intensification of any existing development within Solent Breezes, will have a condition restricting occupancy to holiday use only and for a ~~that limits occupancy to a~~ maximum of ten months each calendar year.

4.20 ~~Limited~~ These holiday occupancy conditions will apply to new holiday accommodation or other forms of development within Solent Breezes Holiday Park to ensure consistency with other policy aims of controlling development outside the defined urban settlements boundaries. ~~Where a limited occupancy condition is attached to the permission, it is expected that the vacant months will be during the winter months.~~ Potential impacts on the landscape and other nature conservation designations and the flood risk areas around the Coastal Zone will be particularly important in determining proposals relating to Policy DSP11: Development Within Solent Breezes Holiday Park.

#### **4 Identifying opportunities for new green space.**

##### **Paragraph 4.26**

4.1 At the Issue 3 hearing the Inspector indicated that the Council's approach to identifying new green space within the Borough was unclear. The Inspector requested that paragraph 4.26 should be reworded to provide greater clarity on the matter.

4.2 The Council has reviewed the wording of the paragraph and is suggesting a number of amendments to the text. These amendments relate to the mechanisms for delivering additional open space, which is a cross-cutting issue that can require the cooperation and participation of a number of different bodies in both the public and private sectors. As a result of these, sometimes, complex interactions mean that the deliverability of projects can be uncertain and in order to respond to changing circumstances the Council's Strategy needs to be flexible.

4.3 The revised wording outlines a series of options available to the Council, which would assist in addressing open space deficits across the Borough. These options consist of the Council identifying additional deliverable sites, working with supporting partner organisations to bring forward proposals for additional provision and exploring opportunities to improve the existing spaces across the Borough.

4.4 Paragraph 4.26 had been amended prior to the hearing session in response to the Issues and Questions raised by the Inspector. The revised wording set out below also addresses the points made in the original amendments. New text is underlined and deleted text is ~~struck through~~:

4.26 In addition to the new open space allocations, the Council has a threefold approach ~~will explore opportunities~~ to address any further open space deficiencies in the Borough. ~~through a land management approach.~~ This

approach includes the Council identifying new deliverable sites through a variety of means, including projects proposed through the Green Infrastructure Study. The Council will also support, and where appropriate, work with partner organisations to bring forward additional opportunities, including provision that may come forward as part of development proposals. Furthermore, the Council will explore opportunities to use existing open space more effectively. ~~may include the exploration of opportunities to transfer existing types of open space to other typologies in deficit, rights of access agreements and lease arrangements. Additional sites and potential enhancements have been identified through the Green Infrastructure Study and provision may also come forward as part of development proposals. Furthermore~~ Qualitative improvements to existing open space are proposed through the Council's Open Space Improvement Programme, which aims to increase the accessibility and attractiveness of public open space so it is available and attractive to a larger population.

## **5 Impact of the latest changes to permitted development rights on Policy DSP7, specifically regarding the conversion of existing buildings**

At the Issue 3 hearing session, one of the participants queried whether changes should be made to Policy DSP7 as a result of recent changes to permitted development rights. The initial query from the participant related specifically to changes in permitted development rights for the conversion of existing buildings, however as a result of that query the Inspector asked the Council to consider the impact of all changes to permitted development rights on Policy DSP7.

Permitted development rights allow householders to improve and extend their homes without the need to seek a specific planning permission where that would be out of proportion with the impact of works carried out. Furthermore, permitted development also permits the change of certain use classes to another specified use class. For example, a change to permitted development rights introduced in May 2013 allows for premises in B1(a) office use to change to C3 residential use (subject to various prior approvals). As such, policy within the DSP Plan should not contradict the permitted development rights.

The change of use permitted development rights introduced in May 2013 and April 2014 permit the following use classes to change to a C3 residential dwelling house:

- A1 – Shops;
- A2 – Financial and Professional Services;
- B1(a) – Office;
- Other – Buildings used for agricultural purposes.

Policy DSP7 covers the conversion of non-residential buildings (outside of the urban settlement). Part ii, is not considered to be overly restrictive regarding changes of use, allowing for conversions of existing buildings in certain circumstances. Whilst it is acknowledged that the conversion of an agricultural building to a residential unit is now allowed for under permitted development rights, there are other types of buildings that can be located outside of the urban area (warehouses etc) which do not benefit from the same permitted development rights. In such cases, Policy DSP7 would remain useful to provide the necessary clarity to decision makers.

Where permitted development rights do apply, such as for agricultural buildings, this will override the wording of Policy DSP7.

Permitted development rights have seen a host of changes in recent years and seem likely to change further in the future. However, as currently written, the Council believes that Policy DSP7 is not in direct conflict of existing permitted development rights and remains necessary to deal with all proposed uses.