

Independent Examination of the North Dorset Local Plan (Part 1)

Statement by Clemdell Limited (ID No: 1191)

Hearing Session: ISSUE 11

1.0 **INTRODUCTION**

1.1 This Statement responds to the Examination Questions in the context of Clemdell's focus of concerns regarding the vitality & viability of the Primary Shopping Area of Blandford Forum's Town Centre.

1.2 Clemdell's observations in respect of these Questions are particularly in the context of its concerns about the lack of Local Plan Policies to encourage the regeneration and enhancement of the main town centres (Question 3.2).

1.3 In contrast to the guidance currently applied by NDDC the Plan's proposals on Design, Parking and Amenity are made as if all development was to be confined to greenfield and suburban areas. There is no recognition of the flexibility required by national guidance. This is particularly surprising given the emphasis by the Council elsewhere on one narrow aspect of heritage assets.

2.0 **DESIGN – POLICY 24**

2.1 Clemdell recognises the difficulty of producing a simplified design guide. Design, and particularly good design, is an art not a science. Overall Policy 24 and its supporting text appear to be drawn from third party industry-wide standards. This produces two problems: only selective extracts are relied upon and these standards are an iterative process. This is illustrated by 10/24/1 (SUD015) which deleted "By Design" because the document was cancelled. A Local Plan which should last for 15 years does not have the flexibility to respond to industry changes and the majority of the text would be better placed in SPD.

2.2 NDDC's current guidance "Design in Buildings and Places" is practical, encompasses amenity, and recognises the distinctive character of Town Centres. It is not included in the Examination Library. Nor is its Guidance on Alterations to Historic Buildings in North Dorset (Draft) (October 2007) and North Dorset Guide to Shop Front Design (Draft) (June 2007) both referenced as guidance in LP1.

- 2.3 Policy 24 conflicts with the presumption in favour of sustainable development at the heart of the NPPF (NPPF14), It places the onus on applicants to justify design by interpreting design principles and standards set out in the Policy and not by reference to a balance between design and the three sustainable principles of NPPF7.
- 2.4 The application of its 'suburban' standards would, in practical terms, effectively stop most Blandford Town Centre regeneration. By reason of the Town Centre's historic evolution, sites would not, for example, be able to provide external amenity space and laundry drying. This is contrary to the practical decision making process (see e.g. A1)
- 2.5 The Policy is too prescriptive (contrary to e.g. NPPF59) in applying subjective criteria. Its application, in refusing permission on design issues alone, would be contrary to NPPF65 *“Local planning authorities should not refuse planning permission for buildings or infrastructure which promote high levels of sustainability because of concerns about incompatibility with an existing townscape”*, and the supporting PPG Design.
- 2.6 The Policy is internally contradictory. On the one hand, quite properly, requiring that *“design responds to the local context”* - and then requiring *“storage for bins and recyclables”*. That example is particularly pertinent to the Town Centre because the supporting text (paragraph10.55) refers to compliance *“with the latest guidelines produced by the Dorset Waste Partnership”*. DWP has particular arrangements for Town Centre flats, and many commercial units have specific arrangements with commercial waste contractors. DWP operates flexibly but a regeneration scheme that does not satisfy the Council and/or uses waste contractors would be a reason for refusal.
- 2.7 A further contradiction is with policy 7 which recognises the distinctiveness of town centres for example in paragraph 5.60 *“Higher density new developments are more likely to respect the character of an area, if that area such as a town centre, has already been developed at a high density”* and *“Whilst lower density schemes are less likely to give rise to amenity issues, they could result in sites being underutilised and could also cause harm to local character, especially in areas of tightly-knit development”* – that is carried into Policy 7(a) *“makes effective use of the site; (b)*

*respects the character and distinctiveness of the locality; (c) is acceptable in terms of design and amenity”.*

- 2.8 Policy 24 supporting text is focussed on achieving suburban sameness, not on enhancement and excitement, which is a key element in any Conservation Area application. NPPF states that *“In determining applications, great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area.”*(NPPF63).
- 2.9 Although NPPF65 states *“Local planning authorities should not refuse planning permission for buildings or infrastructure which promote high levels of sustainability because of concerns about incompatibility with an existing townscape”*, proposals to regenerate Blandford Town Centre that have *“high levels of sustainability”* and are compatible with the *“existing townscape”* will be refused because they do not meet the inflexible standards of Policy 24 which, applied to town centres, would *“cause harm to local character, especially in areas of tightly-knit development”*.
- 2.10 There are clearly difficult concepts and guidance that are hard to reconcile. LP1 does not seek to resolve conflicts between paragraphs re policies 7 and 24. Nor does it attempt to even consider NPPF guidance.
- 2.11 Practical examples are now evident in the development control process where decision-makers at officer level in NDDC and DCC are making judgements on overall sustainability of Blandford Town Centre by reference to Policy 7 (e.g. A1, A2, A3) and Councillors are applying the suburban principles of Policies 24 and 25 to refuse that development.

### 3.0 **AMENITY**

- 3.1 As is confirmed by paragraph 10.71 of LP1 there is a symbiotic relationship between amenity and design. The matters addressed under policy 25 are substantively design guidance and the relevant points made above on Design Issues are repeated.
- 3.2 Again it must be emphasised how policy 25 is directed at suburban development and fails to consider the *“harm to local character, especially in areas of tightly-knit development”* (LP1 paragraph 5.60) of suburbanising Blandford Town Centre. By

reason of ignoring the historic form of Blandford Town Centre with its tight curtilages it would harm the local character and/or effectively prevent regeneration.

3.3 An example is *“For small single bedroom or retirement units, a well-designed communal space may be more appropriate. Communal private spaces should include sufficient space for refuse storage and clothes drying as well as a garden area. Adequate private open space should be provided not only for new dwellings but also where existing residential properties are extended or subdivided and where existing buildings are converted to residential use.”* (LP1 paragraph 10.76)

3.4 As with Policy 24, there are clearly difficult concepts and guidance that are hard to reconcile. There is no consideration of the grain of a Conservation Area. The Local Plan does not seek to resolve conflicts between paragraphs re Policies 7 and 25. Nor does it attempt to even consider NPPF guidance. The balance required by NPPF65 is completely omitted in the Local Plan and is feeding through into refusal of applications with high levels of sustainability because of the application of suburban principles to Blandford Town Centre.

#### 4.0 **PRIVATE PARKING**

4.1 The starting point for considering residential Car Parking Standards is NPPF39. Indeed Local Plan Appendix C states that *“(t)he levels of parking to be provided reflect the need to promote sustainable travel choices and reduce reliance on the private car.”* (C1) but its standards propose the opposite, contrary to national policy.

4.2 Appendix C acknowledges that *“(t)he basic approach has moved on from the concept of a set of basic standards applied in a broad-brush way to greater consideration of the location of individual sites, dwelling types and their relationship to actual levels of allocated and unallocated car parking demand.”* But that same paragraph contradicts this by stating the Appendix uses *“a standardised, tabulated, approach”* (C2)

4.3 The tabulated approach for residential use is found in the Dorset Toolkit (INF014a) to which NDDC subscribes. But even there NDDC is the only subscribing authority not to apply a “Town Centre +400m Zone”.

4.4 Yet again the Local Plan takes a suburbanised approach – specifically applying suburban parking standards to Town Centre development. By reason of ignoring the

historic form of Blandford Town Centre with its tight curtilages it would harm the local character and/or effectively prevent regeneration.

- 4.5 The supporting text acknowledges that “*Some flexibility is needed, nevertheless, to allow a different level of provision on individual sites where there is sound justification based on local circumstances.*” (LP1-10.45) but then includes e.g. “*Figure C1- Parking Provision for Developments of 5 dwellings or Fewer*” with inflexible and inaccurate guidance.
- 4.6 The Appendix also includes “*Figure A3 - Parking Provision for Non-residential Development*” which again provides inflexible standards. There is no county-wide guidance. Only green-field standards are shown.
- 4.7 Because of the historic development of Blandford Town Centre many properties have either no external curtilage or pedestrian access only. The Parking Policy and Appendix C would effectively preclude any regeneration or enhancement of the Town Centre.
- 4.8 The Policy conflicts with NDDC local guidance and development control practice (e.g. A1, A2, A3). It is thus contrary to NPPF154.
- 4.9 Although the context of the Parking Policy is said to be the need to promote sustainable travel choices and reduce reliance on the private car, there is neither text nor policy that gives any indication of the how the Local Plan will enable that NPPF guidance to be applied. On the contrary it plans to accommodate and reinforce the high levels of car ownership perceived to be necessary in the rural areas (LP1-10.45) and extend that to Town Centres, where there is greater availability and opportunities for public transport.
- 4.10 The concept of self-containment for Blandford is retained in the Local Plan (despite the Focussed Changes that reject that concept) e.g. paragraphs 8.8 “*there is potential for further growth in more accessible locations*” and 8.10 “*Housing growth will be matched by employment growth and the provision of supporting infrastructure with the aim of increasing self-containment and reducing the need for commuting, particularly to the South East Dorset conurbation.*”

4.11 Local Plans are required to be aspirational (NPPF154). It is perverse to interpret that as being aspirational to increase car ownership and discourage sustainable alternatives, as appears to be proposed in the Local Plan.

## 5.0 PUBLIC PARKING

5.1 Clemdell has already commented at 4.6 on the effect of Appendix C Figure A3 on Town Centre commercial parking. NPPF40 is specifically concerned with Town Centre car-parking and references local authority parking charges, such that the guidance is aimed at car-parking managed by councils.

5.2 LP1 paragraph 10.42 recognises NPPF40 guidance “*local authorities should seek to improve the quality of parking in town centres..... They should set appropriate parking charges that do not undermine the vitality of town centres and parking enforcement should be proportionate*”. Having made that reference, the Local Plan is silent upon how NDDC will satisfy that obligation and remedy its conflict with the NPPF. Clemdell’s Statement on Issues 3 and 7 set out the reasons why that is of particular importance in the case of the Marsh & Ham Car Park.

## 6.0 DISCUSSION

6.1 The Questions considered by Clemdell in Issue 11 have a common theme. Sustainable development in Blandford Town Centre would be refused if the Local Plan was rigorously enforced. They would adversely affect the viability and vitality of Town Centres, contrary to NPPF23.

6.2 In practice that may not happen. Policies 23, 24 and 25 do not give a clear indication of how Development Control would be applied by a planning officer or an Appeal Inspector in accordance with national guidance and other parts of the Local Plan. NPPF154 is clear “*(o)nly policies that provide a clear indication of how a decision-maker should react to a development proposal should be included in the plan.*”

5.3 Those parts of LP1 considered above are unsound. In particular they are: not positively prepared to encourage sustainable development, and not consistent with national (and other applied local) policy. They disrespect the Historic Environment contrary to LP1 Objective 2 and disregard the setting of heritage assets.

5.4 In order that these elements of the Local Plan can be made sound Clemdell proposes the following amendments:

5.4.1 As to Policy 24 Design:

- 10.53 The design principles, ~~in Figure 10.1 are based on the objectives in 'By Design'~~, will be incorporated into a Supplementary Planning Document, and will be kept updated.
- The remainder of paragraph 10.53 down to paragraph 10.70 inclusive is then deleted from the Local Plan and incorporated with Design in Buildings and Places into SPG, as necessary, that accords with national guidance and this revised Policy:
- **POLICY 24: DESIGN**
- In determining applications, great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area.
- Development should be designed to improve the character and quality of the area within which it is located. Proposals for development will be required to demonstrate justify how the relevant aspects of development form address the relevant design principles and standards set out in this policy and how the design responds to the local context.
- Developments will be permitted provided that the relevant aspects of development have been designed to reflect the relevant design principles and have satisfactorily addressed the relevant standards. A proposal that uses development forms which do not reflect the relevant design principles and standards, or which otherwise conflict with the design principles, might will not be permitted.
- In certain circumstances, an exceptionally well-designed innovative 'contemporary' or 'modern' scheme ~~may be acceptable~~ will be encouraged.
- Development proposals that are of an overbearing nature or where the enjoyment of the existing properties is significantly diminished might will be refused, but may not refused for buildings or infrastructure which promote high levels of sustainability.
- [*Developers will be required to engage..... as drafted*]
- Where existing local guidelines have been established, to include those for Conservation Areas and Sub-Areas, these should be reflected in development proposals.
- Developments may be required where possible to provide adequate space for cycle parking, storage for bins and recyclables and in addition in the case of residential developments, laundry drying where such features are necessary, practical, and

part of the local context and do not conflict with existing arrangements or the setting of heritage assets.

- Developments may, where possible, be expected to incorporate existing mature trees and hedgerows and other landscape features into the public realm of the development layout and provide sufficient additional landscape planting to integrate the development into its surroundings where such features are part of the local context and, in Conservation Areas, such features are compatible with the historic context of that Conservation Area.
- Developments which support the objectives of sustainable development taken as a whole and the vitality and viability of the town centres, will be encouraged.
- Developments in Conservation Areas that contribute to the preservation and enhancement of that Area or Sub-Area by appropriate design will be encouraged.

#### 5.4.2 As to Policy 25 Amenity:

- Retain paragraphs 10.71 and 10.72 and at the end of 10.72 add: Detailed Guidance will be incorporated into a Supplementary Planning Document, and will be kept updated.
- Delete paragraphs 10.73 to 10.98 from the Local Plan and incorporate with “Design in Buildings and Places” into SPD, as necessary, that accords with national guidance and this revised Policy:
- **POLICY 25 AMENITY**
- Add an introductory paragraph:  
The following policy shall apply only where it respects and does not harm the character and distinctiveness of an area
- **POLICY 25 AMENITY** would then remain as drafted.

#### 5.4.3 As to Policy 23 Parking:

- 10.44 The Council takes the view that the reasonable parking needs of occupants of new developments should be met so long as this does not conflict with the principle set out in paragraph 10.42 of encouraging a shift to more sustainable forms of transport. ~~and~~ This policy sets out how the Council intends to deal with parking in the context of the NPPF and the Local Plan’s commitment to sustainable development and containment.

- 10.45 The Council will continue flexibly to apply the “Residential Car Parking Provision - Local Guidance for Dorset – May 2011” and its Toolkit, with an addition of a “Town Centre + 400M Zone” for reduced car parking, until it produces Supplementary Planning based upon that document (or any further iteration) in so far as that Document complies with NPPF39. It will encourage development that demonstrates, by reason of its location, that accessibility and opportunities for the use of more sustainable forms of transport, less car parking supports sustainable development.
- 10.46 The Council will produce a Supplementary Planning Document for Car Parking for non-residential development that will incorporate the principles in the NPPF including NPPF39 and NPPF40. Until such time it will flexibly apply [Figure A3 - Parking Provision for Non-residential Development] where non-residential development is situated outside of 400M of an existing publically available car-park and outside of a Primary Shopping Area (to be defined in the Local Plan – Part 2).
- Paragraphs 10.45 and 10.46 are replaced as above and the remainder of paragraphs 10.47 to 10.51 inclusive and Appendix C are deleted.
- **POLICY 23: PARKING** would then remain as drafted.

5.5 Policy to apply NPPF40 is proposed in Clemdell’s Statement for Issue 7.

5.5.1 The relocation of the design, amenity and parking guides to comprehensive SPD is proposed, inter alia, in response to Examination Question 1.14. The NPPF Annex 2 Glossary “Supplementary planning documents” specifically references design.

5.5.2 As already referenced, NDDC has numerous design guides and subscribes to the Local Guidance for Dorset for Parking (other than the Town Centre Zone) – and NDDC accepts DCC highway guidance on Town Centre proposals, for Development Control.

5.6 This Statement responds to the Questions raised by Issue 11 and is integral to Question 3.2.