

**REPRESENTATIONS TO
STURMINSTER NEWTON
NEIGHBOURHOOD PLAN
2016-2031**

**REGULATION 16
CONSULTATION**

**PLANNING STATEMENT TO
SUPPORT
REPRESENTATIONS**

**LYNNE EVANS
BA MA MRTPI MRICS**



Client: Hall & Woodhouse Ltd

Date: 25 05 2018

Ref: D-ND-210-LE

SOUTHERN PLANNING PRACTICE LTD

Registered in England and Wales No. 3862030

<u>Contents:</u>	Page
1.0 INTRODUCTION	1
2.0 BASIC CONDITIONS TESTS	3
3.0 MAIN REPRESENTATIONS IN SUPPORT	4
4.0 BASIC CONDITIONS - NATIONAL GUIDANCE AND STRATEGIC POLICIES OF THE DEVELOPMENT PLAN	6
5.0 BASIC CONDITIONS – SUSTAINABLE DEVELOPMENT.....	10
6.0 SUGGESTED MODIFICATIONS TO THE NEIGHBOURHOOD PLAN	13
7.0 CONCLUSIONS	14

APPENDICES 1 - 3



1.0 **INTRODUCTION**

- 1.1 These representations to the Sturminster Newton Neighbourhood Plan (Submission draft) are submitted on behalf of Hall & Woodhouse Ltd. Hall & Woodhouse own three pubs and land all within the settlement boundary of Sturminster Newton as defined by the North Dorset Local Plan Part 1. These are:
- a) The Swan in the Market Place – pub with rooms
 - b) The White Hart – Market Cross
 - c) The Bull – Common Lane.
- 1.2. Hall & Woodhouse Ltd is a brewer and owner of an estate of over 200 pubs. To fund its business and support its pub estate, the Company seek to use its surplus land to generate funds to reinvest in its pubs and businesses, including improving existing stock and acquiring new pub sites.
- 1.3 Hall & Woodhouse Ltd have been working closely with the Neighbourhood Plan Team to look at the future of its three pubs and the way in which they can contribute to the future of Sturminster Newton. They are all identified in the Neighbourhood Plan (policy 10) as important Community Facilities for Sturminster Newton, with particular reference to The Swan and The Bull.
- 1.4 Detailed consideration has been given in particular to The Bull because of its specific constraints and limitations, as existing. It is a designated heritage asset, a Grade II listed building and a valued community facility. However, current constraints of the pub include – very limited and unacceptable cramped on-site residential accommodation for the landlord; limited number of covers; poor roadside visibility; lack of car parking and garden area, as well as being susceptible to flooding; resulting in a rapid turnover of landlords in recent years, some of whom have only stayed for a few months.
- 1.5 The Town Council and its Neighbourhood Plan sub group, and in consultation with the local community have worked with Hall & Woodhouse to look at ways to improve the facilities at the pub, leading to the proposed policy (Policy 41) in the earlier draft of the Neighbourhood Plan (Pre-Submission - November 2016) for development on the adjoining field in Hall &

Woodhouse's ownership to start to overcome the existing constraints of the pub. The Bull itself is on a very constrained site but by using the adjacent field it will be possible to provide a new and enlarged car park; family sized manager's house, larger garden for the pub and improved visibility for the pub together with progress towards long term flood alleviation. To support the provision of these benefits, residential development is proposed on the balance of the field which in turn will be of benefit to the provision of housing in Sturminster Newton.

- 1.6 The Consultation Statement: A Summary of the Consultation Process for the Sturminster Newton Neighbourhood Plan indicates that a number of issues were raised by North Dorset District Council and other statutory consultees in its consultation responses with regards to this draft allocation and policy, and particularly in respect of biodiversity, flood risk and heritage assets but no adverse comments appear to have been received by the local community.
- 1.7 Further refinement of the evidence base has been undertaken together with amendments to the policy to address the points raised at the consultation stage, and the policy is carried forward into the Submission Version of the Plan (now policy 39). Hall & Woodhouse have also undertaken their own comprehensive assessments of all relevant issues relating to the proposed policy and subsequent proposed development, including the preparation of a landscape and visual appraisal by Hyland Edgar Driver dated March 2017 reference 1229 and a Historic Environment Assessment by A C Archaeology also dated ACW891/1/14. These documents have been shared with both the Town Council and Neighbourhood Plan team as well as with officers at North Dorset District Council. Both reports identified the sensitivities of the site in landscape and heritage terms but both reports concluded that these would not prevent development proceeding with suitable mitigation. A copy of both reports are submitted alongside these representations.
- 1.8 It should be emphasised that the consideration relates to whether this policy as part of the Neighbourhood Plan meets the basic conditions; it is not an assessment of an individual planning application. It is whether this is an appropriate policy to be included as part of the Neighbourhood Plan. It is firmly contended that all issues have been properly addressed to ensure it is in line with national and local policy and will contribute to sustainable development. This is now addressed in the next sections of this report.

2.0 BASIC CONDITIONS TESTS

2.1 The National Planning Practice Guidance is clear that, only a draft neighbourhood plan that meets each of a set of basic conditions can be put to a referendum and be made. The basic conditions are set out in Paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 as applied to neighbourhood plans by Section 38A of the Planning and Compulsory Purchase Act 2004. The basic conditions which relate to neighbourhood plans (and in so far as they are relevant to these representations) are:

- Having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the neighbourhood plan;
- The making of the neighbourhood plan contributes to the achievement of sustainable development;
- The making of the neighbourhood plan is in general conformity with the strategic policies contained within the development plan for the area of the authority.

2.2 The fourth basic condition which is not the subject of this representation, namely a requirement to be compatible with European Union law and human rights obligations although there is no reason to suggest that there is an issue in this regard. The other basic conditions listed relate specifically to draft neighbourhood Orders and not to Plans, namely in relation to the statutory requirements in respect of having special regard to the desirability of preserving any listed building or its setting and preserving or enhancing the character or appearance of any conservation area.

2.3 The Town Council has prepared its own comprehensive Basic Conditions Report in respect of the Whole draft Plan and this is supported as a thorough analysis to demonstrate that the plan does indeed meet the Basic Conditions.

3.0 MAIN REPRESENTATIONS IN SUPPORT

3.1 Hall & Woodhouse Ltd fully support the whole Neighbourhood Plan (with one exception addressed under Section 6) and in particular the following policies:

Policy 1 - Design and character of buildings and their settings – SUPPORT to secure high quality design which respects and enhances local distinctiveness

Policy 3 - Locally Important Buildings – SUPPORT - recognition of significance of undesignated heritage assets and the need for new development to respect their significance.

Policy 4 – Local Green Spaces – SUPPORT – detailed consideration of the Neighbourhood Plan area to protect local green spaces of local value.

Policy 6 – Trees in the landscape – SUPPORT

Policy 7 – Housing Numbers and Locations – SUPPORT – positive policy to meet and exceed the policy requirements in terms of the provision of the housing numbers in the North Dorset Local Plan Part 1, including on the field adjacent The Bull (policy 39)

Policy 10 – Important Community Buildings and associated land – SUPPORT- and in particular identification of the pubs owned by Hall & Woodhouse as important community buildings.

Policy 39 – Land adjoining The Bull Tavern – SUPPORT – principle and detailed considerations relating to development to secure the long term future of the public house.

3.2 Firm support is given to the policies, taken individually and together, which look to strengthen the vitality and viability of the whole of Sturminster Newton for existing and future residents, businesses and visitors so that it can continue and strengthen its role as one of the four main towns in North Dorset in accordance with the objectives and policy requirements of the development plan, the North Dorset Local Plan Part 1. Albeit directed

primarily to the heritage considerations of the Draft Plan, Historic England's comments at the pre-submission stage can equally be applied to the Plan taken as a whole:

A most impressive document in its depth and coverage that draws extensively on an understanding of the historic character of the area and seeks to use this constructively positively in form change and reinforce its distinctive local identity. This is the best plan of its kind that we have seen in the south west.

Policy 39

- 3.3 Support is given to Policy 39 and its supporting text. The policy and text carefully explain the context for the proposal and identify the constraints of the existing pub which is both a Grade II listed building as well as a valued community facility (cross refer to Policy 10). The policy and text go on to set out the opportunity for development on the adjacent field and the potential benefits it may secure, together with identifying and acknowledging the sensitive constraints which set the framework for development.
- 3.4 It is strongly argued that the policy sets a balanced tone of identifying the issues and the opportunity for sustainable development alongside the potential sensitivities. It will be for an individual planning application to demonstrate how it responds to each of the issues. The policy secures the comprehensive approach of setting a positive yet detailed framework for development.

4.0 BASIC CONDITIONS - National Guidance and Strategic Policies of the Development Plan

4.1 In terms of meeting the basic conditions in relation to both general conformity with national guidance as well as strategic policies in the district Plan, Policy 39 taken on its own and as part of the comprehensive plan is considered to meet each of these as follows by reference to the key issues addressed in the policy:

Issue and Approach taken in Policy 39	NPPF	Strategic Policies NDDC Local Plan Part 1 (please also see Appendix 1)
Securing long term viability and maintenance of the pub through improved facilities supported by housing (Cross reference also to Policy 10)	Accords with and meets the objectives of Section 3: Supporting a Prosperous Rural Economy and in particular the bullet points under paragraph 28 to support rural businesses and the retention and development of local services and community facilities	Policy 27 Retention of Community Facilities. The Council sets out that: To ensure community facilities (both commercial and non-commercial) are retained the Council will: a) respond positively to applications where facilities need to be extended to improve their viability or to ensure their continued use; and

			b) look favourably on diversification to support the continuation of the existing use (i.e. change of use of part of the site to support the original use).
Provision of housing appropriate to the scale and sensitivity of the site (Cross reference also to Policy 7)	Accords with and meets the objectives of Section 6: Delivering a wide choice of high quality homes and in particular paragraphs 47-55, including at para 55 to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities		Policies 2 and 6 (and 7 and 8) and Policy 19. Accords with and helps to strengthen the identification of Sturminster Newton as one of the four main towns in the district with a minimum provision of 395 houses during the plan period.
Site specific identification of natural environment issues and requirements highlighted both to respect landscape character as well as protect and enhance	Accords with and meets the objectives of Section 11: Conserving and enhancing the natural environment, including protecting and enhancing valued landscapes and minimising impacts on biodiversity and providing net gains in biodiversity where possible.		Policy 4 encompassing landscape character as well as biodiversity considerations

<p>biodiversity. (Cross reference also to Policies 1, 2, 4-6)</p>			
<p>Site specific identification of historic environment issues and requirements highlighted to protect both designated and undesignated heritage assets as well as secure a long term future for the designated heritage asset of The Bull. (Cross reference also to Policies 1 and 3)</p>	<p>Accords with and meets the objectives of Section 12: Conserving and enhancing the historic environment, by setting a detailed framework of both designated and undesignated heritage assets potentially to be affected and to ensure that any resultant scheme had proper regard to their significance and ensures their protection and conservation.</p>	<p>Policy 5 – approach to heritage considerations</p>	
<p>Site specific identification of key infrastructure requirements</p>	<p>Accords with and meets the objectives of Section 10: Meeting the Challenge of climate change flooding and coastal change with particular reference to reducing flood risk to the designated</p>	<p>Policies 3, 13, 14 and 15 on Climate Change, Grey, Social and Green Infrastructure</p>	

and associated benefits (Cross reference also to Policy 12)	heritage asset of The Bull		
Identification of design requirements to respond to heritage context and important entrance to the town. (Cross reference also to Policy 1)	Accords with and meets the objectives of Section 7: Requiring good design and promoting and reinforcing local distinctiveness at the entrance to the town and with specific reference to the designated heritage assets of the Conservation Area and The Bull and surrounding undesignated heritage assets.	Policy 24 Design with an emphasis of improving the character and quality of the area within which it is located.	

4.2 The policy (policy 39) taken on its own and as part of a comprehensive plan read with the other relevant policies set a very thorough and detailed framework to secure development on this site in order to secure the objectives set out to find a long term future for this designated heritage asset and valued community facility. It meets the basic conditions in relation to:

- Having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the neighbourhood plan;
- The making of the neighbourhood plan is in general conformity with the strategic policies contained within the development plan for the area of the authority.

5.0 BASIC CONDITIONS – Sustainable Development

5.1 With regard to the principles of sustainable development, it is contended that as Policy 39 (as part of the wider plan) reflects and accords with the relevant principles of the NPPF which in turn sets out the governments objectives to secure sustainable development, it follows that the policy also meets this requirement. The same principle follows through in respect of the Local Plan Part 1; by complying with the strategic policies of the plan, which itself has been prepared in accordance with the sustainable principles of the NPPF, the Neighbourhood Plan contributes to achieving sustainable development at the neighbourhood level.

5.2 The sustainable development principles relating to Policy 39 can also specifically demonstrated and development of this site in accordance with the policies in the Neighbourhood Plan will contribute to all three dimensions as follows:

Economic

- The proposed development of the site in compliance with the proposed policy will make a contribution to easing acknowledged constraints on local housing supply, and therefore improve productivity and labour market flexibility which is of such importance to sustainable local and national economic growth.
- The proposed development of the site in compliance with the proposed policy would represent a significant capital investment in the area.
- The proposed development of the site in compliance with the proposed policy will make an important contribution to supporting local facilities and services, including strengthening the role and viability of The Bull Tavern which will help in supporting sustainable economic growth.

Social

- The proposed development of the site in compliance with the proposed policy will improve local housing supply, which is in the interest of social sustainability given the undisputed link between quality of life and access to an adequate choice of good quality housing.

- The proposed development of the site in compliance with the proposed policy will make a contribution towards affordable housing thereby improving local access to housing for a range of socio-economic groups. This will create a mixed community within the development, which is in the interest of social sustainability.
- The proposed development of the site in compliance with the proposed policy will provide a mix of housing sizes and types, therefore ensuring that the mix of housing meets local social needs.
- The proposed development of the site in compliance with the proposed policy provides outdoor space as well as the opportunity to create linkages to existing open space and green infrastructure, which will further enhance quality of life for the residents and the local community.
- The proposed development of the site in compliance with the proposed policy will help secure the long term future of The Bull, a valued community facility and so support the local community.

Environmental

- The proposed development of the site in compliance with the proposed policy will be constructed to a high standard of sustainable design, in accordance with the relevant national requirements.
- The proposed development of the site in compliance with the proposed policy will take full account of the significance of the designated and undesignated heritage assets, including the grade II pub building itself and ensure that the layout and design preserve and these assets and their setting.
- The proposed development of the site in compliance with the proposed policy will respect ecology on site and proposes planting and ecological enhancements sensitive to the environment considerations of the site.
- The proposed development of the site in compliance with the proposed policy will retain a strong landscape framework thereby creating a pleasant environment and strong sense of place.
- The proposed development of the site in compliance with the proposed policy will offer the opportunity to improve the environmental setting of the entrance to Sturminster Newton from the east.

5.3 The proposed policy 39 sets a comprehensive policy framework which will help to bring forward sustainable development which will positively contribute to the future of Sturminster Newton. It therefore meets the basic condition:

- The making of the neighbourhood plan contributes to the achievement of sustainable development.

6.0 SUGGESTED MODIFICATIONS TO THE NEIGHBOURHOOD PLAN

- 6.1 Hall & Woodhouse Ltd wish to raise one objection to the draft Plan where it does not meet the basic conditions. This is in respect of Policy 8 and Map 5 and the proposed settlement boundary allocations. It is acknowledged that the Neighbourhood Plan, following on from the North Dorset Local Plan Part 1 and in particular Policy 2, has the ability to review the existing settlement boundaries for Sturminster Newton but the proposed deletion of the settlement boundary for the land adjoining The Bull is not well considered.
- 6.2 Contrary to a number of statements, in the North Dorset Local Plan Part 1 the settlement boundary for Sturminster Newton extends to include The Bull and the adjacent field and it is therefore, in principle, subject to the positive policies in the Local Plan relating to development in the four main towns, including Policy 19.
- 6.3 In the draft Neighbourhood Plan the opportunity for development on this site to support the long term future of the designated heritage asset and valued community facility of The Bull has been recognised with a specific development allocation under Policy 39.
- 6.4 However, at the same time the proposal is to delete the settlement boundary from the site and to review for inclusion again at a subsequent review of the Plan.
- 6.5 This sets up a potentially unintended friction and conflict with more restrictive policies in the North Dorset Local Plan Part 1 relating to development outside of development boundaries and thus in the countryside.
- 6.6 On the basis that the site is promoted for sustainable development in the Neighbourhood Plan, it follows that in order to meet the basic conditions relating to securing sustainable development, the site should remain within the settlement boundary.
- 6.7 Objection is necessarily raised on this one issue. The modification sought in order for this issue to meet the basic conditions is for the settlement boundary to be retained around the field adjacent The Bull.

7.0 **CONCLUSIONS**

- 7.1 These representations relate primarily to Policy 39 as well as the Plan as a whole. With one exception addressed under Section 6, full support is given to the very thoroughly prepared and comprehensive Neighbourhood Plan which meets the principles of sustainable development and the basic conditions.
- 7.2 The Examiner is therefore requested to find in favour of the Neighbourhood Plan as drafted in order that it can be progressed through to referendum and then be made. Once made, the Plan will assist in supporting the future of Sturminster Newton in a very positive and sustainable way.

APPENDIX 1: BASIC CONDITIONS TEST: STRATEGIC POLICIES

The strategic policies for North Dorset are set out in the North Dorset Local Plan Part 1 adopted in January 2016. The National Planning Practice Guidance indicates that in considering whether a policy is in general conformity with these strategic policies, the following should be considered:

- *whether the neighbourhood plan policy supports and upholds the general principle that the strategic policy is concerned with*
- *the degree, if any, of conflict with the draft neighbourhood plan policy and the strategic policy*
- *whether the draft neighbourhood plan provides an additional level of detail and/ or a distinct local approach to that set out in the strategic policy without undermining that policy*
- *the rationale for the approach taken in the draft neighbourhood plan and the evidence to justify that approach.*

It is not clear which of the policies in the Local Plan Part 1 are strategic policies but on the basis of the advice at Paragraph 156 of the NPPF the following policies are regarded as strategic policies in the North Dorset Local Plan Part 1. There may well be other policies that are also strategic policies but the following are of particular relevance to this representation:

- Policy 1: Presumption in favour of Sustainable Development
- Policy 2: Core Spatial Strategy and in particular the identification of Sturminster Newton as one of the four key strategic settlements in the district where the vast majority of the district's growth is to be directed, given that they are the most sustainable locations where homes, jobs and facilities are easily accessible. There are then associated housing policies aimed at meeting housing needs which are regarded as part of the strategic policy base.
- Policy 4: The Natural Environment – Protection of landscape character of district.
- Policy 5: The Historic Environment – Protection of heritage assets
- Policy 6: Housing Distribution – focus on the four main towns, including Sturminster Newton.

- Policy 7: Delivering Homes with an emphasis on seeking a wide range of homes in size and to address the housing needs of particular groups.
- Policy 8: Affordable Housing – seeking 40% of the total number of dwellings to be provided (on development of eleven or more net additional dwellings) to be affordable.
- Policies 13, 14 and 15 – Grey, Social and Green Infrastructure
- Policy 19: Sturminster Newton
- Policy 24: Design
- Policy 27: Retention of Community Facilities

APPENDIX 2 – Hyland Edgar Driver – Land adjacent to The Bull Tavern, Sturminster Newton:
Landscape and Visual Appraisal 1229 March 15 2017 (attached separately).

APPENDIX 3 - A C Archaeology – Land adjacent to The Bull, Sturminster Newton – Historic
Environment Assessment ACW891/1/4 March 2017 (attached separately)