

Sturminster Newton Neighbourhood Plan

Representations by Hall & Woodhouse Ltd to issues raised by Examiner in his statement of 2 July 2018 and in response to further representations by Sturminster Newton Town Council and North Dorset District Council received on 24 August 2018

Response specific to EQ13 Land adjoining The Bull Tavern (Policy 39)

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Client: Hall & Woodhouse Ltd

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SOUTHERN PLANNING PRACTICE LTD



1.0 Introduction

- 1.1 These representations should please be read in conjunction with the representations already submitted to the Submission Version of the Draft Neighbourhood Plan which are already before the Examiner under references SN03-1, 1A, 1B, 2 – 9 inclusive. Wherever possible, points already made have not been repeated but it is considered necessary to respond fully to the question posed by the Inspector at EQ13 and in particular to North Dorset District Council's (NDDC) objection to Policy 39 and the objection raised at the Submission stage by Historic England.

2.0 Purposes of a Neighbourhood Plan

2.1 The National Planning Guidance sets out the following definition of neighbourhood planning:

Neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and shape the development and growth of their local area. They are able to choose where they want new homes, shops and offices to be built, have their say on what those new buildings should look like and what infrastructure should be provided, and grant planning permission for the new buildings they want to see go ahead. Neighbourhood planning provides a powerful set of tools for local people to ensure that they get the right types of development for their community where the ambition of the neighbourhood is aligned with the strategic needs and priorities of the wider local area.

2.2 The clear objective is that the Neighbourhood Plan is a plan by the local community for the local community. It must meet a number of basic conditions, including, to align with the objectives of national policy and advice; contribute to the achievement of sustainable development; be in general conformity with the strategic policies of the development plan and not to breach EU obligations.

2.3 As demonstrated by the Town Council in its supporting documentation at the submission stage, the preparation of the Neighbourhood Plan has been a fully inclusive process with the local community and undertaken over a considerable period of time. In parallel, Hall & Woodhouse Ltd has undertaken its own consultation during the Neighbourhood Plan preparation on its proposals for the field adjoining the Bull Tavern which were warmly received by the local community. It will be seen that there have been no objections to the proposed allocation and policy by the local community. Whilst it is acknowledged that the Examiner is only concerned with the Neighbourhood Plan and not the subsequent application, it is worth noting that there have been only 2 objections from individual members of the public and support from amongst others the Newton Residents Association.

2.4 The fact that the local planning authority for the area does not like or support some of the proposals in the Neighbourhood Plan is not enough; it must demonstrate that the

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Plan fails to meet one or more of the basic conditions. The Local Planning Authority, NDDC, has indicated that it does not support Policy 39 –but it has not sought to demonstrate that the proposal fails any of the basic conditions tests; it has not referenced or mentioned the tests.

2.5 The Town Council has recently and in response to receipt of the Inspector’s questions reiterated and confirmed its support for the allocation. This should be seen as a strong indication that the local community continues to see this proposal as part of its shared vision for its local area.

2.6 The District Council raises a number of matters relating to the proposed allocation which can be grouped as follows and are addressed in the following sections:

- a) Impact on the character of the area, which in itself appears to be subdivided into (i) landscape/open area and (ii) heritage related issues; (Section 3)
- b) Sustainability of the site and suitability for housing development; (Section 4)
- c) Housing Supply (Section 5).

3.0 a) Impact on the Character of the Area

- 3.1 NDDC and Historic England appear to have reached a view that anything other than very minor, ancillary development related directly to The Bull would be unacceptable in this location. Detailed evidence for reaching this conclusion is not provided.
- 3.2 The two reasons for this appear to relate to the loss of the open area and the impact on the designated and undesignated heritage assets as a result of development in this location. The two matters are separately considered.

i) Important Open or Wooded Area

- 3.3 There is no disagreement that under the North Dorset District-Wide Local Plan 2003, the site is allocated as an Important Open or Wooded Area in conjunction with a larger area to the east. However:
- a) as set out at paragraph 7.135 of the North Dorset Local Plan Part 1 2016 (LP1), at the examination into the 2003 Local Plan the Inspector recommended a review of these designations and in particular of their contribution in visual or amenity terms to the public areas within a town or village, with a view to deleting those which do not require complete protection. This review has never been undertaken.
 - b) Policy 4 on The Natural Environment of LP1 seeks, amongst other things that the landscape character of the District will be protected through retention of the features that characterise the area and Policy 15 looks to retain and enhance green infrastructure, including in association with new development. **The Plan sets out that Neighbourhood Plans, where produced, should review and seek the enhancement of green infrastructure (para. 7.134) as well as review Important Open or Wooded Areas (IOWAs) (para. 7.135) carried forward from the 2003 Local Plan. (my highlighting).**

- c) In accordance with LP1, and in particular Policy 15, the Neighbourhood Plan has reviewed and set out proposed Important Open Spaces and Local Green Spaces which will supersede the IOWA designations in the 2003 Local Plan. The policy site is not proposed as such an area, although the adjoining Sturminster Newton Town Cemetery to the east of the site is included with the following description:

Cemetery on rectangular sloping site incorporating Chapel of Rest and car parking. Quiet and peaceful area. Some significant trees and hedgerows and attractive views towards the town and Piddles Wood.

The District Council has not sought to object to this assessment and the resultant proposals. They have not therefore raised a concern about this site being removed from IOWA (or its replacement) status.

- d) The landowner undertook its own separate landscape and visual appraisal of the opportunity to develop the site in the light of the IOWA designation. This was appended to the Submission made by Hall & Woodhouse Ltd to the Neighbourhood Plan in May 2018.
- e) Whilst it is appreciated that the planning application is separate from the Neighbourhood Plan proposed allocation it is relevant to note that the Landscape Officer from NDDC made the following comments in relation to the application and the IOWA:

*Regarding **the saved Policy 1.9 Important Open or Wooded Areas**, the Local Plan Inspector required that a review of all IOWAs be undertaken as part of Local Plan Part 2 or through neighbourhood plans and in the interim, where a robust review of the contribution of a designated site is undertaken to support a planning application. The Draft Sturminster Newton neighbourhood plan has reviewed the IOWA found on the proposed site and deemed it not suitable for designation as a “local green space” that are proposed as replacements for the IOWA designation. Further, a robust review of the IOWA designation on the proposed site has been provided with this application via the Landscape and Visual Impact Assessment. I find no reason to object to the conclusions in either document.*

- 3.5 The current status of the land as an IOWA dates back to 2003 but it has never been reviewed, despite the recommendation of the Local Plan Inspector at that time. In accordance with the Local Plan Part 1 the Neighbourhood Plan team has undertaken a detailed review as part of the preparation of the Neighbourhood Plan and it is concluded that the site is not worthy of continued protection in this regard or allocation as a protected green space. No objection has been raised to this conclusion by any party including NDDC.
- 3.6 The continuing reliance of NDDC on the significance of the designation of the IOWA to the future of this site is strongly contended to be misplaced. The Neighbourhood Plan follows the guidance in the National Planning Policy Framework and Local Plan Part 1 and there is no conflict with the basic conditions tests in this regard.

ii) Heritage Issues.

3.7 In the first draft of the Plan (Pre-Submission Draft November 2016) the proposals for the Bull Tavern were covered by Policy 41. The relevant heritage issues relating to the development of the site have been identified from the outset and relevant studies commissioned by the landowner at an early stage and shared with the Town Council.

3.8 It should be noted that Historic England were consulted on this earlier draft of the Plan. Historic England made no specific comments at that time on the proposed policy and allocation although they did comment on other policies and stated generally:

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

3.9 The District Council had raised concerns at the previous and earlier stage of the draft Neighbourhood Plan and the Town Council responded by amplifying the policy with particular reference to heritage issues.

3.10 The policy wording itself and the supporting text ensure that any proposed development must take full account of the heritage issues including the siting of the land within the designated heritage asset of the Conservation Area as well as adjoining the designated heritage asset of the pub building and non-designated heritage asset of the Chapel and adjacent buildings related to the cemetery grouping. It therefore sets out a robust framework within which the development proposals will need to be designed and subsequently assessed. The policy has therefore been very carefully drafted to ensure that explicit recognition is given to the importance of the designated and non-designated heritage assets and the need to ensure that the design solution ensures that full account is taken of each of them.

3.11 It is therefore contended that the policy sets out stringent parameters for the development; there is no justification for reaching an in principle objection to the

inclusion of the policy in the neighbourhood plan. There is no evidential basis to conclude that the harm would be so significant that the site is not suitable, in principle, for development.

3.12 To reiterate the findings from the detailed analysis undertaken, and in terms of specific buildings and structures, there would be no direct impacts on statutory listed buildings or non-designated heritage assets as a result of the provision of new housing on the field or improvement works related to the Bull Tavern.

3.13 It is acknowledged that there would be development near to The Bull and depending on the details of the proposed scheme, and the relationship of the proposals to the pub building itself, the effect upon the setting of the Bull which is a contributor to its significance will be a relevant consideration. However, it should be noted that the asset is not solely dependent upon it; its significance is also dependent upon the interest of the fabric of the building and its historic, architectural, archaeological and artistic interest. The majority of that interest will remain unaffected. Furthermore, detailed consideration of the siting of the development together with the opportunity for landscaping of the site will protect the setting of this designated heritage asset. Moreover, the proposals are to secure direct benefits for The Bull pub itself to help to secure its future.

3.14 The same heritage considerations apply, albeit to a lesser extent, to the chapel and adjacent buildings related to the cemetery grouping. However, it is strongly contended that detailed consideration of the siting of the development together with the opportunity for landscaping along this eastern boundary of the site will protect the setting of these non-designated heritage assets.

3.15 With regards the conservation area, it is a fact that there will be a direct effect given that development is planned within its boundary. However, the relevant consideration as made clear under *South Oxfordshire DC v SSE & J Donaldson* (March 1991, CO/1440/89) is in relation to the conservation area as a whole and not to a smaller part within or sub-area of a Conservation Area. Sturminster Newton is an extensive

conservation area but there is no Conservation Appraisal undertaken by the District Council in relation to it.

3.16 When looking at the conservation area or asset as a whole, which is the relevant basis of consideration, the degree of impact will be slight given the broad characteristics and features of this large and varied Conservation Area. The field is one small component of a very extensive Conservation Area and high quality development of part of that one field cannot be regarded as leading to substantial harm to or total loss of significance when account is taken of the Conservation Area as a whole.

3.17 Whilst there may be some loss of openness, this can be mitigated with sufficient respect being paid to existing assets, including their setting, through appropriate design, layout and landscaping.

3.18 The reference to enabling development in the supporting text has perhaps been interpreted by Historic England and NDDC in the narrow sense of the term. In this particular context it refers to the opportunity for the pub improvement works to be undertaken and financed through the proposed residential development on the balance of the field. The costs of developing the field are significant and the cost of the access; pub car park; access to and services for the manager's house as well as construction costs for the house as well as provision of the pub garden and flood alleviation works for the pub total some £700,000. Development is needed to secure this funding and in turn to secure the future of this pub.

3.19 The local community values the pub but also recognises the shortcomings of the pub and the need to address these.

3.20 Hall & Woodhouse Ltd is first and foremost a brewer and owner of an estate of over 200 pubs, primarily across the South East of England. It is not a property developer. As well as looking for opportunities to open new pubs, it keeps its existing estate under constant review. Many of the historic pubs need considerable work and updating to meet modern demands and the Company seeks to use its surplus land

and sites to generate funds to reinvest in its pubs and business. This is the approach to this site, that is, to generate funds from the vacant field adjoining the public house to reinvest in improving the Bull Tavern and elsewhere in the local area as appropriate.

3.21 As already stated the policy in the Neighbourhood Plan sets a very clear framework for the development to come forward. If there is any harm arising, and on the basis of the detailed assessments undertaken to date, such harm would be less than substantial and then it will be necessary to follow paragraph 196 of the Framework 2018 (paragraph 134 of the Framework 2012) and to weigh any harm against the very clear public benefits:

- a) Helping to secure the future for the pub – a valued local community facility and designated heritage asset;
- b) Given the known flood risk issues, there may not be any clear alternative use for the building;
- c) Development of the site would make a valued contribution to much needed housing in Sturminster Newton and across district; there is no dispute that the district is unable to meet its five year housing land supply;
- d) In addition there is the potential for affordable housing to be provided, depending on the overall housing numbers.

3.22 Table 4 in the Neighbourhood Plan shows an indicative capacity for the site of 10 – it cannot be said that there would be no affordable housing coming forward to add to the list of potential benefits of the site. The final number of housing units and its mix will be a matter for discussion under the terms of a specific application.

3.23 On the basis of applying the relevant test from the Framework, it is clear that there are a number of significant and important public benefits that would more than outweigh any limited harm, should any such harm arise. The policy and supporting text are specifically written to ensure that the relevant heritage issues are set out in the

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clearest terms, in order to protect the significance of the designated and non-designated heritage assets.

4.0 b) Sustainable Development

4.1 The Council has raised a concern that the site is not suitable for residential development given its location and distance from the facilities in Sturminster Newton. The facts simply do not support this argument. The officers at NDDC in respect of the planning application before them for the same site have confirmed the following distances:

- Immediately adjacent the Bull Tavern and opposite the Car repair garage
- 600m to the William Barnes Primary School
- 700m to the Sturminster Fish and Chip Bar
- 850 m to the facilities in the town centre;
- 300m to playing fields
- 500m to equipped play area
- 650m to the North Dorset Business park and 1.2 km to the employment area off Station Road to the north.

4.2 Furthermore, this location is comparable if not better placed in terms of its general accessibility to Sturminster Newton's facilities, compared with a number of the other proposed allocations, to which the Council has not raised the same concern.

4.3 One obvious example is the proposed allocation No 12 for residential development on Land adjoining Barton Farmhouse, Newton. NDDC earlier raised an objection to this proposed allocation but have since accepted that *given the need for housing and the site's proximity to the North Dorset Business Park employment area, the District Council agrees that a sensitively designed housing scheme can be supported at this particular site,* (Response to Point 14).

4.4 NDDC appears to have raised no objection to Site allocation 10 on Map 5 and Policy 26 (land at Yewstock Fields) or to the largest allocation for 100 houses Site Allocation 3 and Policy 29 (North Honeymead Fields: Land North of North Fields) which are in

fact further from the centre of Sturminster Newton (The Exchange) than the land at The Bull Tavern.

- 4.5 Sturminster Newton is a dispersed settlement, and extends to include the communities to the south of the River Stour, at The Bridge and at Newton. From the field adjoining The Bull, there is a continuous lit, footpath, albeit of different widths, along the A357, across The Bridge and into the main centre of Sturminster Newton. Taking into account the rural location, this site is as sustainable and accessible in terms of walking and cycling to the centre of Sturminster Newton as many other parts of this settlement.
- 4.6 Not only is the land at The Bull site accessible to the centre of Sturminster Newton it is also very much more accessible than the sites to the north of the settlement area to the employment opportunities at the Business Park and the community facilities at The Bull Tavern to name but two examples.
- 4.7 No weight should be given to this objection. The site is within the settlement boundary of one of the major towns where development is directed and is as sustainable as many other existing and proposed residential development sites within the settlement. There is absolutely no conflict with the basic conditions in this regard.

5.0 c) Housing Supply

- 5.1 It is noted that the District Council has raised concerns regarding whether the Town Council is using the appropriate housing figures (minimum target of 395 as opposed to 457 being a pro rata figure taken from the 2015 SHMA). The District Council has further indicated that it is working to a higher figure than the 2015 SHMA figures for the purposes of calculating housing need for the Local Plan Review. The District Council further acknowledges the significant shortfall in housing land supply across North Dorset.
- 5.2 Hall & Woodhouse do not wish to comment directly on this matter but it is clear that there is an urgent need for deliverable housing sites across the Neighbourhood Plan area and the wider district. The opportunity to bring forward this site for a number of housing units, potentially to include market housing as well as affordable housing, should be regarded as a positive public benefit.
- 5.3 It is agreed that whether or not affordable housing is brought forward will depend on the final housing numbers promoted, but there is the potential for the site to contribute to the local area and wider district's urgent need for affordable housing.

6.0 Settlement Boundary

6.1 The points raised regarding the settlement boundary are noted, but it is confirmed that the site, as existing, lies within the settlement boundary and we remain of the view that it should continue to be an allocated site within the settlement boundary, for the reasons set out in the earlier representations and for the same reasons raised by others, including North Dorset District Council.

6.2 The proposed allocation accords with Policy 19 of LPP1 which sets out its Sustainable Development Strategy that :

Sturminster Newton will continue to function as the main service centre in the rural west of the District through:

a) development and redevelopment within the settlement boundary; and

6.3 It is acknowledged that NDDC has sought to argue a different case in respect of The Bull and argued for its exclusion from the settlement boundary but this is inconsistent with the general approach it has advocated for other sites and allocations. There is no planning justification to remove a site from within the settlement boundary which is promoted for development and with an allocation for development which is already within the settlement boundary in the adopted Local Plan.

7.0 Conclusion

- 7.1 Hall & Woodhouse Ltd continue to support the policy as drafted and do not seek for any modifications to be made, other than for the site to remain within the settlement boundary as existing.
- 7.2 The Town Council has confirmed its continuing support for the policy and allocation to be retained; this is a key consideration given that the fundamental purpose of a Neighbourhood Plan is that it is a plan by the local community for the local community.
- 7.3 It is not considered that either NDDC or Historic England has made a case for deleting the policy and has not demonstrated how the policy as part of the Neighbourhood Plan fails any of the basic conditions. It remains our position that this policy and allocation meets each of the relevant basic conditions.
- 7.4 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.