

Robert Lennis
Area Lead (Major Projects – Eastern)
Dorset Council
Allenview House
Hanham Road
Wimborne
Dorset
BH21 1AJ

Our Ref: 473/A3/MJK

2nd July 2020

Dear Mr Lennis,

2/2020/0406/OUT: ERECTION OF UP TO 114 NO. DWELLINGS AND UP TO 2,000 SQUARE METRES OF EMPLOYMENT SPACE (FOR BUSINESS USE (CLASS B1), WITH UP TO 1 NO. RETAIL (CLASS A1) UNIT) AND ANCILLARY WORKS - LAND SOUTH OF THE PADDOCKS, LOWER ROAD, STALBRIDGE

As you will be aware, we are the planning agents dealing with the above application, we have emailed you on a number of occasions to try and arrange a virtual meeting or conference call to discuss the application but have had no response to this correspondence.

The 13-week target date for determination was the 23rd June 2020, and while the COVID19 pandemic will have affected the council, as it has done all businesses and organisations, having no contact from you at all over this extensive period is very concerning.

In light of this, we now write to you to set out our position in respect to certain matters that have been raised in consultee responses in an effort to try and move the application along positively.

Principle of Development

Our submitted planning statement covers this matter in detail, but to summarise, we understand that the Council accepts that it cannot demonstrate a five-year housing land supply (Just over 3 years based on the council's position established at recent appeals). In this context paragraph 11 of the NPPF identifies that policies that would restrain the delivery of housing should be given reduced weight and permission granted unless the adverse effects of doing so outweigh the benefits of the delivery of open market and affordable housing, along with the additional benefits financial contributions towards infrastructure that such development would bring.

Therefore, Local Plan policies 2 and 6 need to be considered in this context and arbitrary restrictions, such as those normally applied to proposals outside of settlement boundaries in light of Policy 2, and those which set quantum's of development, such as those set in Policy 6, should be given significantly reduced weight in decision making.

However, parts of those policies that give direction on where additional housing should be directed to assist in meeting the five-year housing land supply deficit, need to be given significant weight in deciding where unallocated land should be released for development.

In that regard Policy 2 of the adopted Local Plan ('Core Spatial Strategy') specifically identifies Stalbridge as a larger settlement that will be a focus for growth to meet housing need outside of the 4 main towns. This issue has been considered as part of recent applications in the town, which include:

- 2/2017/1094/OUT – Lightwood application for up to 98 no. dwellings, Eastern edge of Stalbridge;
- 2/2017/0741/OUT – Bovis site for 120 dwellings, Land North of Lower Road, Stalbridge; and
- 2/2017/1095/OUT – Lightwood application for up to 60 dwellings, Land east of Thornhill Road, Stalbridge.

In all of these applications, either the council's officers or the planning Inspectorate determined that Stalbridge was an appropriate and spatially sustainable location for housing growth, particularly in light of the five-year housing land supply deficit currently affecting Dorset.

Specifically, relevant extracts of the officer report connected to application 2/2017/1094/OUT set out that in the eyes of planning officers:

Stalbridge is well placed with infrastructure within the town itself. The A357 is the main road through the village connecting it to Henstridge, Templecombe and Wincanton to the North and Sturminster Newton and Blandford to the south and east. There is a community hub and village hall, a post office, a primary school, outdoor recreational facilities, a library, a sports pavilion, industrial estate offering employment, a supermarket with café, a variety of shops, a doctor's surgery (imminently to close) public toilets, pedestrian and cycle links and a petrol station. These factors all indicate that it is suitable to take further housing development.

.....

The settlement of Stalbridge is the next largest town outside the four identified for strategic growth, where development would be the next most sustainable location, above the larger villages, given the facilities available within the town. Although not well connected to neighbouring towns and positioned in a rural setting, the town is sufficiently well connected to be considered sustainable.

The Inspector, Neil Pope, who dealt with this case did not disagree with this position stating:

The proposals would increase the choice and supply of housing within the district and help to reduce the serious shortfall in supply. In addition, the affordable dwellings would assist in meeting the housing needs of those living within the area and would be conveniently located for services and facilities.

And in policy terms concluded:

I agree with the appellant and the LPA that the proposals would conflict with LP1 policies 2 (Core Spatial Strategy) and 20 (The Countryside). The LPA also considers there would be conflict with LP1 policy 6 (Housing Distribution). These policies are not unimportant but given the HLS within the district the main parties agreed that any conflict with them should only be given limited weight in the overall planning balance.

In none of these cases was a quantum of development set that would be appropriate for the town and the climate change agenda, and issues emanating from the COVID19 pandemic indicate that there will need to be further moves away from development in smaller villages and rural areas, to locations that offer key everyday facilities, employment opportunities and access to public transport.

While the doctor's surgery has since closed, all of the other facilities previously identified by officers remain. Therefore, the principle of accommodating significant development in the town is established in planning policy and the previous application and appeal decisions have clarified this policy position and not defined any specific quantum of development that the Town should be accommodating.

Therefore, it is clear in our view that the principle of development of this site should be supported by the council. Your confirmation that this is the case, and that the previously outlined position of officers has not changed over the last 2 years, would be appreciated.

Housing Need

While we are clear that the development plan, when read as a whole and considered in the context of the current five-year housing land supply deficit and the need to deliver more land to address this, clearly supports the development of this site, we would like to briefly comment on the consultation response that has been received from your housing enabling department.

This response is slightly contradictory stating:

There are currently over 1000 households on the Housing Register requiring accommodation in the North Dorset area. The register demonstrates that there is a high level of recorded housing need across the area and that a range of dwelling sizes is required across the range of sizes.....

The 2015 SHMA estimated that 367 additional units of affordable housing would be needed annually over a five-year period to meet the identified housing need.

While the comments clearly establish the pressing need for affordable housing in the district, it then goes on to comment on Stalbridge specifically:

Stalbridge has recently seen a high level of development and housing need in the area would need to be demonstrated and, whilst the Housing Enabling Team support schemes which assist with the high level of need for quality accommodation in the North of Dorset area, it is likely that the housing need in Stalbridge will be met by recent and current development in the area.

This is a disconcerting response from a council department who's sole 'raison de etre' is to deliver affordable housing. As far as we are aware, Stalbridge has unmet affordable housing need and development here will also meet the needs of surrounding rural parishes that are not capable of delivering a quantum of housing that will address their needs given the scale of the villages and hamlets within these areas. Furthermore, we are not aware of any appeal that has questioned affordable housing need in such a focused way. The headline affordable housing need of the authority, which is over 1,000 households and 367 additional needs per year, is the main consideration which clearly supports the proposition that the delivery of up to 46 affordable dwellings on this site would be a significant benefit of the scheme. We cannot see that a planning Inspector would come to an alternative conclusion in that there is a large and pressing need for affordable housing in Dorset and development within its boundaries is urgently needed to address this.

In the recent officer report connected to application 2/2017/1094/OUT, it was acknowledged that development at Stalbridge could provide a quantum of affordable housing that would go beyond immediate local needs, and meet wider strategic need and be found acceptable, stating:

The proposed development could provide a sustainable housing development to meet and go beyond an acknowledged local need, such that it would also meet some of the strategic need, which is considered to be necessary in this sustainable location due to the lack of harm to material considerations to indicate otherwise.

Members may also wish to acknowledge that the level of housing provision in this application, even when combined with other housing applications proposed within Stalbridge currently, would not be so large that they would result in an oversupply of local needs housing for the district as a whole over the plan period.

This correctly summarises the issue and we would ask that you reconsult your housing enabling department to ask whether they would like to reconsider their comments in light of these considerations. Currently it is unclear whether your own enabling department is supporting the delivery of affordable housing here or not, and if not, this would be an odd scenario.

The response also outlines that the application should be demonstrating how it meets favourably with the rural exception site policy. However, as I am sure you will be aware, this is not applicable in light of paragraph 11 of the NPPF being engaged. Again, I would invite you to reconsult them to ask whether they would like to reconsider their comments in light of this because currently their response clouds the issue and will not assist you in presenting the proposals to members.

Drainage

As my previous emails to you set out, following submission of some further information, the LLFA has confirmed they are happy with the application and no objection is raised in respect to matters of drainage or flood risk.

Highways

An initial response from Steve Savage in Dorset Highways requested further analysis of some local junctions. Our highways engineers, Vectos, then provided this information and the latest position we understand is that the highways authority has no objection to the scheme, considering access to it safe, and there is spare capacity within the local highway network.

Therefore, no adverse impacts can be identified in respect to highways safety or capacity.

Archaeology

Following a request for further information from the County Archaeologist we have undertaken a geophysical survey of the site and this is enclosed. This has identified very few features of interest in respect to buried archaeology.

Our archaeologists have sent this report directly to Steve Wallis and are in the process of agreeing a Written Scheme of Investigation for any further works he may require. This work will be undertaken pre-determination of the application, although our recent experience of this issue is that pragmatic councils have found it possible to present development proposals to members for their decision in advance of trenching being completed. Any decision then reached would be subject to the completion of that work prior to the formal decision notice being issued.

We would welcome discussions on whether such a pragmatic approach could be taken here to ensure that the application is dealt with efficiently and in a timely manner.

Arboriculture and Landscape Impact

We note that the Council's Tree and Landscape Officer does not object to the scheme subject to the application of conditions, the application of which we support and accept.

This conclusion is logical in our view having considered the landscape evidence we have submitted, the retention of the large majority of trees and hedgerows we propose and the landscape impact conclusions reached in respect to the two recently consented sites that lie adjacent to the application site.

Given your technical officers position on this matter we assume that you have no objection to the scheme in terms of landscape impact and tree protection.

Ecology

We have not seen any consultation response in respect to this issue but given the ecologically sterile nature of the arable fields and the fact that the hedgerow and tree network is being largely retained and enhanced we assume that no objection is raised on this matter. However, again, your confirmation on this point would be appreciated.

S106 Heads of Terms

We have seen the consultation response from the Planning Obligations Manager (POM) who welcomes the heads of terms we submitted with the application but highlights some additional obligations that may be required. Our submitted HOTS set out that we did not consider the list submitted to be final and that we would be happy to discuss other potential contributions as requested, as long as they met the relevant tests in this regard.

While the list provided by the POM is a good start in respect to establishing what these additional contributions might be, there is little in the way of detail as to what exactly is being sought.

Rather than enter into a protracted email discussion about these, we would welcome a MS Teams or similar video conference meeting with you and the POM to obtain more clarity on what is being sought and which development plan policy they relate to ensure we do not fall foul of CIL Regulations.

If you could speak to the POM to obtain some suitable dates for this it would be appreciated.

Conclusion

As set out above, the principle of development of this site is acceptable in light of the policy background and the evidence available and no technical constraints exist that would warrant the application's refusal.

The delivery of 46 affordable dwellings in particular should be seen as a significant benefit because it will not only meet the housing need of the town but also assist in meeting wider strategic need which currently amounts to in excess of 1,000 affordable dwellings across Dorset.

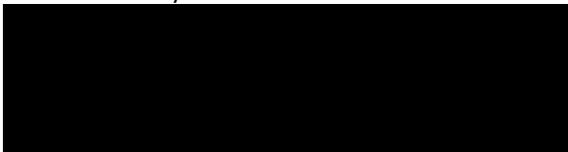
The Government, as of yesterday, set out a clear agenda to assist the economy in recovering from the COVID19 pandemic which involves boosting activity across the construction industry and seeking to deliver new homes to address the housing crisis that has been building over decades of under supply. This application offers a golden opportunity to assist this central government agenda in a way that is acceptable now when the planning context of the area is taken into consideration.

In light of this we have been trying to contact you to discuss whether you have any as yet unidentified concerns regarding the proposals or have any positive input to give on matters of detail, such as the submitted master plan, housing mix or location of employment. This has been with a view to getting the application presented to committee with a favourable recommendation as soon as practically possible.

You are aware of this contact I believe but we are yet to hear from you. In light of this we would respectfully ask that you contact us within 5 working days to discuss the application, if no such contact is forthcoming with regret, we will be forced to prepare an appeal against non-determination. We do not want to have to proceed down this route but unfortunately the complete lack of engagement from the council, which stretches back to a pre-application enquiry that remained unanswered, will force us to do so. If this approach is forced upon us, a costs application would also have to be made because the current stonewalling being undertaken by the council clearly amounts to unreasonable behaviour.

We look forward to hearing from you at your earliest convenience.

Yours sincerely



MATTHEW KENDRICK
Director

- CC - Mike Gerrity, Dorset Council
- James Tizzard, LVA
- Stephanie Lamb, LVA