

In the matter of:

CHURCHILL RETIREMENT LIVING

and

SECTION 78 OF THE TOWN AND COUNTRY PLANNING ACT [AS AMENDED]

and

LAND EAST OF LIDL, CHRISTY'S LANE, SHAFTESBURY, DORSET, SP7 8TL.

THE CLOSING SPEECH OF THE APPELLANT

1. It is the position of the Appellant that this is a proposal which should be granted planning permission for three reasons:
 - 1.1. Reason 1 - It complies with the development plan
 - 1.2. Reason 2 - It complies with other material considerations namely the NPPF and the NPPG.
 - 1.3. Reason 3 - There are no matters weighing against the presumption in favour of the development plan.

Reason 1 - It complies with the development plan

2. As said out below it is the strong view of the evidence of Mr Shellum that the proposal complies with the development plan:

POLICY	PAGE	COMPLIANCE	COMMENT	
THE NORTH DORSET LOCAL PLAN PART 1.				
1	OBJECTIVE 1 – MEETING THE CHALLENGE OF CLIMATE CHANGE	19	YES	PARTICULARLY PREVIOUSLY DEVELOPED LAND
2	OBJECTIVE 3 – ENSURING THE VITALITY OF MARKET TOWNS – SUPPORT ROLE AND FUNCTION OF SHAFTESBURY	20	YES	MAKING THEM THE MAIN FOCUS OF HOUSING DEVELOPMENT
3	OBJECTIVE 5 – MEETING THE DISTRICTS HOUSING NEEDS – BY PROVIDING THE TYPE OF HOUSING WHICH REFLECTS HOUSING NEEDS	21	YES	NEED FOR SPECIALIST ACCOMMODATION FOR THE ELDERLY
4	POLICY 1 – PRESUMPTION IN FAVOUR OF SUSTAINABLE DEVELOPMENT	30	YES	PLANNING APPLICATINOS THAT ACCORD WITH THE POLICIES IN THE DEVELOPMENT PLAN WILL BE APPROVED WITHOUT DELAY.
5	POLICY 2 – CORE SPATIAL STRATEGY	36	YES	SHAFTESBURY IDENTIFIED AS A MAIN TOWN AND WILL BE THE MAIN FOCUS FOR GROWTH INCLUDING HOUSING.
6	POLICY 3 – CLIMATE CHANGE	46	YES	DEVELOPMENT SHOULD BE LOCATED IN AREAS SERVED BY A GOOD RANGE OF FACILITIES AND FACILITATE ALTERNATIVE MEANS OF TRANSPORT.
7	POLICY 4 – THE NATURAL ENVIRONMENT	46	YES	DEVELOPMENTS SHOULD CONSERVE OR PRESERVE THE NATURAL ENVIRONMENT

8	POLICY 6 – HOUSING DISTRIBUTION	87	YES	SHAFTESBURY SHOULD ACCOMMODATE AT LEAST 1140 HOUSES.
9	POLICY 7 – DELIVERING HOUSES	96	YES	THE LPA WILL SUPPORT THE PROVISION OF AGE-RESTRICTED HOUSING FOR THE ELDERLY
1	POLICY 8 – AFFORDABLE HOUSING	107	YES	ACCEPTABLE FOR DEVELOPER CONTRIBUTION OFF SITE.
1	POLICY 11 – THE ECONOMY	132	YES	THE CONTINUED IMPROVEMENT OF TOWN CENTRES AS THE MAIN FOCUS
1	POLICY 13 – GREY INFRASTRUCTURE	163	YES	THE PHYSICAL WORKS TO SUPPORT DEVELOPMENT
1	POLICY 14 – SOCIAL INFRASTRUCTURE	174	YES	SOCIAL INFRASTRUCTURE MAINTAINED AND IMPROVED
1	POLICY 15 – GREEN INFRASTRUCTURE	185	YES	DEVELOPMENT WILL BE REQUIRED TO PROVIDE NEW GREEN INFRASTRUCTURE
1	POLICY 18 – SHAFTESBURY	223	YES	MAINTAINANCE OF ROLE OF SHAFTESBURY
1	POLICY 23 – PARKING	287	YES	PARKING IN ACCORDANCE WITH LPA STANDARDS
1	POLICY 24 – DESIGN	296	YES	DESIGNED TO IMPROVE C AND A OF THE AREA.
1	POLICY 25 – AMENITY	302	YES	RESIDENTIAL AMENITY STANDARDS.

THE SHAFTESBURY NEIGHBOURHOOD PLAN 2021

19.	POLICY SFTC1 – TOWN CENTRE	20	YES	SITE IDENTIFIED WITHIN TOWN CENTRE [SEE PAGE 19]
20.	POLICY SFTC4 – PARKING	24	YES	PROPOSALS THAT INCREASE PARKING IN TOWN CENTRE WILL BE STRONGLY SUPPORTED
21.	POLICY SFHE2 – HOUSING	32	YES	ON SITES OF TEN OR MORE DEELLINGS THE MIX OF HOUSING SHOULD INCLUDE DWELLING TYPES LIKELY TO BE SUITABLE FOR OLDER PERSONS.
22.	POLICY SFG1 – IMPORTANT TREED AREAS	42	YES	AREA IDENTIFIED AS IMPORTANT TREED AREA SHOULD RETAIN TREED CHARACTER.
23.	POLICY SFDH1 TO 7 - DESIGN	66- 72	YES	LPA CONTENT WITH THE PROPOSED DESIGN OF THE DEVELOPMENT.

Reason 2 - It complies with other material considerations namely the NPPF and the NPPG.

24. It will be the evidence of the Appellant that the proposal could not be more compliant with Government Guidance and the NPPF in:

24.1.1. Benefit 1 – The provision of market housing namely 41 units – Substantial weight.

24.1.1.1. Policy 2 and 3 seek the provision of housing in Shaftesbury.

24.1.1.2. Policy 18 specifically seeks housing to be focussed on Shaftesbury.

24.1.1.3. Significantly boosting the supply of housing [NPPF 61]

24.1.2. Benefit 2 – The provision of specialist accommodation where national policy identifies the need as critical – substantial weight.

24.1.2.1. The provision of additional housing accommodation for older persons [Policy 7 of the Local Plan].

24.1.2.2. The provision of additional housing accommodation for the elderly in Shaftesbury [Policy SFHE2 of the NP]

- 24.1.2.3. The need to provide housing for older people is critical [NPPG para 001]
- 24.1.3. Benefit 3 – The redevelopment of PDL – substantial weight.
 - 24.1.3.1. Substantial weight to reusing suitable brownfield land [NPPF 124(c)].
- 24.1.4. Benefit 4 – Sustainable site in the TC – substantial weight.
 - 24.1.4.1. Policy SFTC1 in the NP specifically wants to see development in the Town Centre.
- 24.1.5. Benefit 5 – Optimum use of the site – moderate weight.
 - 24.1.5.1. Effective use of land [NPPF 123].
 - 24.1.5.2. LPAs should support development that makes efficient use of land [NPPF 128]
- 24.1.6. Benefit 6 – Release of underutilised housing stock in the local area – substantial weight.
 - 24.1.6.1. Many of the occupiers of the development are currently in large, underutilised family homes that they will vacate freeing up the resultant housing stock for others to use and occupy which is an unquestionable benefit.
- 24.1.7. Benefit 7 – Economic benefits – substantial weight.
 - 24.1.7.1. Substantial weight to economic development [NPPF 81]
- 24.1.8. Benefit 8 – Social benefits – substantial weight.
 - 24.1.8.1. The range of units -1- and 2- bedroom units.
- 24.1.9. Benefit 9 – Environmental benefits – moderate weight.
 - 24.1.9.1. The building occupies only 45% of the total site area therefore the majority of the site will be used for hard and soft landscaping of 55% [DAS page 49]
- 24.1.10. Benefit 10 – The provision of a payment for AH – substantial weight.

24.2. Cumulatively therefore there are 10 benefits which demand weight in the planning balance.

Reason 3 - There are no matters weighing against the presumption in favour of the development plan.

25. The only party to raise material objections is the Town Council.

26. We do not accept their objection is weighty or material because:

- 26.1. Their submission on need is not weighty because:

26.1.1. The NP takes a completely different approach and seeks specialist accommodation for the elderly on all sites over 10 units. That is a clear manifestation of need and is set out in the statutory development plan.

26.1.2. The LPA's work in the emerging plan shows a need for the district.

26.1.3. The point was not raised either at the 3 October 2023 meeting of the Planning Committee of the TC and formed no basis of the objection as is seen in it in terms.

26.1.4. The first time any one has questioned the need for such accommodation is this morning without notice and no formal endorsement by the Town Council in any public document of any kind that they doubt or question the need identified in the Neighbourhood Plan.

27. Additionally all the other concerns are not shared by the Appellant.

28. But more importantly they are not shared by the consultation responses from the LPA.

Summary and Conclusion

29. Therefore this proposal is:

29.1. Compliant with the development plan.

29.2. That conclusion creates a presumption in favour of the development plan.

29.3. The other material considerations – NPPF and the NPPG support the conclusion that the proposal is one that should be granted planning permission.

29.4. Therefore in accordance with the statutory framework planning permission should be granted.

29.5. That is the position of both main parties and of huge importance and consequence the LPA.

29.6. In those rare, and powerful circumstances the Appellant respectfully asks you to grant planning permission.

1 May 2024

**SASHA WHITE K.C.
LANDMARK CHAMBERS.**
