

INDEPENDENT EXAMINATION OF THE ARNE PARISH NEIGHBOURHOOD PLAN

Arne Parish Council's response to matters raised by the Examiner: Jill Kingaby BSc (Econ) MSc MRTPI

December 2019

Q1. I suggest that Arne should aim to provide a minimum of 64 new dwellings over the Plan period (4 dwellings per annum on average). This could usefully be stated in the Neighbourhood Plan.

APC response: whilst the Parish Council would not be against expressing the housing target in the plan's supporting text as based on a minimum of 64 new dwellings over the plan period (ie averaging at least 4dpa), as explained in the HNA a simple 'pro-rata' distribution does not reflect the Local Planning Authority's historic or proposed spatial strategy of focusing on the towns and key service villages – none of which are located within the parish of Arne (Stoborough as the largest settlement is a local rather than a key service village) and the suggested target would be well above past build rates (which have averaged 2dpa).

We are also conscious of the many environmental constraints within the parish that would make delivering such a target in a sustainable manner very difficult, and would therefore wish to see such an ambitious target (if considered necessary) expressed as an aspiration rather than policy. The reason for this concern is evidenced in our response to Q2.

Q2. I request that the Parish Council gives some consideration to how Policy 4 might be revised to adopt a more positive approach towards new housing development in appropriate locations, and to encourage small-scale development pertinent to each site's characteristics. *The Parish Council should consider the advice in Planning Practice Guidance (PPG) Reference ID: 41-009-20190509, which states that although a draft neighbourhood plan is not tested against the policies in an emerging local plan, the reasoning and evidence informing the local plan process is likely to be relevant to the consideration of the Basic Conditions against which a neighbourhood plan is tested.*

APC response: the formulation of Policy 4 was primarily done at a time when the Local Planning Authority's emerging plan was looking to promote up to 30 dwellings on small sites. APC had concerns about this scale of development on the edge of its villages, and this concern was also shared by Natural England (who objected to the small sites consultation in March 2018).

The submission version of the Local Plan (January 2019) contained the 30 dwelling policy basis, and the Arne NP was submitted for its examination prior to the examination hearings of the Local Plan, and therefore has not had the opportunity to consult on or consider the revised approach now being promoted by the Local Planning Authority through the Local Plan's examination.

As a result of your letter, we have taken this opportunity to go back to Natural England to seek their advice as to whether it would be appropriate to revise Policy H4 to reflect the emerging plan (in particular to check if the revised approach had addressed the concerns they had raised in March 2018 when consulted), or whether the 6 dwelling limit was necessary in light of their earlier advice to the Parish Council. Their response is shown in Appendix 1, and suggests that they would have no objection to the NP being so modified if this were supported by the Local Planning Authority.

Such a modification would support up to 15 dwellings per site in Stoborough as a "Local Service Village" (ie 9 more than the submission version of the NP), up to 5 dwellings per small site in Ridge as an "Other Village with a Settlement Boundary" (ie 1 dwelling less), and would not support any such dwellings in Worgret as an "Other Village without a Settlement Boundary" (ie the same as the NP).

The change in scale at Ridge is not considered material and the Parish Council would not be against such a revision – in reality due to the constraints at Ridge (ie much of the area to the east, south and west being

within the 400m heathland exclusion zone – see Appendix 2) there is unlikely to be significant opportunities in this location.

The change in scale at Stoborough, whilst more material, would also be acceptable to the Parish Council. Again in reality due to the constraints at Stoborough Green (to the south) much of the area is within the 400m heathland exclusion zone (see Appendix 2) so there are limited opportunities. It has also been noted that the District Council has refused applications for 30 dwellings on the site at Steppingstones ref 6/2019/0015 and resubmission 6/2019/0400 (see Appendix 3 for the latest refusal) which reaffirms to the Parish Council that developments of this scale would be unlikely to be considered appropriate. It is uncertain whether 15 dwellings would be acceptable but is considered to be a more realistic maximum.

On this basis, the policy wording could be reworded as follows (this has taken on board the latest modifications to the Local Plan although it should be noted that these have not as yet been agreed by the Inspector and may be subject to further change):

POLICY 4: SMALL SITES

Future housing growth in Arne Parish will be limited to small-scale developments to meet local housing need, subject to the following criteria:

- be within, adjoining or otherwise well-related to the defined development boundaries for Stoborough or Ridge, excluding any sites within the 400 metre buffer around protected heathlands other than for replacement dwellings
- be in keeping with the distinctive character of Arne Parish and its settlements
- not **individually and cumulatively** harm the landscape or settlement character, or heritage designations, unless the harm is not substantial, and the public benefits justify the scale of the harm or loss in line with within national policy
- take full account of the potential effect they will have on neighbouring properties
- In line with national guidance not be at risk of flooding from tidal, river, surface water or ground water sources, or give rise to increased flood risk to properties off-site
- ~~• not result in the total supply permitted from small sites exceeding thirty dwellings in total during the plan period, and no more than twenty dwellings should be permitted in the first five years of the plan being made~~
- not exceed ~~six~~ **fifteen** dwellings on any one site **at or adjoining Stoborough, and not exceed five dwellings on any one site at or adjoining Ridge**, or eventually become a larger site ~~than six dwellings that would breach these limits~~ through the subsequent development of adjacent 'small' sites
- be restricted **to ensure that such homes are occupied only as a principal residence** ~~so that they could not become second homes~~
- constitute an appropriate mix of sizes of homes in line with Policy 1, **including affordable homes**
- **the effects of proposed homes, individually and in combination with other development, on European sites are screened to assess whether they are likely to be significant. Planning applications must include full details (including upkeep over the lifetime of the development) of avoidance or mitigation measures to address adverse effects.**

Dorset Council have suggested that the bullet points on flood risk and restriction for principal residences create unnecessary duplication – our preference is that these criteria should be retained (a similar point could be made against some of the other criteria such as the reference to impacts on European sites) but we consider it is important that this policy is seen as a comprehensive one covering all of the key issues. Should the Examiner consider that these criteria need to be deleted then we would seek to clarify and cross reference these points to the related policies on these issues in the supporting text.

Q3. The Parish Council should consider how Policies 1 and 4 might be revised to limit the inconsistencies, and acknowledge that to “mainly include affordable housing” on small sites could prohibit development

APC response: As explained in the Consultation Statement (pg 35), the economic viability of delivering affordable housing has been considered. The pre-submission draft of the Local Plan Policy H11 (based on the latest viability evidence) requires 20% affordable housing on sites of 2 – 9 dwellings, with supporting evidence to demonstrate that this should be viable. On larger sites of 10 or more homes / 0.5ha this rises to 40%. There are no changes to Policy H11 currently proposed through the examination. Policy H9 includes a general requirement for sites (with no suggested lower limit) to support the mix identified in the SHMA (which for market housing would be approx. 35% as 1 or 2 bedroom homes), and also includes the requirement for 10% as single storey homes (albeit on sites of 20 or more dwellings), 20% as specialist purpose built accommodation for the elderly (on allocated sites) and that approximately 45% of homes should be 1 or 2 bedroom.

Policy 1 of the Arne NP requires sites to be “mainly” (ie at least 50%) comprising affordable housing types, one and two bedroom open market homes, and homes specifically designed for an ageing population - such as sheltered housing and units designed for multigenerational living - the latter two are not affordable housing as per the accepted definition but would be part of the ‘mainly’. This is not dissimilar from the direction of the Local Plan (ie 20% affordable, and approx. 35% 1 and 2 bedroom open market homes) that has been subject to viability testing. Other housing types are not excluded provided that, altogether, these are in the minority (less than 50% of the total provision). Furthermore, in response to the points raised at the pre-submission consultation stage, reference to viability was included within the policy.

It may be appropriate, given the Local Plan progress, for the wording of Policy 1 to be adjusted to place a slightly clearer emphasis on the mix, with flexibility offered between the smaller (1 and 2 bedroom) open market homes and housing suitable for older persons, along the following lines:

POLICY 1: HOUSE TYPES

Housing sites should deliver a mix of home types, taking into account current evidence of local need, and should include at least 20% affordable housing types on sites for two or more homes, and also including at least 30% as one and or two bedroom open market homes, and housing or homes specifically designed for an ageing population (such as sheltered housing and units designed for multigenerational living) on sites of three or more homes. Private garden space...[as per rest of policy]

Amendments to Policy 4 of the Arne NP are discussed under Q2 above.

Dorset Council have suggested that it would be helpful if the supporting text to Policy 1 defined ‘affordable housing types’ for the purposes of the policy, and if it quantified the proportions of dwelling types/design required rather than used the term ‘mainly’. The former could be readily achieved by making a reference to the NPPF definition in para 8.1.1. The latter is hopefully addressed with the above suggested change. They have also highlighted that financial contributions for affordable homes should be sought from proposals of between 2 and 9 dwellings – however given the very limited options for delivering affordable housing sites the Parish Council would be concerned that the financial contributions would not result in affordable housing being delivered in the parish and therefore their preference is to retain the wording as proposed. The final sentence of the policy (“Where an applicant considers there are significant economic viability or site constraints that would prevent a mix of housing in accordance with the policy, they will be required to provide evidence to justify reducing the requirements set out in this policy”) would enable a financial contribution to be considered where on-site provision is not likely to be feasible.

Q4. I consider that the Arne NP should address the matter of consistency with Dorset Council’s allocations’ policy and should refer to eligibility for essential local workers, in the interest of supporting local businesses/encouraging sustainable development

APC response: The Parish Council is happy to adapt a wider definition as summarised in the pre-submission draft local plan (para 173) ie: living in the parish, close family living in the parish, employed in the parish or having grown up in the parish. The Local Planning Authority have confirmed that they would be happy to work with the Parish Council in updating the definition in the neighbourhood plan.

Q5. It would assist my examination if the Parish Council could respond to these comments.

APC response: Dorset Council make the point that ‘second homes’ is not defined in the NP and also highlight that a similar policy is proposed for the AONB area and for small sites and Rural Exception Sites in the Local Plan. They made a similar point at Reg 14 and this was addressed in the consultation statement (pg 41/42) but it would appear that the suggested changes were omitted from the submitted version of the plan in error. Para 8.1.5 should have been amended to read:

8.1.5 The Parish Council supports the second homes policy as proposed through the Local Plan review. A similar restriction is proposed under Policy 4. With 6% of the dwelling stock in use as second homes, the limited opportunities for further housing in the parish, and higher than average house prices, it makes sense to ensure new homes will be used by local residents. Second homes (ie homes not occupied by anyone as their only or principal residence, including holiday home accommodation) are therefore restricted under this policy.

Dorset Council have pointed out that their suggested modification to the policy – MM101 has been made to clarify that new homes which are commercially let for holiday makers would still be acceptable and not excluded. However this modification has yet to be consulted on, and the impact of a holiday let home on a small site would seemingly have a similar impact to second homes as outlined in the Council’s second home evidence paper <https://www.dorsetcouncil.gov.uk/planning-buildings-land/planning-policy/purbeck/local-plan-review-purbeck/pdfs/submission-documents/sd23-2019-01-17-second-homes-evidence-paper.pdf>, ie:

- Likely to impact negatively on affordability and housing availability due to diminishing the housing stock available
- Likely to impact negatively on local services (other than seasonal businesses and those that are dependent on tourists) due to reduced customer base and reduced potential workforce

As such the Parish Council’s wording that precludes commercial holiday homes) is preferred given the limited sites available for housing.

Dorset Council are also unclear whether the Parish Council intends that ‘sheltered’ housing, referred to in the first paragraph of policy 6, is also a C2 use. APC’s intention is that this policy applies to accommodation that has an element of communal facilities and either direct provision of care or at least a warden service provided, and the PC did make some changes in this respect at Reg 14, but there may still be some confusion. The care-based housing would clearly fall within C2 use, but the latter may be C3 / C4 or sui generis. The occupation clause is justified on the local need for this housing type (as the Council’s emerging policy includes larger scale provision at Wool and Moreton to address more strategic needs).

Dorset Council have suggested that it would be helpful if the neighbourhood plan clarified how the occupation of sheltered housing will be controlled (particularly where C3 sheltered homes are proposed) in accordance with the aims of the policy and defined the term for the purposes of the plan. The Parish Council would be happy to work with Dorset Council to agree appropriate wording to cover this.

Dorset Council also queried what is meant by the references to requirements for open space on housing sites – this is in reference to the Policy G1 of the adopted Local Plan which states that “New residential development will be required to make provision for: recreation, sport and/or open space facilities; and green infrastructure” which will be replaced by policy I4 in the emerging plan. This policy specifically referenced the use of the Fields in Trust Standards but the latest modification suggests this specific reference should be deleted (because FiT is referenced in Policy H3 – however Policy H3’s reference to FiT also appears to be deleted through a different modification so it is likely that these modifications will need to be further considered).

Q6. I consider that the NP and Map 1 should set out with greater clarity the extent of Green Belt land in the parish, and confirm that it forms part of the designated South-East Dorset Green Belt (if that is the case).

APC response: the Parish Council is not proposing any changes to the Green Belt boundary. The Green Belt area used in the Map 1 has been wrongly plotted and should follow the boundary shown in the SEA. Any references to Green Belt are to the South East Dorset Green Belt.

Appendix 1 – letter from Natural England (Nick Squirrel, Conservation and Planning Lead Advisor, Dorset and Hampshire Team, Dorset, Hampshire and Isle of Wight Area Team)

Date: 11 December 2019
Our ref: [Click here to enter text.](#)
Your ref: [Click here to enter text.](#)



BY EMAIL ONLY

Customer Services
Hombeam House
Crewe Business Park
Electra Way
Crewe
Cheshire
CW1 6GJ

T 0300 060 3900

Dear Jo,

Arne Neighbourhood Plan (NP) Examiners questions

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Thank you for your consultation appended below (Annexe 1).

Natural England has been working closely with Dorset Council during the Purbeck Local Plan Examination. The Council have recently carried out detailed work into the likely distribution of housing across the plan area which includes Arne Parish. This work included an in depth consideration of how best to ensure that small scale residential applications, coming forward over the plan period, do not give rise to adverse effects in-combination, which individually would be difficult to mitigate.

This work has led to the policy outlined in your option 2) which has been supported by Natural England at the Examination. Natural England has advised that it would meet the required strict tests set out in the Habitats Regulations 2017.

I can also confirm that option 1) of the Arne NP, which is more precautionary, is also accepted to be compliant with the Regulations. However this means that if the NP was to remain with this position it would not be compliant with the overarching Local Plan policy (if adopted) which would create a degree of ambiguity likely to be challenged at application/appeal.

It is a matter for the Neighbourhood Plan Group to consider if the underpinning evidence relating to Arne is sufficient to sustain this position. My advice is to consider this position thoroughly with the Council officers.

If the NP was to alter the policy to option 2) then it would be my expectation that, on consideration through an HRA refresh, the policy would still be found to be compliant with the Regulations. Following any modifications it will be necessary to re-consider if changes to the Plan are still consistent with the requirements. You should also be aware that the Local Plan Examiner may well express a view taking other planning policy considerations into account and recommends the policy be modified.

I trust this advice will assist you and the authority in considering the application further.

Yours sincerely

Nick Squirrel

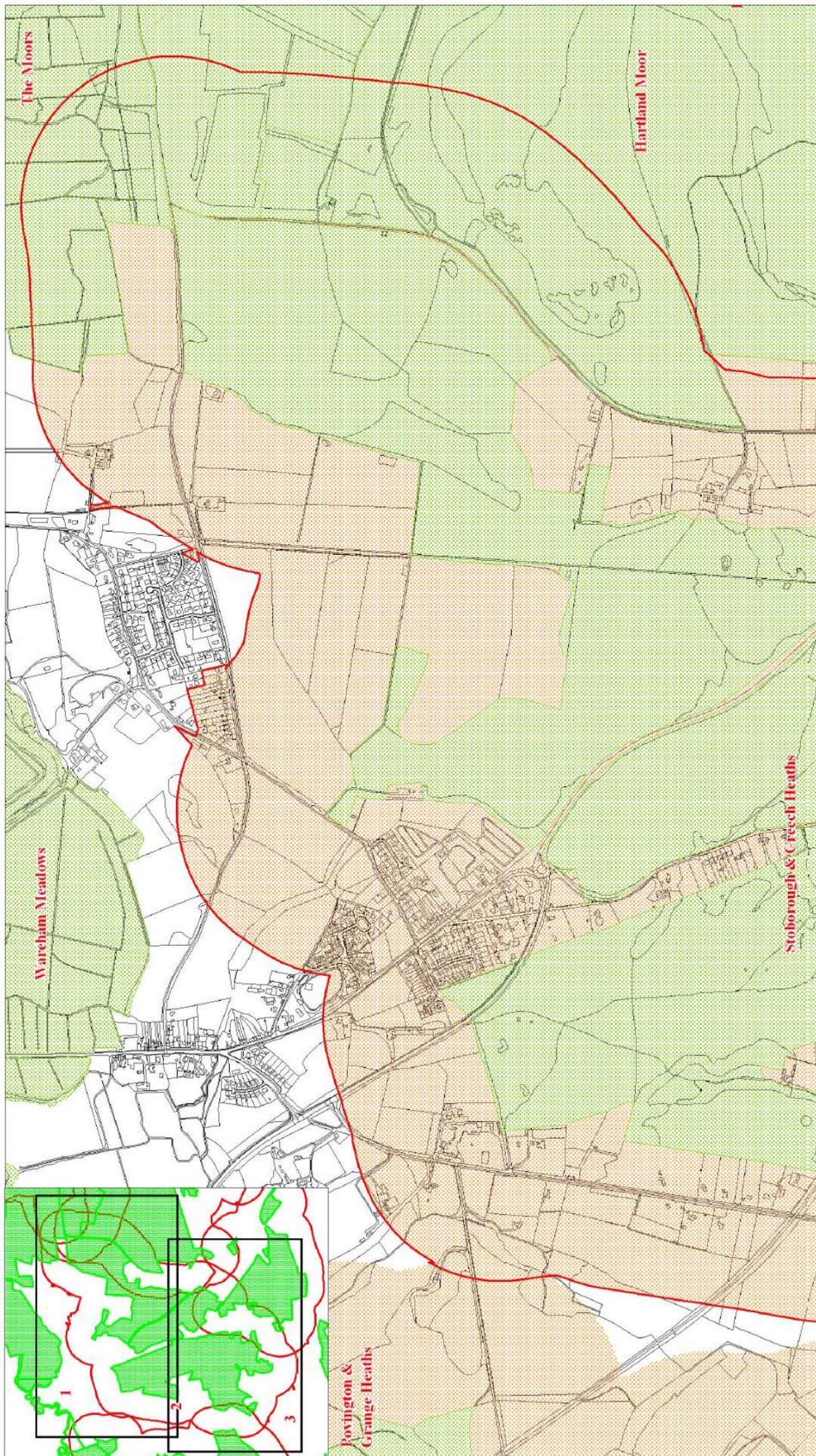
Appendix 2 – 400m heathland exclusion areas (Natural England Maps)



Stoborough & Creech Heaths

Draft consultation area : residential impacts. June 2006

Map 1





Development Management
Westport House, Worgret Road, Wareham, BH20 4PP
☎ 01929 556561
🌐 www.dorsetcouncil.gov.uk

Halsall Homes
c/o Agent
Mr Alex Cave - Origin 3
Tyndall House
17 Whiteladies Road
Clifton
BRISTOL
BS8 1PB

Town and Country Planning Act 1990
Town and Country Planning
(Development Management Procedure) (England) Order 2015

Refusal Of Outline Planning Permission

Application Number: 6/2019/0400

Case Officer: Cari Wooldridge

Applicant: Halsall Homes

Location: Steppingstones Field, Stoborough BH20 5BP

Description: Construction of up to 30 residential dwellings (Use Class C3), together with associated highways and drainage infrastructure, public open space and landscaping. Details of access are submitted for approval with all other matters (Layout, Scale, Appearance and Landscaping) reserved for later approval (Re-submission of 6/2019/0015)

Decision Date: 11 December 2019

Dorset Council refuses outline planning permission for this development as detailed in the application. In making this decision the Council considered whether the application could be approved with or without conditions or should be refused.

The application was refused for the reason(s) detailed over the page.

Cari Wooldridge
.....
Nominated Officer
Development Management

1. The application site is located outside the defined settlement boundary of the village of Stoborough and is classed as countryside. The proposed development does not form an allocated housing site, a rural exception site, or any other form of essential rural housing that would be deemed acceptable within a countryside location. As such, the proposed development of up to 30 dwellings constitutes inappropriate development that does not recognise the intrinsic character and beauty of the countryside. The Council has a five year housing land supply of specific and deliverable sites that are capable of meeting the Purbeck Area housing need, and the Council does not consider that the presumption in favour of sustainable development as described in paragraph 11 of the NPPF applies to the application. The proposal is considered to be contrary to the National Planning Policy Framework: Section 2: Achieving sustainable development (paragraph 11), Section 4: Decision making, Section 5: Delivering a sufficient supply of homes (paragraphs 77 – 79); and, Section 15: Conserving and enhancing the natural environment (paragraph 170(b)); Purbeck Local Plan Part 1: Policies SD: Presumption in favour of sustainable development, LD: General location of development, CO: Countryside, CEN: Central Purbeck, and HS: Housing Supply; National planning practice guidance; Purbeck Housing Delivery Test 2018 and Purbeck 5 Year Housing Land Supply Assessment May 2019.

2. The nature, scale and village edge / gateway setting of the proposed development of up to 30 new homes is considered to form major development for the village of Stoborough. The proposed development would result in significant and long-term adverse effects that would not enhance or conserve the character of the Dorset AONB, both within the local and wider landscape context and the purposes for the AONB designation. There are no exceptional circumstances and cases of public interest that would outweigh the level of impact of the major development on the AONB. As a result, the proposal is considered to be contrary to the National Planning Policy Framework: Section 2: Achieving sustainable development, Section 4: Decision making, and, Section 15: Conserving and enhancing the natural environment (paragraphs 170(a), 171 and 172); Purbeck Local Plan Part 1: Policies LHH: Landscape, historic environment and heritage and D: Design; National planning practice guidance; Purbeck District design guide supplementary planning document adopted January 2014; Dorset AONB Management Plan 2019-2024 policies C4c, C4d, C4h and recommendations C1a, C2d, C2e and C2f; and, Dorset AONB Landscape Character Assessment & Management Guidance 2008.

3. The application site has an area in excess of 0.05ha and the proposed development would result in a net increase of up to 30 dwellings. Therefore, in accordance with Policy AH: Affordable Housing of the Purbeck Local Plan Part 1, the development is required to make a contribution towards the provision of affordable housing. In Stoborough this is at least 50% of the development and must be secured by a Section 106 Legal Agreement. A Legal Agreement containing the required affordable housing detail has not been drafted or signed by the applicant. Therefore, the proposal is contrary to National Planning Policy Framework: Section 2: Achieving sustainable development, Section 4: Decision-making, and Section 5: Delivering a sufficient supply of homes; Purbeck Local Plan Part 1: Policies AH: Affordable housing and AHT: Affordable housing tenure; National planning practice guidance; and, Affordable housing supplementary planning document 2012-2027 adopted April 2013.

4. The application site is partly located within 400m of the Dorset Heaths International Designations and Natural England has raised an objection to the quantum of development proposed and the level of effective Heathland Infrastructure mitigation. The applicant has failed to provide details of suitable infrastructure project(s), to be secured through the completion of a Planning Obligation, to ensure that any adverse harm to the Dorset Heaths is avoided. An Appropriate Assessment of the proposed development shows, based on a lack of appropriate heathland mitigation, that suitable mitigation measures have not been proposed to address likely adverse effects on the integrity of heathland sites. The proposal is therefore considered to be unacceptable in terms of potential harmful impacts on the Dorset Heaths International

Designations and is contrary to the National Planning Policy Framework: Section 2: Achieving sustainable development, Section 4: Decision-making, and, Section 15: Conserving and enhancing the natural environment; Purbeck Local Plan Part 1:

Policies BIO: Biodiversity and geodiversity and DH: Dorset Heaths International Designations; National planning practice guidance; and, The Dorset heathlands planning framework 2015-2020 supplementary planning document adopted 19 January 2016.

5. Informative Note - Refused Plans.

The plans and supporting information that was considered by the Council in making this decision are: 14-047/201/A - Application Boundary; 14-047/601/B - Masterplan; Design and Access Statement dated December 2018; Planning Statement dated July 2019; Affordable Housing Statement dated July 2019; Statement of Community Involvement dated December 2018; Landscape and Visual Impact Assessment Part 1 dated July 2019; Landscape and Visual Impact Assessment Part 2 dated July 2019; LL-313-001/b - Landscape Mitigation Plan; Ecological Impact Assessment dated February 2019; Biodiversity and Mitigation Enhancement Plan approved 13th February 2019; Transport Statement dated July 2019; 83814-PHL-04 - Southern Pedestrian / Cyclist Access General Arrangement and Visibility; 183814-PHL-03/C - Preliminary Access Arrangement; Flood Risk Assessment and Surface Water and Drainage Management Plan dated December 2018; Arboricultural Constraints Report dated May 2018; D46/02/P4/2nd Draft - Tree Protection Plan; D46/02/P3/RevA - Arboricultural Impact Assessment Plan; Historic Environment Assessment dated May 2018; Environmental Noise Assessment dated November 2018; and, Agricultural Land Classification Report dated May 2018.

6. Informative Note - Community Infrastructure Levy. If planning permission is subsequently granted for this development at appeal, it will be subject to the Community Infrastructure Levy (CIL) introduced by the Town and Country Planning Act 2008. A CIL liability notice will then be issued by the Council that requires a financial payment, full details of which will be explained in the notice.

7. Statement of positive and proactive working: In accordance with paragraphs 38 of the National Planning Policy Framework, the Council takes a positive and creative approach to development proposals focused on solutions. The Council works with applicants/agents in a positive and proactive manner by; offering a pre-application advice service, and as appropriate updating applicants/agents of any issues that may arise in the processing of their application and where possible suggesting solutions.

For this application: The applicant was informed/ advised how the proposal did not accord with the development plan, and that no material considerations are apparent to outweigh these matters; The applicant/ agent and the Council have worked together to minimise the reasons for refusal.