

B+ NP Qualifying Body, Dorset Council and Interested Parties response to additional matters raised by the Examiner at the Blandford + Neighbourhood Plan 2011 – 2033 Public Hearing

Matter 1 - Policy B2 – Land North and East of Blandford Forum

1.1 The Examiner requested that Blandford+, DC and Wyatt Homes produce an agreed statement in response to paragraphs 2.14 and 2.15 of the Wyatt Homes Regulation 16 representation (BLAN16¹) and highlighted in paragraph 4.3 of the Examiner’s Hearing Agenda dated 12 November 2019.

1.2 Wyatt Homes propose two modifications. The first, to criterion (i) of Policy B2 in respect of the reference to self-build and custom homes. The second to criterion iii) in respect of the term ‘low rise’.

1.3 In respect of the use of the term ‘low rise’, Wyatt Homes confirm in their comments that “it is important that the new primary school is suitably integrated with the remainder of the development given its location within the AONB”. They also state that “The design of the school, particularly its bulk, scale and mass, will be informed by the existing ground levels to ensure that an appropriate relationship can be achieved”. They conclude that the use of the term ‘low rise’ is therefore unnecessary.

1.4 Dorset Council Property Services provide an award winning school design service². Given the significant area of Dorset that is designated as AONB they have considerable experience of designing new schools in sensitive landscapes to minimise their landscape and visual impact. In terms of design they adopt what they term their ‘baseline design’ approach which reduces the mass and scale of new primary schools and provides for a low profile form – as evidenced by the visit to Pimperne School. The intention being to reduce their impact on the skyline and their visual footprint.

1.5 The term ‘low rise’ was intended to have regard to the location as well as reflect the design approach adopted by the Local Education Authority. However, in the interest of clarity and with the agreement of Wyatt Homes, the Qualifying Body and Dorset Council propose an amendment to Policy B2 criterion iii) to replace the term ‘low rise’ used to describe a building of only a few storeys with the following which is felt better reflects the need for the design of the new primary school to be sensitive to height and massing, and reflects a similar requirement in Policy B3(c)iii:

B2(iii) The education scheme shall be confined to land to the north of Blandford of about 3 hectares and of a design to reduce its impact on the skyline to minimise its visual footprint and of its regular ‘low rise’ form to enable school expansion to three form entry...etc

¹ <https://www.dorsetcouncil.gov.uk/planning-buildings-land/planning-policy/north-dorset/neighbourhood-planning/submitted-plans/pdfs/blandford-v2/responses/wyatt-homes-reduced-redacted-reduced.pdf>

² <https://www.dorsetcouncil.gov.uk/business-consumers-licences/dorset-property/current-building-projects/current-building-projects.aspx>

Self-Build and Custom housebuilding

1.6 Turning now to the reference to “self-build/custom build” (SBCB) in criterion (i). The following provides additional background to why this requirement is included in Policy B2 and updates paragraph 5.21 of the Submission Plan.

1.7. Wyatt Homes propose a modification to policy B2(i) to remove reference to SBCB homes:

(i) “The residential scheme comprises approximately 400 dwellings including a mix of open market, affordable homes for rent and affordable homes for sale (including housing that provides a subsidies (sic) route to home ownership), ~~affordable and self-build and custom homes~~, primarily located on land to the north-east of Blandford Forum;”

1.8 In their Regulation 14 comments, Wyatt Homes suggested this modification was necessary to ensure the policy is fully consistent with the NPPF particularly in relation to the definition of affordable housing and the need for flexibility. However, one of the greatest barriers to creating an individual home is the availability of land.

Planning Policy and Legislative Background

1.9 As outlined in the B+NP Basic Conditions Statement, the mix of housing required by Policy B2 is supported by the existing evidence of a need for a wide choice of homes including affordable housing and self-build and custom-build homes in line with NPPF paragraph 61, NPPG Paragraph: 016 Reference ID: 57-016-20170728 and Policy 7 and 8 of the adopted Local plan. The Glossary to the NPPF (2019) defines Self-Build and Custom-Build housing as:

“Housing built by an individual, a group of individuals, or persons working with or for them, to be occupied by that individual. Such housing can be either market or affordable housing. A legal definition, for the purpose of applying the Self-build and Custom Housebuilding Act 2015 (as amended by the Housing & Planning Act 2016), is contained in section 1(A1) and (A2) of that Act.”

1.10 Two acts of Parliament set out the responsibilities of local authorities to help promote SBCB housing. The Self-Build and Custom Housebuilding Act 2015 as amended by the Housing and Planning Act 2016 introduced three duties for local authorities to meet demand for custom and self-build housing (collectively known as “the Right to Build”). This legislation requires local authorities to:

- prepare, publicise and maintain a register of individuals and associations of individuals “who are seeking to acquire serviced plots of land”;
- have regard to the register “when carrying out their planning, housing, land disposal and regeneration functions”³; and
- give suitable development permission for enough serviced plots of land to meet the demand for custom and self-build housing in their area on a rolling, three year basis.

NPPG Paragraph: 001 Reference ID: 57-001-20170728 confirms ‘the duty to have regard to the register is not limited to the relevant authorities that must keep a register. This is because other public bodies may have responsibility for housing and redevelopment functions in an area’.

1.11 In October 2016, the Self-Build and Custom Housebuilding Regulations 2016 updated and revoked the (Register) Regulations, and the Self-Build and Custom Housebuilding (Time for Compliance and Fees) Regulations 2016 came into effect. It is the latter that places a duty upon local authorities to grant ‘suitable development permission in respect of enough serviced plots of land to meet the demand for self-build and custom housebuilding in the authority’s area’⁴ on a rolling three-year basis.

1.12 Like many Local Planning Authorities, Dorset Council treat SBCB homes as a form of market housing. As a housing product it offers the opportunity for residents to be involved in the design and construction of

³ Self-Build and Custom Housebuilding Act 2015 (c. 17).

⁴ Housing and Planning Act 2016 (c. 22), s. 10(1)(2).

their own homes enabling more people to get onto the property ladder (through the delivery of lower cost housing) and providing a greater mix and variety of homes.

1.13 The Self-Build and Custom Housebuilding Act 2015 does not distinguish between self-build and custom housebuilding, however. The differences were summarised by Brandon Lewis, the then Minister of Housing and Planning, who stated that '[the] definition of 'self-build' covers someone who directly organises the design and construction of their new home, while 'custom build' covers someone who commissions a specialist developer to help to deliver their own home'⁵. Government guidance states that, 'In considering whether a home is a self-build or custom build home, relevant authorities must be satisfied that the initial owner of the home will have primary input into its final design and layout'⁶.

1.14 The statutory requirements of the 2015 Act were introduced when the North Dorset Local Plan Part 1 was at a very advanced stage, however the Local Plan Review Issues and Options Document included a section on SBCB as referenced in paragraphs 5.20 and 5.21 of the B+NP Submission Plan.

1.15 The emerging Purbeck Local Plan Policy H9 illustrates the way in which SBCB is typically addressed; on sites delivering 20 or more dwellings it requires 5% to be offered for sale as serviced plots. Policy HOUS8 of the West Dorset, Weymouth and Portland Local Plan Preferred Options outlined the policy intentions for SBCB homes in that part of Dorset before work on the Local Plan Review ceased. In this case, HOUS8 included a key requirement, reflective of the 'plot passport' approach adopted at Graven Hill, Bicester⁷ which acknowledges the importance of 'Design Coding' on schemes of more than 5 SBCB units. Similarly, Teignbridge District Council is successfully promoting and delivering SBCB homes⁸ as part of its housing mix.

1.16 The definition of a serviced plot of land is set out in the Housing and Planning Act 2016 (9) (4), and means a plot of land that - (a) has access to a public highway and has connections for electricity, water and waste water, or (b) can be provided with those things in specified circumstances or within a specified period. Hence, 'serviced plots' usually have access to foul drainage, telecommunications services, and gas (or district heating) where available. The cost of servicing plots may therefore be reflected in the plot value. Servicing of plots may be carried out in phases, with key services required for plot sale and construction (water, electricity and access) provided before services required for occupation sewerage, telecommunications and gas (where available).

Evidence of Local Needs

1.17 The number of people on the SBCB Register is included in the North Dorset Annual Monitoring Report. Paragraph 5.54 of the 2018 North Dorset AMR states the following:

'The legislation requires local planning authorities to give suitable development permission in respect of enough serviced plots of land to meet the demand for self-build and custom housebuilding. Development permission is considered suitable if it is permission in respect of "development that could include self-build and custom housebuilding". Between 1 April 2017 and 31 March 2018, planning permission was granted for 50 plots that could be suitable for such a use in the North Dorset district.'

1.18 Monitoring information available for the 2018/19 period indicates that between 1 April 2018 and 31 March 2019, planning permission was granted for 58 plots that could be suitable for such a use in the North Dorset area. However, it is unclear at this stage how many of these plots will be developed in a manner that falls within the strict legal definition of SBCB and how many are located in Blandford.

1.19 The North Dorset Self Build Register shows a strong and increasing demand. As of 30 October 2019, there were 232 expressions of interest recorded on the Register of which 138 people have expressed an interest in securing a plot in Blandford; an increase from 80 that were registered at the time the B+

⁵ Brandon Lewis, 24 October 2014

<https://publications.parliament.uk/pa/cm201415/cmhansrd/cm141024/debtext/141024-0001.htm> (Column 1181)

⁶ National Planning Practice Guidance Reference ID: 57-016-20170728

⁷ <https://www.gravenhill.co.uk/blog/plot-passport-explained/>

⁸ <https://www.teignbridge.gov.uk/planning/custom-and-self-build/self-and-custom-house-building-including-self-build-register/what-is-the-self-build-and-custom-house-building-register/>

Submission Plan was drafted. This is the highest number for any of the four main towns and indicates a growing need which the Qualifying Body and Dorset Council consider provides sufficient justification to retain the Self Build Custom Build requirement within policy B2. Which in turn will ensure the Policy will remain in 'general conformity' with the NPPF. The Qualifying Body and Dorset Council however recommend the introduction of a time limiting clause within the policy to take account of circumstances where marketed plots may remain unsold. (see additional policy clause proposed in paragraph 1.25 below)

Impact on viability / deliverability

1.20 Viability and deliverability are essential planning considerations and the viability of SBCB housing is often questioned. A commonly expressed concern is that if local policies ask landowners/private developers to bring forward serviced plots it can reduce the overall viability of development of a site and limit the ability to secure other local benefits, such as affordable housing.

1.21 As guidance for developers prepared by Teignbridge illustrates⁹ there is no expectation of foregoing land value for SBCB. Self-builders will be expected to pay the market rate for land with an appropriate uplift if that land is serviced. The landmark scheme at Graven Hill illustrates the appeal of 'serviced plots' with defined design parameters

1.22 The Community Infrastructure Levy Regulations include a definition of "self-build housing" as a dwelling built by (or commissioned by) someone to be occupied by them as their sole or main residence for at least three years. Self-build and custom-build are two names for the same product and therefore that definition should be used to interpret this policy. SBCB is CIL exempt, although Self-Build relief has to be claimed otherwise it is charged. Any CIL exemption does not remove the need for other s106 contributions that may be applicable.

1.23 Where the development proposals are for a multi-unit scheme, for example where a builder sells serviced plots or a community group works with a developer, applicants can consider applying for a phased planning permission. This would allow each plot to be treated as a separate chargeable development. This would prevent the problem of payment of the charge being triggered on all plots when work beginning on the first dwelling. This also ensures that if a disqualifying event happens on one plot, it would not trigger a requirement for all plots to pay back the exemption.

Proposed modifications to Policy B2

1.24 The Qualifying Body and Dorset Council have considered this issue in depth. There is a statutory requirement for Dorset Council to promote self-build and custom build housing and the general term 'affordable housing' is considered to be sufficiently flexible to accommodate all forms of affordable housing and an appropriate housing mix outlined in Policy 7 and 8 of the adopted Local plan.

With the agreement of Wyatt Homes; the Qualifying Body and Dorset Council propose the following modification to clause (i):

(i) "The residential scheme comprises approximately 400 dwellings including a mix of open market affordable and homes of which 5% should be self-build and/or custom build housing, and affordable homes for rent and other affordable routes to home ownership, primarily located on land to the north-east of Blandford Forum;"

1.25 To complement modification B2(i) and with the agreement of Wyatt Homes, an additional clause is proposed which will require a minimum period of marketing to prospective purchasers of SBCB plots. The intention being to ensure otherwise unused plots do not remain vacant should there be no demand:

Policy B2 new clause xiv:

Where serviced plots have been made available and marketed appropriately for at least 12 months and have not sold, the plot(s) may either remain on the open market for self-build/custom build or be built out by the developer.

⁹ <https://www.teignbridge.gov.uk/council-and-democracy/council-news/february-2019/teignbridge-launches-two-practical-self-build-guides-for-communities-landowners-and-small-builders/>

Matter 2 - Policy B3 Employment (c) Land Adjacent to Sunrise Business park

2.1 The Examiner requested that Blandford+, DC and Savills (on behalf of the Davis Family) produce an agreed statement in response to their Regulation 16 representation (BLAN04¹⁰) and highlighted in paragraph 4.2 of the Examiners Hearing Agenda dated 12 November 2019.

2.2 Savills propose a number of detailed modifications Policy B3(c) which they suggest are intended to provide clarity to the policy. They propose the insertion of B2 employment uses in the opening paragraph of the policy. The policy as drafted already includes B2 use (by the use of a hyphen rather than a comma), nonetheless if further clarity is needed then the Qualifying Body and Dorset Council have no objection to the policy being modified as follows:

'Development proposals for an extension of Sunrise Business Park, as shown on the Policies Map, for business (B1, B2, B8) uses will be supported, provided:...

2.3 Savills also propose to modify references throughout the policy from 'employment uses' to 'employment proposals'. As paragraph 5.34 of the B+NP Submission Plan makes clear, while a more flexible approach to the range of non B class uses has been accepted previously on employment sites throughout North Dorset when employment land supply was in excess of demand, this is no longer the case. Given the continued shortage of employment land for B class uses in Blandford, the Qualifying Body and Dorset Council do not agree that the term 'employment proposals' should be introduced into the policy as this may introduce ambiguity which currently does not exist.

2.4 Savills remaining suggested modification relates to the relationship between the land allocated for the new Blandford Waste Centre in the Dorset Waste Plan and the land remaining for employment use once the waste allocation is satisfied. This relationship is considered to be adequately addressed in paragraphs 5.28 – 5.30 of the B+NP Submission Plan, and Policy B3(c) has been drafted to offer sufficient flexibility to address this relationship as requested by Minerals and Waste Planning Authority (Dorset (County) Council) in their Regulation 14 comments, to ensure the allocation of the residual employment land in Policy B3(c) does not prejudice the operation of the Waste Centre.

2.5 The drafting of Policy B3(c) is based on the land identified for allocation in the Dorset Waste Plan as set out in Fig C on page 23 of the B+NP Submission Plan (see below). The Minerals and Waste Authority have confirmed the intention to adopt the new Dorset Waste Plan on the 31st December 2019 and the allocation boundary denoted by Inset 2 of the new Plan remains unaltered¹¹ from that identified in Fig C and hence clause (vii) continues to reflect the current position.

2.6 The Qualifying Body and Dorset Council recommend to the Examiner that clause (vii) reflects an accurate disposition of the land.

¹⁰ <https://www.dorsetcouncil.gov.uk/planning-buildings-land/planning-policy/north-dorset/neighbourhood-planning/submitted-plans/pdfs/blandford-v2/responses/davis-family-combined-redacted.pdf>

¹¹ <https://www.dorsetcouncil.gov.uk/planning-buildings-land/planning-policy/dorset-county-council/pdfs/planning/new-waste-plan/insets-1-7.pdf>



Fig C: Allocated waste site in Blandford + Area

Matter 2: Policy B3

Response from Cliff Lane, Savills (received 13/12/19) – See Overleaf

Matter 2 - Policy B3

Email response from Cliff Lane, Savills (received 13/12/19)

From: Cliff Lane <CLane@savills.com>

Sent: 13 December 2019 12:48

To: Sally Gardner <Sally@blandfordforum-tc.gov.uk>

Cc: Ed Gerry <ed.gerry@dorsetcouncil.gov.uk>

Subject: FW: Blandford+NP: Proposed Modification to Policy B3

Sally

I in no way wish to delay the Examiner in coming to his conclusions on the Plan.

In respect of your draft response I am not going to create any waves.

I attach my original comments. (see overleaf)

I am glad you have chosen to actually specify B2 as an acceptable use, which brings the clarity we desire.

As I said at the Examination hearing, I think Ed Gerry misinterprets our intentions with regard to the suggestion of changing 'uses' to 'proposals'.

Any planning application submitted for development of the site will include more than just details of uses. It will also include details of buildings, access, parking and landscaping and I would have thought that the planning authority would want to control such matters. If they do not fine by us.

Regarding the Waste Centre, our main concern is that the Plan's Employment policy facilitates employment proposals on the allocated Waste site, should for any reason that proposal not come to fruition.

I hope these comments are of assistance

Regards

Cliff

Matter 2 - Policy B3

Original Comments from Cliff Lane, Savills (as mentioned in the email overleaf)

(c) Land adjacent to Sunrise Business Park

Development proposals for an extension of Sunrise Business Park, as shown on the Policies Map, for business (B1, B2 and B8) uses will be supported, provided:

i. they are made in the form of an comprehensive outline planning application that sets out the key land use components and on the residual land available once the needs of the Waste Centre household waste facility

(excluded development) are finalised and demonstrate that the proposed uses proposals would not adversely impact on the operation of a Waste management Centre on adjoining land;

ii. employment proposals uses will be compatible with educational or residential uses on adjacent land;

iii. any buildings are of a similar scale and height to the existing buildings

in the Sunrise Business Park and are of a designed to reduce their impact on the skyline and to minimise reduce their visual footprint;

iv. along the northern boundary, employment proposals uses will be compatible with the open landscape and AONB and structural landscaping forms a transitional edge;

v. the proposals y include measures to minimise light spill into the AONB;

vi. a positive frontage is created with the A350 which enhances its function as a gateway to the town and minimises the loss of existing hedgerow and any unavoidable loss is made good through new hedgerow planting; and

vii. unencumbered access is provided through the allocated waste site to

serve to the employment land to the rear of the site taking account of the proposed Waste Centre adjacent.

CL Cliff Lane
Clarify uses

CL Cliff Lane
Implies Waste Centre should be included.

CL Cliff Lane
Proposals just on land outside the Waste Centre site

CL Cliff Lane
DCC's terminology

CL Cliff Lane
Not just use - proposals in the round

CL Cliff Lane
Wider meaning than uses

CL Cliff Lane

CL Cliff Lane
More than just uses

CL Cliff Lane
Only the employment proposals can be controlled not the Waste Centre itself

CL Cliff Lane
May not be to the rear

Matter 2 - Policy B3

QB Additional Comment (18/12/19)

The Qualifying body would like to mention, that aside from the clauses in policy B3c that refer to the scale and design of buildings, landscaping, access and light spill, there are also policies in the adopted local plan that control other matters he mentions such as policy 23 (Parking) and policy 24 (Design).

Matter 3: Policy B8 - Blandford Forum Town Centre

3.1 The Examiner requested that the Qualifying Body, Dorset Council and Clemdell Ltd provide an agreed statement in response to Clemdell Ltd Regulation 16 comments (Blan02¹²) and in respect to the acceptable location of ground floor residential uses in the Town Centre area.

3.2 Clemdell Ltd propose a modification to Policy B8 which would allow ground floor residential (C3) uses within the boundary of the Town Centre area but outside the primary shopping area (as illustrated in Policies Map Inset Map B) as long as the proposed residential use does not replace an existing retail or other commercial use.

3.3. The Blandford+ Retail and Town Centre Study (Sept 2018)¹³ updated an earlier study in response to rapid changes taking place in the retail sector and leisure environment and to better reflect the encouragement in the NPPF (2019) for a more positive and flexible approach to planning for the future of town centres.

3.4 Paragraph 85 of the NPPF also acknowledges that diversification is key to the long-term vitality and viability of town centres. Accordingly, in town centre locations it requires planning policies to clarify the range of uses permitted in such locations, as part of a positive strategy for the future of each centre and the Qualifying Body and Dorset Council consider policy B8 is in 'general conformity'.

3.4 The B+ Retail and Town Centre Study also reflects the findings of the Grimsey Review 2 which highlighted that town centres should be 'gathering points for the whole community'....with a mix in the (previously identified shopping areas) of 'health, entertainment, education, leisure, business, other spaces and shops at the heart of a thriving community hub.'

3.5 The QB and DC do not consider the modification described in paragraph 3.2 above would undermine the positive strategy for Blandford Town Centre or the primary shopping area as defined by Policy B8. They propose the relevant part of Policy B8 is modified as follows:

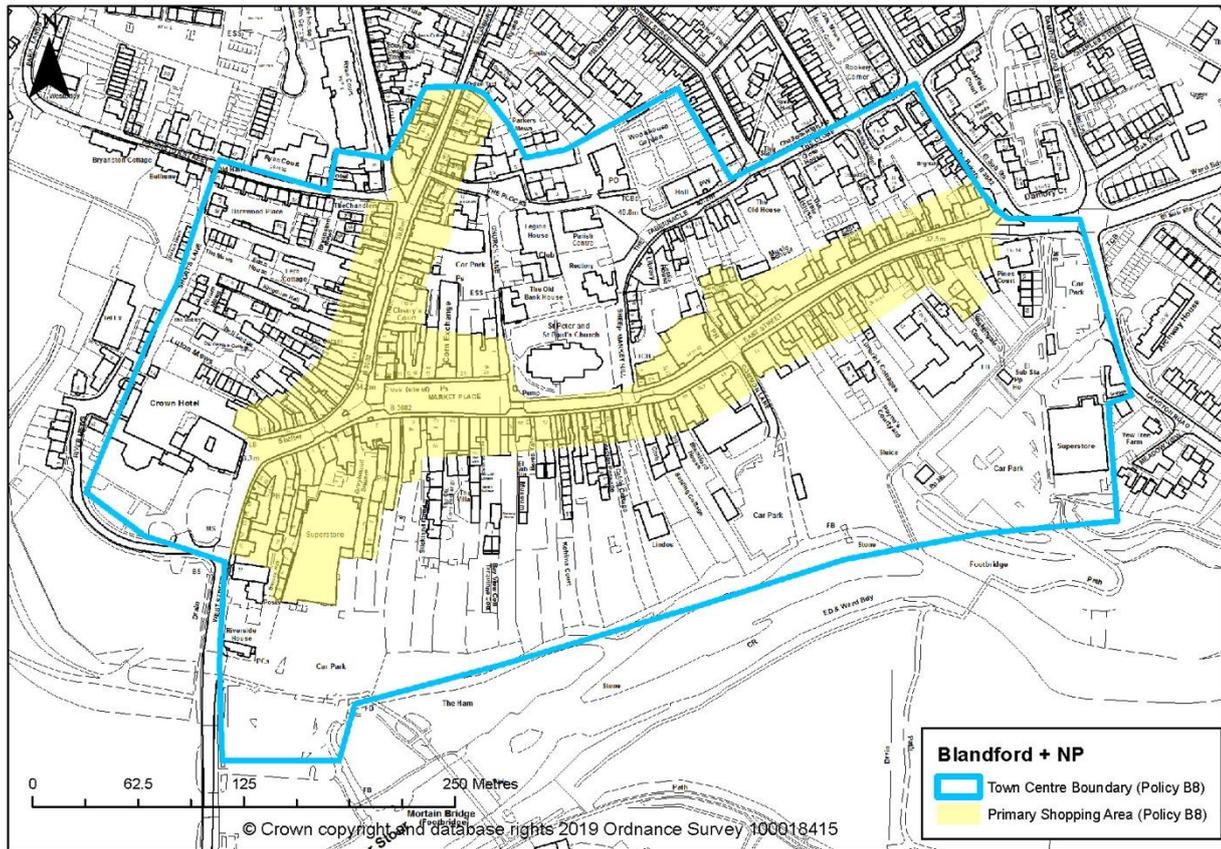
Outside the Primary Shopping Area but within the Town Centre Area the following ground floor uses will be supported:

- ***Shops and retail outlets (A1);***
- ***Professional services (A2);***
- ***Food and drink (A3);***
- ***Drinking establishments (A4);***
- ***Hot food and takeaways (A5);***
- ***Health and Public Services (D1);***
- ***Entertainment and leisure (D2); and***
- ***Business (B1); and,***
- ***Residential (C3) uses on upper floors only which does not replace an existing retail or commercial ground floor frontage.***

¹² <https://www.dorsetcouncil.gov.uk/planning-buildings-land/planning-policy/north-dorset/neighbourhood-planning/submitted-plans/pdfs/blandford-v2/responses/clemdell-combined-redacted.pdf>

¹³ <https://blandfordplus.org.uk/wp-content/uploads/2018/10/Policy-B7-Report-on-Retail-and-the-Town-Centre-Sept18.pdf>

Insert new Town Centre Inset Map:



Matter 3: Policy B8

Response from Barry Pliskin, Clemdell Ltd (received 17/12/19) – See Overleaf

**BLANDFORD+ SUBMISSION PLAN
AMENDMENT TO POLICY B8 re TOWN CENTRE**

BACKGROUND

- 1 This is the response by Clemdell Limited ("Clemdell") to a proposed amendment of Policy B8 produced by the Qualifying Body ("QB") on 10 December 2019 which followed the request by the Plan Examiner that the parties seek to agree a revision of that Policy.
- 2 The Policy to be examined is a combination of the text in the Submission Plan and Appendix A attached to the Regulation 16 Response.
- 3 Clemdell submits that Policy B8 fails to meet Basic Conditions. It is contrary to national and local policy and creates a barrier to sustainable development.
- 4 NPPF 13 is clear that neighbourhood plans should support the presumption in favour of sustainable development as follows: "*The application of the presumption has implications for the way communities engage in neighbourhood planning. Neighbourhood plans should support the delivery of strategic policies contained in local plans or spatial development strategies; and should shape and direct development that is **outside** of these strategic policies.*" (my emphasis)
- 5 Given that the Local Plan contains strategic policies to support sustainable town centre development, prima facie, Policy B8 is otiose. However three of its elements deserve particular attention:
 - (i) the interpretation of retail use as limited to A1 use;
 - (ii) the application of a primary shopping "area" policy to primarily non-shopping ground floor areas;
 - (iii) the assumption that the Town Centre Area consists solely of commercial ground floor uses.
- 6 National policy is for "town centre first" (see eg PPG ID: 2b-013-20190722) as the basis for a viable and vital town centre as a key contributor to the achievement of sustainable development. It should be noted that in the case of Blandford Town Centre it is the primary employment hub in the B+ Plan area.

- 7 NPPF 85 (a) notes that: planning policies and decisions should support town centres *"...by allowing them to grow and **diversify** in a way that can respond to rapid changes in the retail and leisure industries, allows a suitable mix of uses (including housing) and reflects their distinctive characters;"* (my emphasis)
- 8 National policy identifies the tools available to support town centres and this includes the definition of primary and secondary retail **frontages** (my emphasis) (PPG ID: 2b-002-20190722)
- 9 That PPG paragraph also states that: *"In addition, a range of other planning tools can help to support town centres to adapt and thrive" including brownfield registers "which may help in identifying land in and around town centres that could be used for homes."*
- 10 The Local Plan Policy 12 states: *"Uses in Primary Shopping **Frontages**: Within the primary shopping frontages of town centres, development resulting in the change of use from an existing ground floor A1 Class use within a unit **fronting** a street or pedestrian thoroughfare will not be permitted where this would result in any loss of retail **frontage** or ground floor net retail floorspace".* (my emphasis)
- 11 Further, at page 4 of the B+ Retail and the Town Centre Report (referenced at para 5.49 of the Submission Plan) it is said that: *"The B+ Neighbourhood Plan proposes to introduce a more dynamic and flexible approach in relation to uses within shopping areas, to more accurately reflect changing uses".*
- 12 The B+ Retail Combined Report notes that *"Primary frontages are likely to include a high proportion of retail uses" and "Secondary frontages provide greater opportunities for different types of uses"* (page 1) and at page 2 identifies that "retail units" are not simply A1. The B+ Report of the Blandford + Commercial Situation found *"Retail. The town centre retail market is very poor and likely to get worse."*
- 13 The substituted plan Appendix A (**App1**) was not available for or during the public consultation period. It varies the Carter Jonas plan (**App2**) by removing the distinction between Primary and Secondary frontages and leaves a broad brush area (coloured yellow) as a Primary Shopping Area such that areas of Secondary Frontages fall into a primary shopping area that includes principally non-commercial and non-retail ground floor uses to the rear of (and often physically separated from) "Carter Jonas" Primary Frontages. It should be noted that the "Carter Jonas" Primary Frontages

excludes real-world primary frontages such as the Langton Road supermarket.

THE LIMITATION OF RETAIL USES TO A1 USE

- 14 At para 5.50 the Submission Plan explicitly conflates and limits retail to A1 uses. The Town Centre retail frontages are primarily within Listed Buildings which do not benefit from the flexibility for change otherwise provided by national policy.
- 15 Having regard to the QB's stated intention *"to introduce a more dynamic and flexible approach in relation to uses within shopping areas, to more accurately reflect changing uses"* and its *"Classification of Retail Units"* as being wider than A1, it is not understood how the QB can consider that Policy B8 limiting eg banks or estate agents to upper floors could satisfy Basic Conditions. Further, within the constraints of Listed Buildings this Policy would, in practice, exclude disabled access to these essential Town Centre uses.
- 16 Additionally as the QB now proposes that all shopping frontages (excluding the Langton Road Supermarket) are defined as Primary Areas within Policy B8 that part of Policy B8 starting *"Outside the Primary Shopping Area....."* is of no positive purpose or effect.

APPLICATION OF A PRIMARY SHOPPING AREA POLICY TO PRIMARILY NON-SHOPPING GROUND FLOOR AREAS

- 17 National policy, Local Plan policy and the Carter Jonas plan reference shopping frontages. The Submission Plan conflates frontages and areas as in para 5.47 *"This policy complements Local Plan Policy 12 by defining the Town Centre Area and a Primary Shopping Frontage (or Area) of Blandford Forum. The Local Plan policy allows for a Neighbourhood Plan to review its frontages".* To be clear the Submission Plan is plain wrong - a "frontage" is not the same as an "area".
- 18 The area marked yellow on the Appendix A plan as the Primary Shopping Area incorporates Town Centre burgage plots in depth, which are not factually part of a shopping area or frontage, being ground floor residential and ancillary uses. As is noted below Blandford Town Council agree this point (para 24). These non-shopping areas constitute the majority of the area to which Policy B8 seeks to apply its "primary" shopping policies.
- 19 Self evidently Policy B8 does not complement Local Plan Policy 12 which refers to

frontages. Policy B8 fails to respect the distinctive character of the Town Centre contrary to NPPF 85(a).

CONFLATION OF THE TOWN CENTRE AREA WITH COMMERCIAL GROUND FLOOR USES

- 20 The Town Centre area, as identified by the blue line on the Appendix A plan, outside of the yellow Primary Shopping Area is primarily a residential area (other than the Langton Road Supermarket).
- 21 Policy B8 as drafted would not respect the distinctive character of the Town Centre. It would remove the ability to improve the viability and vitality of the Town Centre with ground floor residential uses in residential locations. Opposing ground floor C3 in the wider Town Centre limits the ability to provide disability compliant properties and therefore is contrary to policy on inclusivity.
- 22 The proposed amendment by the QB to support: *"Residential (C3) uses which does not replace an existing retail or commercial ground floor frontage."* mitigates this issue and recognises that it is the frontage that is the determinant.

CONCLUSION

- 23 Policy B8 is effective in discouraging new commercial users and general investors from Blandford Town Centre. Within the factual matrix identified in the B+ Evidence Base as: *"The town centre retail market is very poor and likely to get worse"* existing owners need to actively manage their portfolios. For the Primary Shopping frontages viability and vitality requires the NPPF diversity beyond A1 as promised by the *"dynamic and flexible approach in relation to uses"* in the B+ Retail and the Town Centre Report. National policy and initial promise is completely reversed in Policy B8 ;
- 24 Blandford Town Council is the lead council in the QB. Therefore its Minute 65.1 of 2 December 2019 is key .as one example. (APP3) PA 2/2019/1384/FUL and 2/2019/1547/LBC (which I have located on the plan APP1) are for conversion of ground floor areas in the Primary Shopping Area to C3 flats. The Minute states: *"The Town Council has no objections to the application. It broadly welcomes the development, as accommodation such as this is needed in the town centre. The application is also in line with the emerging Blandford Plus Neighbourhood Plan, policy 8.5.5."* (sic)

25 In short Blandford Town Council cannot in practice support the actual wording of Policy B8. The applications in Minute 65.1 include a change to C3 in the ground floor of the Primary Area but to the rear of the Carter Jonas Primary Frontage.

26 Policy B8 is fundamentally flawed and the lead authority in the QB cannot apply it.

REVISED POLICY PROPOSAL

27 Prima facie for a neighbourhood plan to supplant strategic policies in a Local Plan is contrary to Basic Conditions. However if a policy is considered to be justified then it should conform with national policy.

28 There is no wish to undermine the retention of active Primary Frontages (as identified by Carter Jonas). The Carter Jonas Plan (App2) should be substituted for Appendix A (App1)

29 The wording of Policy B8 should be amended to:

"The loss of an established ground floor active frontage as a result of a change of use in the Primary Frontage will be resisted.

The following ground floor uses that will be supported include:

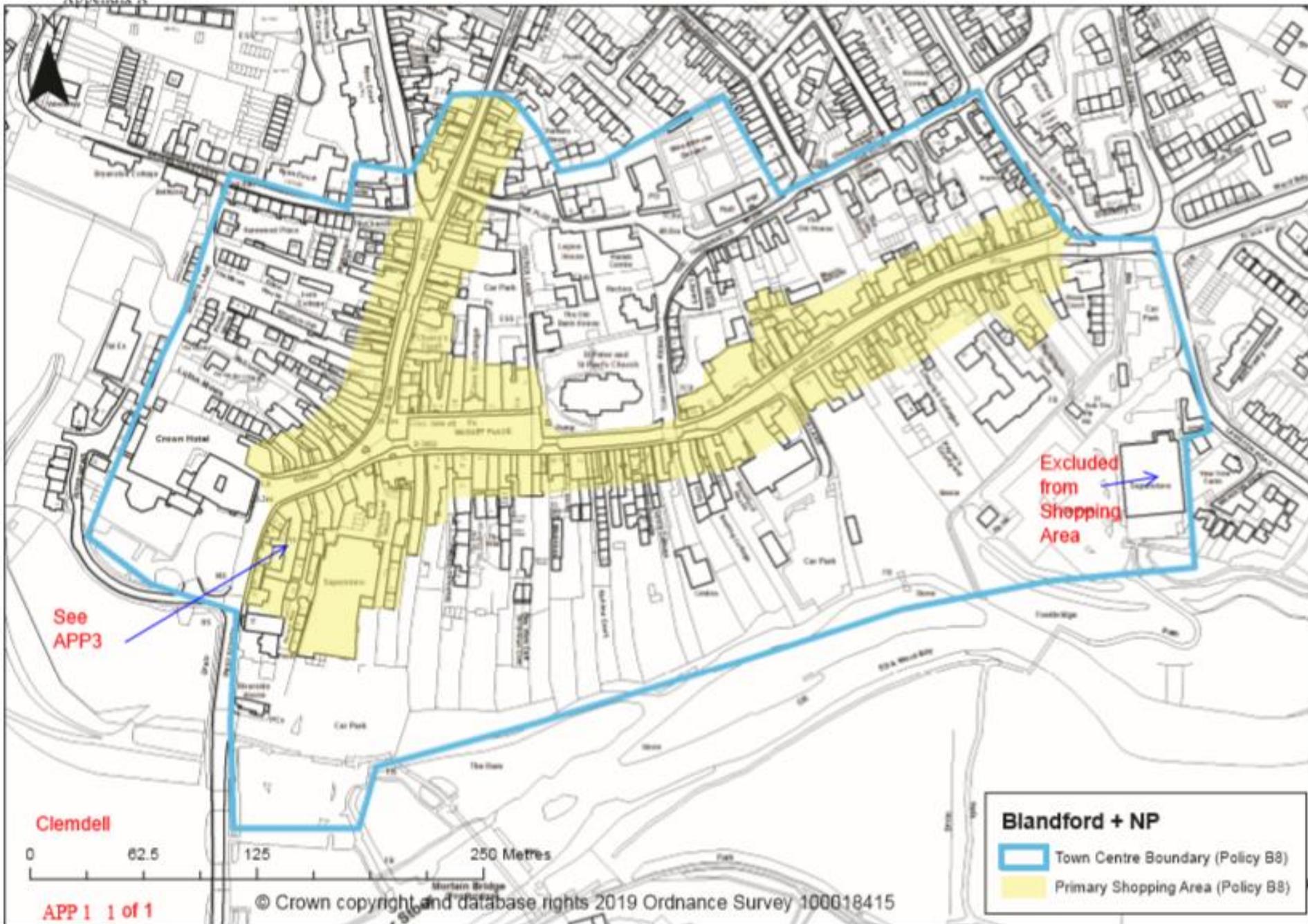
(i) Outside the Primary Frontage within such part of the Town Centre Area with existing shopping commercial frontage:

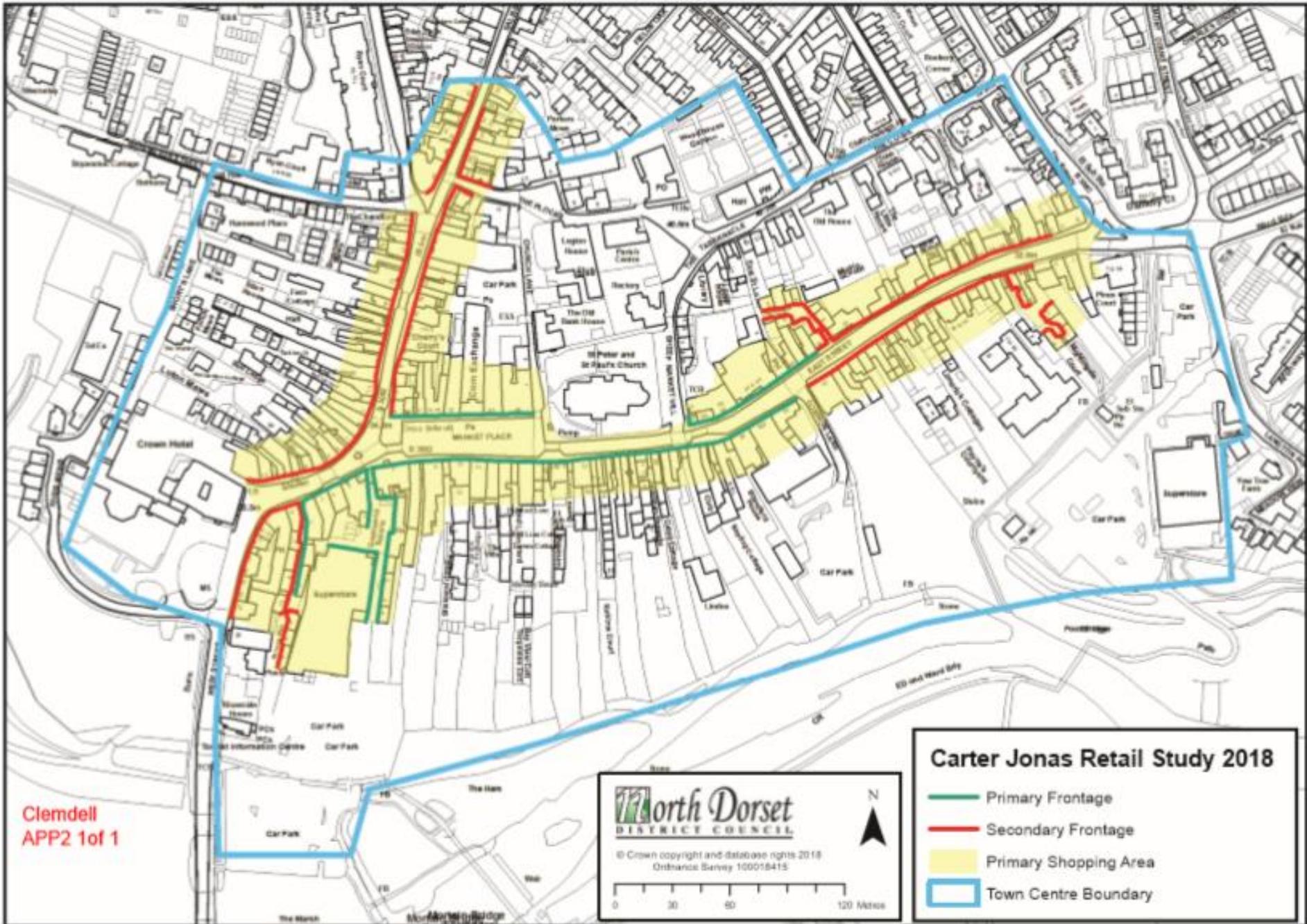
- Shops and retail outlets (A1);*
- Professional services (A2);*
- Food and drink (A3);*
- Drinking establishments (A4);*
- Hot food and takeaways (A5);*
- Health and Public Services (D1);*
- Entertainment and leisure (D2); and*
- Business (B1).*

(ii) In the Town Centre Area:

- Residential (C3) use which does not replace an existing retail or commercial ground floor frontage in a Primary or Secondary Frontage*

30 This wording will align Policy B8 with the understanding of Blandford Town Council as applied.





BLANDFORD FORUM TOWN COUNCIL
Minutes of Town Council Planning Meeting
Held on Monday 2nd December 2019 at 7:03pm in the Corn Exchange

<p style="font-size: 24pt; margin: 0;">DRAFT</p> <p style="margin: 0;">Subject to confirmation</p>

PRESENT

Cllr P Clark – Chairman	Cllr R Carter – Vice Chairman
Cllr L Lindsay – Chairwoman of Council	Cllr L Hitchings – Vice Chairman of Council
Cllr A Cross	Cllr P Osborne
Cllr H White	Cllr R Holmes
Cllr C Stevens	Cllr C Jacques
Cllr S Hitchings	Cllr D Russell
Cllr H Meville	Cllr B Quayle

IN ATTENDANCE

Assistant Town Clerk	Nicci Brown – Press
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61. PUBLIC SESSION

- 61.1 Cllr Carter requested for Councillors to meet at the end of this Planning Meeting to discuss the response to the Dorset Plan review.
- 61.2 Cllr L Hitchings thanked the Mayor for a very good Bingo night on Saturday 30th November, which was very well attended.

62. APOLOGIES

Cllr J Stayt	Cllr N Lacey-Clarke
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63. TO RECEIVE ANY DECLARATIONS OF INTEREST AND REQUESTS FOR DISPENSATION

Cllr Stevens declared an interest in agenda item 5.4 as a friend of the family. He will remain in the room and take part in the discussion but will not vote.

64. MINUTES OF THE MEETING HELD ON 4TH NOVEMBER 2019

It was PROPOSED by Cllr Holmes, SECONDED by Cllr L Hitchings and AGREED (12 in favour, 2 abstentions) that the Minutes be APPROVED and SIGNED.

65. APPENDIX A – NEW PLANNING APPLICATIONS

The paper was noted (see Appendix A).

The Chairman took the decision to take agenda item 5.1 and 5.2 together.

- 65.1 2/2019/1384/FUL and 2/2019/1547/LEO – 6th November 2019 – Mrs L Aitken – Crown and Anchor, 11 West Street – Change of use of Nightclub with HMO rooms over to 9 No. dwellings to include the provision of an external staircase and alterations to fenestration and carry out associated internal and external alterations.

It was PROPOSED by Cllr Lindsay, SECONDED by Cllr White and AGREED (13 in favour, 1 against) that

Clemell

- 65.1 2/2019/1384/FUL and 2/2019/1547/LBC – 6th November 2019 – Mrs L Aitken – Crown and Anchor, 11 West Street – Change of use of Nightclub with HMO rooms over to 9 No. dwellings to include the provision of an external staircase and alterations to fenestration and carry out associated internal and external alterations. (Cont.)

The Town Council has no objections to the application. It broadly welcomes the development, as accommodation such as this is needed in the town centre. The application is also in line with the emerging Blandford Plus Neighbourhood Plan, policy S.5.5. It would, however, welcome some parking spaces with the development.

ACTION: TOWN CLERK

- 65.2 2/2019/1316/REM – 13th November 2019 – The Brewery, Bournemouth Road, Blandford St Mary – Erect 63 No. dwellings with garages, parking, landscaping and associated infrastructure. (Reserved matters application (Phase 1) to determine layout, scale, appearance and landscaping, following grant of Outline Planning Permission No. 2/2017/1706/MARIA)

The application was noted.

- 65.3 2/2019/1262/FUL – 13th November 2019 – Mr & Mrs Roper – 10 Stevens Close – Erect 1 No. dwelling, create new vehicular and pedestrian access and 1 No. parking space.

It was PROPOSED by Cllr Lindsay, SECONDED by Cllr L Hitchings and AGREED (13 in favour, 1 non-vote) that

The Town Council objects to the application. The proposed site is of insufficient area for the development as proposed and the scheme would result in a cramped form of development having a poor relationship with adjoining properties and an adverse effect upon the character and appearance of the area and is contrary to North Dorset Local Plan Part 1 (2011-2031) Policy 7 and 24.

ACTION: TOWN CLERK

The Chairman took the decision to take agenda item 5.5 and 5.6 together.

- 65.4 2/2019/1469/LBC and 2/2019/1468/FUL – 21st November 2019 – Mr J Powsey – 67A Salisbury Street – Partially demolish the frontage of 67a and erect 1 No. dwelling. Erect replacement single storey extension (demolish existing) on 67 Salisbury Street. Carry out landscaping associated to this. Carry out all internal and external works associated to this.

It was PROPOSED by Cllr Holmes, SECONDED by Cllr Carter and AGREED (12 in favour, 2 against) that

The Town Council objects to the application. It welcomes the planning application; however, the frontage of the design and roof line is not in keeping with the street scene.

ACTION: TOWN CLERK

66. APPENDIX B - DORSET COUNCIL DECISIONS ON PLANNING APPLICATIONS AND APPLICATIONS AWAITING DECISIONS

The paper was displayed (see Appendix B).

67. TO APPROVE EXPENDITURE FOR A NEW PC TOWER FOR THE CCTV SYSTEM AT THE POLICE STATION

The paper was noted (see Appendix C).

It was PROPOSED by Cllr Lindsay, SECONDED by Cllr Clark and AGREED (13 in favour, 1 abstention) that

The Town Council approves Quote One, which includes approval of engineering time for the build of the tower, and expenditure for the installation of the software using budget line 1340 CCTV Replacement Fund. (Expenditure Authority: General Power of Competence, Localism Act 2011, S1-5).

ACTION: TOWN CLERK

68. SITE VISITS/DORSET COUNCIL PLANNING MEETINGS

None.

69. CLERK'S REPORT AND CORRESPONDENCE

69.1 Christmas Lights - The Town Council has received positive feedback online and verbally from the public on the improved lighting scheme and the grounds staff and contractors were well looked after by shopkeepers and felt a real community spirit. One column light in West Street is not working currently and the fault has been reported to SSE. They have confirmed that they will be attending the fault but have a long backlog.

The meeting closed at 7:32pm.

SIGNED: DATED:

Matter 3 - Policy B8

QB / DC Additional Comment (20/12/19)

The Qualifying Body and Dorset Council note the content of the response by Clemdell Limited in respect of the proposed modification to Policy 8, including the further suggested amendments to the policy. Clemdell Limited's further suggested amendments propose the introduction of primary and secondary retail frontages within the primary shopping area and other amendments to the policy related to the primary and secondary frontages proposed.

However, it should be noted that the NPPF (2019), which post-dates the adoption of the LPP1 (including Policy 12 (Retail, Leisure and Other Commercial Developments)) and the publication of the Joint Retail and Commercial Leisure Study (2018), does not require plans to identify primary shopping or secondary retail frontages. Part (b) of paragraph 85 of the NPPF details that '*Planning policies should:*

....

(b) define the extent of town centres and primary shopping areas, and make clear the range of uses permitted in such locations, as part of a positive strategy for the future of each centre;...

The neighbourhood plan, by defining the extent of the town centre and primary shopping area, and making clear the range of uses permitted in such locations, meets the requirements of part (b) of Policy 85 of the NPPF. It is acknowledged that the Government's Planning Practice Guidance does allow for primary and secondary retail frontages to be defined in instances where their use can be justified. However, the Qualifying Body has taken the decision to not identify primary and secondary retail frontages on the basis that it considers that they are not specifically required to support the vitality and viability of the town centre.

On the basis of the above the Councils consider that no further changes are needed to Policy B8 beyond the modification suggested in response to Clemdell Limited's comments at regulation 16 stage. If the Examiner considers additional modifications are required to Policy 8 the Councils would be happy to engage with Clemdell Limited further regarding the specific wording of the modifications.

Document End.