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## East Northamptonshire Council

### Chelveston cum Caldecott Neighbourhood Plan response form

This form may be photocopied or downloaded from the website. Further printed copies can also be obtained from the Council. **Please return by 4pm on Monday, 23 May 2016.**

This form can be returned by e-mail to [planningpolicy@east-northamptonshire.gov.uk](mailto:planningpolicy@east-northamptonshire.gov.uk) or by post to Chelveston cum Caldecott Neighbourhood Plan Consultation, East Northamptonshire Council, Cedar Drive, Thrapston, Northamptonshire NN14 4LZ. **Email is the Council's preferred method of receiving comments, as it will help us to handle your representation quickly and efficiently.**

Comments are invited, regarding whether the draft Chelveston cum Caldecott Neighbourhood Plan 2016-2031 and supporting documentation fulfil the "**basic conditions**", as required by paragraph 8 (1) (a) (2) of Schedule 4B to the Town and Country Planning Act 1990 (inserted by the Localism Act 2011). If you wish to make comments about the draft Neighbourhood Plan, please specify which of the five "basic conditions" you are commenting on (see Q1, overleaf). Comments should set out a justification as to why you consider that the basic condition has **not** been met, or why you consider that the basic condition has satisfactorily been met.

All comments will be forwarded on to the appointed examiner for the Chelveston cum Caldecott Neighbourhood Plan. You should not assume that there will be an opportunity to add further information, although the examiner may request additional information from you, based on the matters he/ she identifies for examination.

The regulations require that any representations made during the consultation period for the Chelveston cum Caldecott Neighbourhood Plan must be submitted to the examiner together with a summary of the main issues raised. Therefore, comments cannot be treated as confidential. They will be attributed to source and made available as public documents, although personal addresses will not be made publicly available.

East Northamptonshire Council will consider all representations made if returned by the deadline. However, please note that late representations cannot be accepted.

Personal Details		Agents Details (if applicable)	
Organisation Name:	Charles Wells Limited	Organisation Name:	David Russell Associates
Contact Name:		Contact Name:	David Russell
Address:	The Brewery Havelock Street Bedford MK40 4LU	Address:	11 East Mount Wheathampstead St Albans AL4 8BJ
Tel:		Tel:	01582 833768 / 07771 620940
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E-mail:		E-mail:	draplanning@btinternet.com

**Q1** Five “basic conditions” form the statutory requirements for the draft Neighbourhood Plan. These require that the Neighbourhood Plan:

1. Has regard to national policy and guidance from the Secretary of State;
2. Contributes to sustainable development;
3. Is in general conformity with the strategic policy of the development plan for the area or any part of that area;
4. Doesn't breach or is otherwise compatible with EU obligations – this includes the SEA Directive of 2001/42/EC; and that
5. The making of the Neighbourhood Plan is not likely to have a significant effect on a European site (as defined in the Conservation of Habitats and Species regulations 2010(d), either alone or in combination with other plans or projects

✓

[Please tick the relevant basic condition and submit a separate form for each of the basic conditions you are commenting on]

**Q2** Why do you consider that the draft Chelveston cum Caldecott Neighbourhood Plan and/or supporting documents do/ do not meet the specified “basic condition”?

Please provide a brief summary of your comments.

The plan fails to strike an appropriate balance between restrictive policies constraining development and policies that support local economic growth. It therefore fails to conform with Section 3 of the National Planning Policy Framework (NPPF).

**Detailed explanation**

Please give further details of your opinion and the reasons for it (continue on a separate sheet as necessary).

Paragraph 28 of the National Planning Policy Framework (NPPF) states that planning policies should support economic growth in rural areas by taking a positive approach to sustainable new development.

It is acknowledged that the Plan's Policy EC1a supports the Star and Garter Public House's importance to the local economy and as a source of employment for local people. However, the Plan's designation of the field associated with the public house as a local green space is unduly restrictive. Public houses trade in a volatile market, where they have to be fleet footed to keep up with ever-changing consumer preferences. The field is one of the Star and Garter's key assets and its designation severely limits its development potential.

Attached is a copy of our response to the Draft Neighbourhood Plan consultation, which sets out our arguments in more detail. Also attached is a copy of a letter from Freeths Solicitors to the Chairman of Chelveston-cum-Caldecott Parish Council, dated 11 September 2014, outlining our original objection to the designation of part of the Star and Garter's land as Local Green Space.

**Q3** The appointed examiner will consider all representations received by the deadline (**4pm, Monday 23 May 2016**). Normally, the examiner will seek to consider all responses through written representations. However, occasionally an examiner may consider it necessary to hold hearing sessions to discuss particular issues.

I would like to request to be heard before the examiner at the Neighbourhood Plan Examination [If you have indicated that you wish to attend the Examination, please explain why you consider this to be necessary. Please note that this is entirely at the discretion of the examiner]:

✓
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We have recorded our strong objection to designation of the field associated with the Star and Garter as Local Green Space, which is not in the long term interests of either the public house or the local community. Up to now, this objection has been ignored, and we wish to take the opportunity to put our case to the independent examiner.

**Q4** Please indicate whether you wish to be notified of either or both of the following:

- (ii) The publication of the recommendations of the Neighbourhood Plan Examiner
- (iii) Final “making” (adoption) of the Neighbourhood Plan by East Northamptonshire Council

✓
✓

If you have ticked any of the above options, please make sure you have provided an email address to help us reduce postal costs.

<b>Signature:</b> 	<b>Date: 22 May 2016</b>
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Thank you for taking the time to respond.

# FREETHS

For the attention of Councillor Adrian Dale  
Chairman of the Chelveston-cum-Caldecott  
Parish Council  
21 Water Lane  
Chelveston  
Wellingborough  
Northants  
NN9 6AP

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11 September 2014

Our Ref: CMA/6004/60000051/376/VG

Dear Sir

CHELVESTON-CUM-CALDECOTT DRAFT NEIGHBOURHOOD PLAN- REPRESENTATIONS OF  
CHARLES WELLS LTD

We are the retained lawyers acting for Charles Wells Limited.

Our client is the registered freehold proprietor of the Star and Garter public house, The Green  
Chelveston NN9 6AJ.

Our client has taken advice in relation to Neighbourhood Plan policies proposed by the Council and  
a detailed response is set out in the attached document prepared by our client's planning  
consultant.

However, we wish to make it plain that our client objects in the strongest possible terms to the  
proposed designation of part of its land as Local Green Space. The proposal is inconsistent with  
paragraph 77 of the National Planning Policy Framework in that:

- There is a presumption that Local Green Space designation is not appropriate for  
most green areas or open space and should only be used in limited  
circumstances; and
- The use of the land for an occasional community event from time to time does not  
elevate its status to that of a 'green area [that] is demonstrably special to a local  
community [which] holds particular local significance'.


Any argument that this land qualifies for such designation based on such limited use in the past is  
manifestly unreasonable and has the potential materially to prejudice our client's options to ensure  
the future viability of the public house.

Freeths LLP is a limited liability partnership, registered in England and Wales, partnership number OC304688. Registered Office: Cumberland Court, 80 Mount Street, Nottingham NG1 6HH.  
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11 September 2014  
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# FREETHS

Yours faithfully

A large black rectangular redaction box covering the signature of the sender.

Freeths LLP  
Please respond by e-mail where possible

cc: [clerk@chelveston.org.uk](mailto:clerk@chelveston.org.uk)  
[chair@chelveston.org.uk](mailto:chair@chelveston.org.uk)

Chelveston-cum-Caldecott Draft Neighbourhood Plan

Star and Garter Public House,  
The Green, Chelveston, NN9 6AJ

Representations on behalf of  
Charles Wells Ltd

September 2014

Further to our conversation with the Chairman of the Parish Council on 20 March 2014, we would like to make representations on the Neighbourhood Plan policies which affect the Star and Garter Public House and the adjoining field, all of which is within our clients', Charles Wells Ltd, ownership.

We acknowledge that representations were not made by the owners in response to the Neighbourhood Plan Call for Sites in Autumn 2013. The site is now nominated in the Plan as an Asset of Community Value. The Company wish to review this proposed designation.

We note the list of policies relating to our clients' land, set out in the Parish Council's email to Gerald Eve LLP dated 4 August 2014, and would comment as follows.

## The Neighbourhood Plan Strategy

Paragraph 2.3F of the Strategy states:

*“The continued role of the pub in community life will be supported by allowing for the development of its amenities and facilities to the rear, whilst preserving the pub field as a community events space.”*

We support the aim of this objective, but the reference to the field at the rear as a community events space should be omitted.

## Settlement Boundaries

### *Policy H1c – The Chelveston Village Boundary*

We maintain that the principal aim of a rural settlement boundary is to make a clear distinction between the settlement and the surrounding countryside. In many cases, such boundaries are drawn far too tightly, reflecting a desire to control rather than shape and influence.

We think the boundary should be revised to include the field at the rear of the Star and Garter, and the adjoining allotments. They are both integral parts of the village. Other policy tools are available to regulate the development potential of either site.

Other examples where boundaries have been too tightly drawn are to the rear of properties along the western edge of Raunds Road and gardens to the rear of houses in Britten Close.

A boundary that provides a clear demarcation between settlement and countryside will be more stable and defensible in the long term, whilst allowing flexibility within the boundary to meet the settlement's evolving needs.

## Preserving Street Scenes

### *Policy H4a – Preserving the Street Scene around The Green, Chelveston*

The policy is not prescriptive but clear in its intention. It seems to us that improvement and enhancement of the appearance of The Green and the buildings around it can only be to the Star and Garter's advantage.

## Amenity Policies

### *Policy ACV – Assets of Community Value*

We note that the public house and the field to the rear have been nominated by the Parish Council as an Asset of Community Value. Public houses are commonly regarded as community facilities, but it is essential to remember they are also commercial enterprises.

The impact of changing consumer preferences on public houses is well documented. The number of pubs continues to decline nationally. A report in the Guardian newspaper published on 12 August this year noted an increase in the national closure rate to 31 a week in the first half of 2014.

Public houses must adapt to changing circumstances in order to survive. Charles Wells Ltd has an active support programme to help tenants and managers meet change and develop their businesses. Some changes require substantial capital investment. One of the sources of capital is land attached to public houses that has development potential. Wherever possible, such land has been utilised to meet the related business's capital requirements. The field behind the Star and Garter may not be required to meet the pub's current business development needs, but the Company certainly want to retain that as an option for the future.

It is unfortunate that this was not discussed with the Parish Council when the pub and the field were nominated as an ACV. However, the community will surely benefit most if a relationship can be developed between the business and the community that recognises the need for flexibility in the long term use and development of both assets.

### *Policy LGS – Designated Local Green Spaces*

We note that the pub field, including the grasscrete car parking area, has been designated under LGS16 as a local green space. We object strongly to this designation for the reasons outlined in our response to Policy ACV. Although this field has been used for community events in the past, such events are only occasional and the field remains under-utilised for most of the time. This asset must be thought of in relation to the pub business as well as other community needs.

We suggest the Plan includes an alternative site for community events and perhaps for more regular outdoor recreational activities. Redrawing the settlement boundary around the rear of properties in Raunds Road, and incorporating a larger area in association with site NDP -S006, could provide such an alternative.

## Traffic Management

### *Policy TRF – Traffic Management and Parking*

We note the proposal for new parking bays outside the Star and Garter, which is potentially of benefit to the pub as well as the community as a whole.



## Local Economy

### *Policy EC – Employment opportunities and commercial activities*

We note EC1a's support for the Star and Garter Public House as part of the local economy and as a source of employment for local people. As we have stated above, public houses have to adapt to changes in consumer demand in order to survive as a commercial enterprise. We support the policy's intention. However other policies, and in particular policy LGS, seriously compromise the pub's commercial function by unduly constraining development potential.

The balance between open space designations and the pub's local economic value has not been made. There must remain flexibility on the use of the pub's field to support the Star and Garter, both as a business and as a local employer.

## Summary

We acknowledge that the Star and Garter and its associated field have been registered as an Asset of Community Value. However we object strongly to the field's designation as a Local Green Space. This designation should be removed and the field, together with the neighbouring allotments should be included within the settlement boundary. This will give a degree of flexibility that will allow:

- the provision of new pub facilities, such as additional car parking
- development, including housing, to create capital for reinvestment in the pub.

A spirit of partnership is needed between our clients, as owners of the Star and Garter, and the Parish Council, as representatives of the local community, to achieve important aspirations set out in the Draft Neighbourhood Plan. With a bit of “give and take”, it should be possible to ensure that the Star and Garter continues to be a valued community asset and a thriving commercial business.

*David Russell Associates*  
*September 2014*