

# **BEECH PARISH**

## **Comments of the Qualifying Body on the Regulation 16 Representations - Beech Neighbourhood Plan**

**23rd September 2019**

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## 1. Highway England

- No Comments

## 2. Sports England

- No Comments

## 3. Beech Parish Councillor

- No Comments

## 4. Natural England

- No Comments

## 5. National Grid

- No Comments

## 6. Environment Agency

- No Comments

## 7. Thames Water

- The Parish Council would prefer the Examiner not to add Thames Waters suggested text dealing with new water supply/waste management infrastructure. Thames Water text makes it clear that it is the Local Planning Authority (EHDC) that has the responsibility for these strategic obligations and this should be done through the LocalPlan.

## 8. East Hampshire District Council

- As a general observation, the Parish Council notes that on the one hand, the District Council is stating that the neighbourhood plan should not be duplicating policies in the local plan, (even though the non-strategic policies which the community wishes to retain for the Beech area, may be lost with the production of the new local plan), whilst at the same time criticising policies when they depart from the provisions of the Joint Core Strategy. The parish clearly understands that where there is a conflict between a policy in the new Local Plan once adopted and a policy in the neighbourhood plan then precedence will be given to the local plan policy as the last adopted plan. The issue is retaining policies in the existing plan which are relevant to Beech, when the new plan is silent on this subject. That is why issues such as retaining the provisions of Policy H10 are important to the community.
- The Parish would like to particularly respond to EHDC'S specific comments made in respect of the following policies and welcomes the support for the other policies.
  - **Policy BPC 02:** It is common practice that neighbourhood plans contain policies for development in areas outside of settlement boundaries. This policy is a locally distinct policy, which builds upon Policy CP 19 in that it takes a more positive approach to development by supporting development

that allows for “rural conservation needs” and deals with “the conversion of redundant or disused local buildings or allows for essential utility infrastructure”. Part b) does not undermine the planning balance that requires decisions to be taken against the development plan “unless material circumstances dictate otherwise” but it stresses the importance of decisions being taken against all relevant policies in the development plan, taken as a whole.

- **Policy BPC 03** presumes against development that could individually or cumulatively reduce the separation between these settlements - it builds on the protection of the countryside in CP19, where for instance, large scale farm buildings could be erected in compliance with the policy, but would breach the open gap which the community of Beech particularly values. The fact that the gaps are not identified in Policy 23 does not preclude the desire of the community to establish such a gap between itself and the neighbouring town and adjoining village, Medstead, both of which are expanding. Furthermore, the current local plan consultation on large scale developments, includes the possibility of a new settlement at the adjoining parish of Chawton. These are exactly the type of areas that are susceptible to development pressures, if East Hampshire were to return to the position it had a few years ago, where it was not able to demonstrate a 5-year housing land supply. The Parish Council points to the current uncertainty as to where large scale developments will go, possibly around the western side of Alton, to seek to establish a non-coalescence gap within the plan area. In terms of the specifics of individual areas of the gap, the Examiner on her site visit will no doubt make her own assessment as to the value of the areas but it is considered that, from the community’s view point, the reduction from Reg 14 is the minimum required to secure the retention of a non-coalescence gap. The position regarding permitted development rights is well understood but the policy would be undermined by development that was allowed if it required planning permission.
- **Policy BPC 06:** Firstly it is worth establishing that the policy is based on an existing development plan policy – Policy H10 of the Local plan – Second Review This policy is exactly in line with the Secretary of State’s advice that “design policies should be developed with local communities so that they reflect local aspirations and are grounded in an understanding and evaluation of each area’s defining characteristics. Neighbourhood plans can play an important role in identifying the special characteristics of each area and explaining how this should be reflected in development”. The Examiner’s attention is drawn to the accompanying Landscape Character Assessment commissioned specifically for the neighbourhood plan as the basis for its design and density policy. This shows the plan has a sound understanding of the qualities of this low-density area, which the plan is looking to protect. In terms of the detailed comments, the Parish Council would ask the Examiner to include in her recommendations, a modification to c) referring to “when viewed from the highway which is fronted by the principal elevation of the dwelling” which will define which view from the road will be used to assess the height of the building. The difference between criteria b) and d) is that b) deals with development in any location e.g. a corner plot, whilst d) addresses infill development where the relationship with adjacent development may be more sensitive than respecting properties “in the area”. The requirements in

e) are specifically to address the topography of the plan area to avoid *development creep* up the hillside, which would change the character of the area, where development is concentrated along the lower slopes of the valley floor. Policy CP 10 is a general policy dealing with development inside settlement boundaries and this plan is a bespoke policy, based on the specific context of the plan area. Finally, the justification of criteria f) and h) are found in the Landscape Character Assessment to which there was specific residents' consultation and support, which has guided these Beech specific design policies.

- **Policy BPC 07:** It is submitted that the LPA has not shown that the policy breaches the basic conditions. Policy BPC06 deals with the pattern of development and BPC 07 addresses more detailed design matters. The term "outlook" is used in the context of protecting residents from being subject to a strong sense of enclosure, by being hemmed in by large oppressive structures along the common boundary. It is accepted that residents do not expect to be able to retain a view.
- **Policy BPC 08:** There are opportunities for development that could meet the aspirations of this policy, outside of the Special Housing Area, including through the conversion of buildings, for example.
- **Policy BPC 10:** This policy is in response to specific resident's concerns and differs from Policy CP 31 in that it includes reference to the "cumulative effects on the amenity and safety of Beech residents" rather than Policy CP 31 which refers "to harm to the countryside or the rural character of local roads." In terms of criterion c) the LPA is being obtuse. It is not being suggested that a residential property should provide turning for a 32-tonne articulated lorry, but should allow for a car or a small delivery vehicle to be able to turn within the site. Policy CP 31 does not seek to define specific types of vehicles when it refers to vehicles. The policy will of course be implemented with common sense when being used in decision making. These matters do not relate to the basic conditions.
- **Policy BPC 12:** The only difference between the parking standards in the neighbourhood plan and the recent SPD relates to the standard for a 3-bedroom house. The SPD standards are district wide and would apply equally for a site next to a public transport hub in a town centre, as to a small village settlement with little access to sustainable transport options. The standard proposed recognises the likely form of development that will be developed in the village. The Council's standard includes a 0.2 space requirement for visitor parking (1 space for 5 dwellings). Communal visitor parking would be expected in an estate type development. The Examiner will see for herself on her site visit, the type of development that the plan area lends itself to i.e. small individual development and hence as communal visitor parking is unlikely to be deliverable, then visitor parking should be provided on site, hence the requirement for 3 spaces.
- **Policy BPC 14:** The difficulty with relying on Policy CP 25 is that it requires that there should be no increase in surface water run-off. The issue for Beech is that due to topography the area is already subject to surface water flooding from existing run off from fields and the hillside and the community is looking for developers to put in the necessary infrastructure to improve methods for dealing with run off, whether it be through SUDS or other

improvements to off-site drainage, including the capacity of the surface water drainage system.

## 9. Gladman Developments

- In preparing the Suggested Responses to the Regulation 16 consultation, it became clear that Beech Parish Council had not formally considered the representations submitted by Gladman Developments Ltd, notwithstanding that it has transpired that their letter was received by the Parish Council before the deadline had passed.
- In their Regulation 16 comments, which will be considered by the examiner Ann Skippers, Gladman Developments point to the failure to consider their objections and the subsequent prejudice, as they were prevented from seeing the plan amended in the light of their comment.
- In order to address this position, a report was presented to the Parish Council which sought to consider in some detail the responses made by Gladman and to ascertain whether the Parish Council would have wanted to have changed the submission version of the neighbourhood plan, in the lives of their comments beyond the changes made to the neighbourhood plan in the light of other Regulation 14 comments.
- The Gladman developments letter, dated 2 April 2019, rehearsed from its standpoint the relationship of the neighbourhood plan to the legal requirements, revised national policy and guidance both in the new NPPF and the online Planning Practice guidance and also comment on the relationship to the existing and emerging local plan.
- They sought a number of specific modifications in respect of individual policies which were set down and the Parish's response:
  - *Policy BPC 02 - Development outside of the Settlement Boundary.* Gladman object to the use of settlement boundaries as they argue it could "preclude otherwise sustainable development from coming forward". They consider it to be contrary to Secretary of State policy and is overly restrictive and inflexible.

In terms of Beech, the importance of the settlement boundary reflects strategic policy in the Joint Core Strategy, which is also being taken forward in the emerging local plan. Furthermore, there is no requirement in terms of housing provision for the village to consider identifying additional sites adjacent to the settlement boundary.
  - *Policy BPC 03 - Preventing Coalescence with Alton and Medstead.* Gladman argue a lack of justification for this policy and the fact that it goes beyond the requirements of Policy 23 of the Joint Core Strategy as it is not one of the identified strategic gaps.

This policy is specific to Beech and reflects the desire of the community to retain its integrity as a discrete settlement which is not to be subsumed into either an expanding Alton area or to join in with Medstead which has been the subject of incremental growth over recent years.
  - *Policy BPC04 - Preservation of amenity of historic parkland.* Gladman refer to the fact that Thedden Grange is not a listed building nor are the grounds recorded as a listed park or garden and does not fall within a conservation area.

The neighbourhood plan is entitled to identify particularly valued landscape features that it wishes to protect and it is noted that Historic England supports the designation.

- *Policy BPC 06 - Development Setting and Scale*  
Gladman argue that this policy requirements are “somewhat onerous” especially in relation to smaller developments.  
It will be noted that this policy has already been amended in the Submission Version in respect of other representations.
- *Policy BP C07 - Building Design and Character*  
Gladman argued that some issues are a matter of taste rather than landscape provisions.  
It is felt that this is a locally distinctive policy which is based on clear understanding of the characteristics of Beech and is justified by a robust landscape character assessment.
- *Policy BPC 08 - Housing Mix.*  
Gladman suggest that the policy wording should allow the mix to be amended to reflect changing needs.  
The plan already recognises the need for the neighbourhood plan to be reviewed, if circumstances change.
- *Policy BPC 10– Managing the Impact of New Development on Traffic.*  
Gladman comment that the policy is not explicit as to whether developments should be providing pavements.  
This policy has already been amended to take account of the need for development to reflect the rural character of roads in the parish and is not considered to need further amendment.

## Parish Council’s Conclusions On the Gladman Development’s Reg 14 representation

Having now considered fully the comments of the Gladman Development’s letter, dated 2<sup>nd</sup> April 2019, the Parish Council confirmed, that having considered the Regulation 14 comments, it would not have amended the neighbourhood plan beyond the modifications made to the Submission Version of the neighbourhood plan ,which it has already made in the light of other comments received and considered at Regulation 14 stage.

### 10. Hallam Land Management Ltd

- The support from the local developer to Policy BPC 03 is noted.

### 11. Goldcrest Homes

- The Parish Council notes that the requirement of the basic conditions is general compliance with strategic policies of the *adopted* local plan rather than the *emerging* local plan which may well change.

### 12. Historic England

- The Parish Council welcomes the comments of Historic England regarding the possible designation of Thedden Grange as a non-designated heritage asset and would not oppose its designation as such. However, it will leave it to the Examiner to satisfy herself whether such a change could be introduced without any public consultation, not least with the owners of the building.