

REPRESENTATIONS TO CAM NEIGHBOURHOOD PLAN REGULATION 16 PUBLIC CONSULTATION

ON BEHALF OF ROBERT HITCHINS LTD

**TOWN & COUNTRY PLANNING ACT 1990 (AS AMENDED)
PLANNING AND COMPULSORY PURCHASE ACT 2004
LOCALISM ACT 2011**

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DESIGN | **ENVIRONMENT** | **PLANNING** | **ECONOMICS** | **HERITAGE**

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1. Introduction

- 1.1 Pegasus are instructed to provide representations to the Regulation 16 Cam Neighbourhood Plan public consultation on behalf of Robert Hitchins Ltd.
- 1.2 Representations on the Regulation 14 Neighbourhood Plan public consultation were submitted to Cam Parish Council on 26th July 2019.
- 1.3 Appendix 10 of the submitted Cam Neighbourhood Plan Consultation Report details how those preparing the Neighbourhood Plan have responded to the Pegasus representations previously made.
- 1.4 Our clients are pleased to note that many amendments have been made to the Cam Neighbourhood Plan in response to their Regulation 14 submission.
- 1.5 The considerable time and effort taken by the local community to prepare the initial Neighbourhood Plan and its associated evidence base and to respond to the Regulation 14 consultation responses and then amend the plan accordingly is acknowledged.
- 1.6 The following comments are made as the Neighbourhood Plan moves towards examination to ensure that it meets the Basic Conditions tests and will be in general conformity with national planning policy and guidance and the adopted and emerging Stroud District Local Plans.

2. Representations to submitted Reg 15 Cam Neighbourhood Plan (Oct 2019)

p.6 Introduction

- 2.1 The final paragraph at p. 6 states that once the Cam Neighbourhood Plan (CNP) is 'made' it will have 'the force of law' and become part of the Council's Statutory Development Plan.
- 2.2 While it is true that the Neighbourhood Plan will become part of the statutory adopted development plan and will contain planning policy to guide developers and be applied by decision makers, such policy does not carry 'the force of law'.
- 2.3 The National Planning Policy Framework 2019 (NPPF) is clear at paragraph 47 that;

"...applications for planning permissions be determined in accordance with the development plan, unless material considerations indicate otherwise."

- 2.4 It is clear therefore that exceptions can be made to the adopted development plan when material considerations exist (Section 38 (6) of the Planning and Compulsory Purchase Act 2004). Therefore, the Development Plan does not comprise 'law', it comprises adopted planning policy to be applied by decision makers in accordance with the provisions of the relevant statute.

p.8 Cam Design Code

- 2.5 The Cam Design Code (October 2019) (CDC) comprises Appendix 3 of the submitted CNP. Part 2 of the CDC contains the locally responsive Design Codes to be taken into consideration by developers in the preparation of masterplans for allocated sites.
- 2.6 Our clients welcome the amendments to the CDC since the Regulation 14 consultation.
- 2.7 Representation is made however concerning the appropriateness of using the Bristol Tree Replacement Standard (p.27 of CDC) at 'Cam Code 3f' given that Cam is located in a rural setting and Bristol is a City where trees play an arguably more important role in matters relating to air quality, green infrastructure and amenity.

- 2.8 Our clients fully appreciate the role that existing trees play as part of a local ecosystem and the need for the master planning of new allocations to carefully consider these matters, however it is considered that any ratio for replacement planting to be secured through the CDC as part of the CNP should be based on locally specific evidence and reflect the locally specific needs of Cam Neighbourhood Area.
- 2.9 Attention is drawn to the publication on 1st October 2019 of the Government's National Design Guide¹. It is suggested that the CDC is sense checked against this document to ensure that it complies with the most recent government guidance as the National Design Guide is not referenced at p.42 of the CDC.

p.17 Cam Development Strategy

- 2.10 The commitment to reviewing the CNP once the Stroud Local Plan Review has been adopted is welcomed however attention is drawn to national planning practice guidance which states that;

“Neighbourhood plans should consider providing indicative delivery timetables, and allocating reserve sites to ensure that emerging evidence of housing need is addressed. This can help minimise potential conflicts and ensure that policies in the neighbourhood plan are not overridden by a new local plan.”²

- 2.11 The Stroud Regulation 18 Local Plan Review Draft Plan for Consultation (Nov 2019), which will cover the period up to 2040, identifies our client's site at Core Policy CP2 as part of a draft strategic allocation (PS24) at Cam North West for 700 dwellings and a smaller site (PS 21) - at Tilsdown House for up to 15 dwellings and associated uses.
- 2.12 A plan showing extracts from the Regulation 18 consultation document of Sites PS24 and PS21 can be found at Appendix 1.

APPENDIX 1 –SITES PS24 AND PS21 (NOV 2019)

- 2.13 The Local Development Scheme for the Stroud Local Plan Review identifies that a Regulation 19 consultation will take place in Autumn 2020 with submission in Winter 2020/1; examination Spring – Autumn 2021 and adoption Winter 2021/2.

1

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/843468/National_Design_Guide.pdf

² PPG Neighbourhood Planning - Paragraph: 009 Reference ID: 41-009-20190509 – last revised 09.05.2019

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- 2.14 Should the CNP be 'made' by autumn 2020 it may become out of date within two years as it will be superseded by the Stroud Local Plan Review.
- 2.15 In order to provide certainty and to increase its longevity, the CNP may wish to consider safeguarding Sites PS24 and PS21 identified in the Stroud Local Plan Reg 18 consultation document.
- 2.16 It is also suggested that a new policy committing to the review of the CNP on adoption of the Stroud Local Plan Review is incorporated at Section 5 – Plan Review. Such a review of the CNP would require those sites allocated through the adopted Stroud Local Plan Review to be identified and acknowledged.

Policy CAMES1

- 2.17 The amendments to this policy are noted and welcomed by our client.

Policy CAMES2

- 2.18 It is noted that the second sentence of Policy CAMES2 requires all new development to be limited to below the 50m contour line.
- 2.19 CAMES2 should be amended to reflect the fact that site allocations may come forward in the Stroud Local Plan Review that are situated above the 50m contour but within the otherwise built up areas of Cam, such as at Tiltdown House.
- 2.20 Indeed, applications for windfall development within the settlement boundary may also come forward above the 50m contour in accordance with the existing adopted Local Plan, therefore as currently drafted the Policy may be inconsistent with Policy HC1 of the adopted development plan which provides policy guidance for meeting small scale housing need within defined settlements.
- 2.21 It may transpire that such development, (allocated or windfall) would not have an impact on landscape character owing to existing topography and the local context, for instance an infill plot between two existing dwellings. Notwithstanding the CNP landscape and design led approach, it is likely that such new development would be read against existing built form and would not have any impact on surrounding landscape character, even if it were located above the 50m contour.
- 2.22 It would, however, seem from the reasoned justification following CAMES2 and the evidence base referred to, which includes the Cam Parish Landscape

Sensitivity Assessment (2018), which only considers site parcels adjacent to and beyond the existing settlement boundary, that the intention of the Policy is to ensure that development beyond the existing settlement boundary of Cam is limited to below the 50m contour.

2.23 Our client considers this matter to be an unintended drafting error and not a conscious attempt to prohibit all new development in the Neighbourhood Plan area to below the 50m contour line.

2.24 This matter can be easily rectified by rewording the second sentence of CAMES2 by inserting the underlined text as follows;

"A key local landscape characteristic is topography and in response to that, development outside the settlement boundary, as defined by the adopted Stroud Local Plan Policies Map, should be limited to below the 50m contour line (as shown on Figure 8)."

2.25 If the wording is intended then attention is drawn to the points made at paragraphs 2.19 to 2.21 above and the policy reworded accordingly.

Policy CAMES3

2.26 Amendment to the photos used in the CNP Valued Views Report (2019) is acknowledged and appreciated.

Policy CAMCD1

2.27 It is a national requirement for planning applications to be submitted with a Design and Access Statement (DAS) in order to be validated and registered by a local planning authority. The first sentence of the policy is therefore considered to be superfluous.

Policy CAMCD2

2.28 Reference is made with regard to the number of replacement trees required by this policy to the representations made at paragraphs 2.7 – 2.8 above. The reasoned justification for the policy also states that;

"...where appropriate two or more replacements for every tree lost will be supported as part of achieving an increase in tree coverage in the Parish.."

2.29 There appears to be confusion between the text of this reasoned justification and the requirements of the CDC with regard to the replacement trees and for the

purposes of assisting those preparing planning applications and decision makers clarity should be provided by the CNP.

Policy CAMCD3

2.30 Amendment to this policy is acknowledged.

Policy CAMCD4

2.31 It is noted that the pre-application protocol as contained at Appendix 2 of the CNP will apply to proposals of 10 or more dwellings.

2.32 It is considered that the level of pre-application engagement entered into by an applicant should be proportionate to the amount of development proposed.

Policy CAMMC1

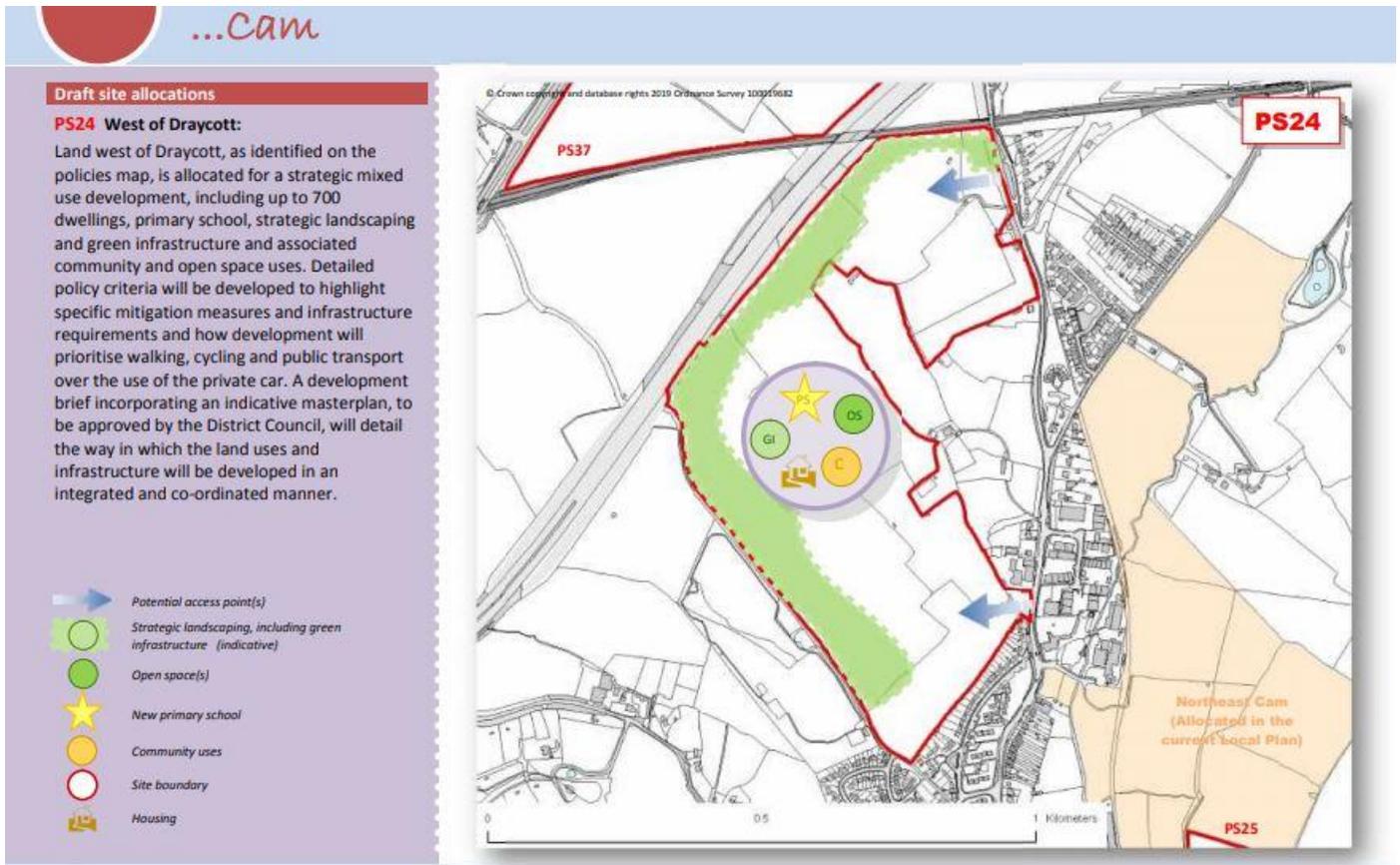
2.33 It is noted that the CDC now makes reference to Gloucestershire County Council Design Requirements with regard to highway matters such as footpaths, verges, gateways, junctions and roadside verges.

3. Conclusion

- 3.1 The considerable amendment to the CNP further to representations submitted to the Regulation 14 consultation is acknowledged.

- 3.2 Notwithstanding the above, the representations submitted herein are commended to the Examiner in order that the CNP can be recommended to proceed to referendum.

APPENDIX 1



Stroud Local Plan review Reg 18 Consultation (Nov 2019) - Sites PS24 and PS21

Draft site allocations

PS21 Land adjacent to Tilsdown House:

Land adjacent to Tilsdown House, as identified on the policies map, is allocated for a development comprising up to 15 dwellings and associated community and open space uses. Detailed policy criteria will be developed where necessary to highlight specific mitigation measures and infrastructure requirements. A development brief incorporating an indicative masterplan, to be approved by the District Council, will detail the way in which the land uses and infrastructure will be developed in an integrated and co-ordinated manner

