

Down Ampney Neighbourhood Plan (Reg 16) Consultation

**Representations on behalf of Cotswold
Homes**



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Contents Page

| | | |
|-----|-------------------------|---|
| 1.0 | Introduction..... | 2 |
| 2.0 | NDP Representation..... | 5 |



1.0 Introduction

- 1.1. Down Ampney Parish Council have published the Down Ampney Neighbourhood Development Plan (2023) (hereby referred to as “NDP”) for the purposes of the Regulation 14 Consultation under the Neighbourhood Planning (General)(Regulations) as amended.
- 1.2. McLoughlin Planning has been instructed by Cotswold Homes to make representations to the NDP in respect of its land interest on two allocations in Down Ampney, references DA2 (Dukes Field) & DA5A (Buildings at Rooktree Farm). Cotswold Homes made representations during the Regulation 14 submission in May 2023.
- 1.3. Whilst Cotswold Homes continues to support the preparation of the Neighbourhood Plan in principle, some observations have been made where the NDP conflicts with the Cotswold Local Plan and/or the NPPF (including areas previously highlighted). These matters have been set out in this Statement and we hope will support the Parish in positively progressing the NDP to a subsequent adoption.

Context for the Representations

- 1.4. The context of the representations is repeated from Cotswold Homes earlier consultation response to the Regulation 14 consultation undertaken in May 2023.
- 1.5. Provision for Neighbourhood Planning is made through the Town & Country Planning Act 1990 (as amended), the Planning and Compulsory Purchase Act 2004 (as amended), the Localism Act 2001 and the Neighbourhood Planning (General) Regulations 2020.
- 1.6. In addition, Paragraph 29 of the NPPF (2021) recognises that:
‘Neighbourhood Planning gives Communities the power to develop a shared vision for their area. Neighbourhood Plans can shape, direct, and help to deliver sustainable development, by influencing local planning decisions as part of the Statutory Development Plan. Neighbourhood Plans should not promote less development than set out in the Strategic Policies for the area or undermine those strategic policies.’
- 1.7. This is an important part of the NPPF in that it enshrines the role that the Neighbourhood Plan has in policy making. Furthermore, it underlines the fact that the Neighbourhood Plan is not intended to be used as a tool to inhibit development in an area, and it can provide for development over and above what has been provided for



through the Local Plan process. This paragraph is equally supported by Paragraphs 12, 13 and 14 of the NPPF which set out further details of the role and function the Neighbourhood Plan performs in the presumption of favourable Sustainable Development.

1.8. It is clear from the guidance that it further reinforces the central role that the Neighbourhood Plan plays in realising communities' aspirations for development and shaping its environment, along with controlling development.

1.9. In addition to the guidance in the NPPF relating to the Neighbourhood Plan process, of equal significance is that in the PPG¹ which helpfully lists the requirements of Paragraph 8(2) of Schedule 4B in terms of the basic conditions that must be met in examining a Neighbourhood Plan. For avoidance of doubt, these are:

a) "Having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the Order (or Neighbourhood Plan).

b) The making of the Neighbourhood Plan contributes to the achievement of sustainable development.

c) The making of the Neighbourhood Plan is in general conformity with the strategic policies contained in the Development Plan for the area of the Authority.

d) The making of the Neighbourhood Plan does not breach and is otherwise compatible with EU obligations.

e) Prescribed Conditions are met in relation to the Neighbourhood Plan and prescribed Matters have been complied with in connection with the proposal for the Neighbourhood Plan."

1.10. It is Cotswold Homes position that, despite positive progressing the NDP since the previous consultation period, that there are a number of concerns with Regulation 16 NDP. These are specifically in relation to part C in that there are conforming concerns with the Local Plan.

¹ Paragraph: 065 Reference ID: 41-065-20140306



- 1.11. The Statement will now move on to examine specific aspects of the NDP that are considered to conflict with Paragraph 8(2) of Schedule 4B.



2.0 NDP Representation

- 2.1. The reference numbers provided in the subheadings below reflect the references provided in the NDP for ease of reference and completeness.

Section 2 The Vision

2.1.1 Landscape

- 2.2. It is considered that the proposed language used under Objective LO1 continues to conflict with the objectives set out in the Cotswold District Local Plan and paragraph 16(b) of the NPPF due to its restrictive wording.
- 2.3. The proposed Objective would prevent development from coming forward in the village, as Down Ampney can be considered rural in its entirety. Therefore, it is requested that Objective LO1 is reworded to comply with Objective 1 of the Cotswold Local Plan, which states:
- 'Protect the open countryside against sporadic development, while also avoiding coalescence of settlements'*
- 2.4. Turning to LO2, it is recommended that the Objective is amended to protect "designated" green spaces & open areas. This will ensure that there is complete clarity with regard to what spaces are protected and are not protected by the Objective.

2.1.5 Housing and Village Design

- 2.5. Cotswold Homes has no objection to the NDP's aspiration to ensure new developments reflect the general character of the village and prevailing local context (Objective HO1). Similarly, no objections are raised to objectives HO2 and HO3.

Section 4 (Landscape)

- 2.6. Cotswold Homes welcomes the provision of photographic evidence to help illustrate the key vistas proposed Policy LP1 seeks to conserve. Therefore, we raise no objections to the remainder of the amended wording of the policy.
- 2.7. No objections are raised to proposed policy LP2.



Section 5 (Infrastructure)

- 2.8. Cotswold Homes has no objection to the objectives of the NDP to promote sustainable transport and ensure surface water drainage and foul drainage is effectively managed to allow for planned growth.
- 2.9. However, like our previous comments, it is considered the drainage policies proposed conflict with Local Planning Policy INF8, in their strict wording. Therefore, it is considered to result in a conflict with paragraph 16(b) of the NPPF.
- 2.10. Policy IP1 states that larger developments consist of 5 or more dwellings. This is less than the threshold for FRA being required in the NPPF. However, to ensure consistency with the Cotswold Local Plan and Town and Country (Development Management Procedure) (England) Order 2015 defines larger (major) development for residential developments as 10 or dwellings. Therefore, there is inconsistency in policy requirements with no supporting evidence to justify this change.
- 2.11. Proposed planning policy IP2 is considered to also conflict with the requirements of paragraph 16(b) in that the policy is restrictive and negatively worded and it is unclear as to when the judgment of "overloaded" is made. The policy includes reference to regulations and requirements which fall outside of the management of the planning system and is not considered applicable or reasonable.
- 2.12. In responding to the concerns with Policies IP1 and IP2, the NDP should be reviewed, and wording provided which better reflects the requirements of Policy INF8 of the Local Plan to ensure compliance with the NPPF and consistency with the Local Plan.

Section 8 (Housing)

- 2.13. Cotswold Homes raises no objections to the Objectives (HO1, HO2 & HO3) which seek to promote new development which is designed in such a way to reflect and be in keeping with the character and context of Down Ampney.

Policy HP1

- 2.14. We maintain serious concerns about using density figures to manage new development, as this conflicts with the NPPF and Local Plan in supporting the efficient use of developable land (paragraph 124 & 125) and stifles opportunities for good design in conflict with the National Design Guide (i.e. higher density development does not automatically result in poor design).



- 2.15. The NDP is instead encouraged to use up-to-date area-based character assessments and design guides to help manage new developments design and overall appearance in the wider setting and context. This would accord with the Local Plan and Chapter 12 of the NPPF.
- 2.16. If the NDP continues to reference density, then it should ensure accordance with paragraph 125(b) of the NPPF, in that the figures used are **minimum** density figures with an allowance for higher density development, subject to good design. It is considered the re-wording to reference “about 12.5 hectare” does not accomplish this and is unmeasurable. For example, how can an applicant be confident that the proposed development is “about” 12.5 per hectares?
- 2.17. An example of the above is the recent appeal decision² at Duke’s Field in Down Ampney. In assessing the character and appearance of the area, the Inspector did not reference density in this prescriptive manner. Whilst the Inspector acknowledged that the density would be higher than the Pheasantry to the north, they concluded that it would not be visually discernible to those passing by and would remain significantly lower than what is typical of urban and suburban areas. This demonstrates that higher density does not automatically result in a planning harm.
- 2.18. There is also no supporting evidence which demonstrates that the density of 12.5 hectares is appropriate or reasonable. Whilst the existing village may have an average density of 12.5 hectares (based on the NDP’s supporting text), a higher density can complement the character of the village if the wider design approach is acceptable (as evidenced through the above appeal decision).
- 2.19. Restricting the density of development would conflict with the Framework’s objective to make efficient use of land for development (paragraph 124). Therefore, the Policy needs to be reworded to reflect national guidance.

Policy HP2

- 2.20. Cotswold Homes objects to the wording of the proposed policy. HP2 is considered to conflict with Local Plan Policy H1, in support a mix of housing influenced by needs and demands in both the market and affordable housing sectors identified through the Strategic Housing Market Assessment.

² Planning Appeal Reference: APP/F1610/W/22/3296904 – Duke’s Field, Down Ampney



- 2.21. It is considered that the percentage requirements listed (i.e. 65% of homes shall be between one and three bedrooms) does not allow for market forces to dictate the demand and need as it fluctuates during the lifetime of the NDP and therefore conflicts with paragraph 16 of the NPPF. Furthermore, there is no definition of what constitutes “affordable” in the Plan. The potential for an onerous and unsubstantiated requirement arising in this Policy is obvious.
- 2.22. The same issue applies for the minimum 5% requirement for dwellings to be bungalows, which is likely to result in a longer-term risk on the deliverability of sites, in conflict with paragraph 69 of the NPPF and the overall objective of the Framework to boost the supply of housing.
- 2.23. Whilst Cotswold Homes does not raise any objections to the aspiration to provide homes suitable to meet the need of all generation, it is recommended that Policy HP2 is re-worded to address the above concerns, instead referencing the need to meet lifetime home standards to support the NDP’s aspirations.

Policy HP3

- 2.24. Cotswold Homes does not raise objections to the principle of new development needing to be designed to be compatible with the CDC Design Code and Down Ampney Design Guidance and Codes.
- 2.25. However, we raise objections to the final paragraph of the policy requiring Applicants to ensure development does not “materially diminish” after planning permission is granted.
- 2.26. The wording is obscure and unmeasurable. What does it mean to “materially diminish”? As such a planning condition could not be included in a planning decision (as it would conflict with paragraph 57 of the Framework) it is considered the requirement of the policy is unenforceable and conflicts with paragraph 16 of the Framework. To accomplish the objective of the above paragraph in the policy, it is considered that instead the policy should state that materials and landscaping should comply with the details submitted and approved as part of the planning application.

Policy HP4

- 2.27. Cotswold Homes objects to the Policy on the following basis.



- 2.28. The Policy introduces a series of green infrastructure sites across the village. Under the provisions of the Policy, development will only be permitted where it retains/protects/enhances the various functions of the GI. Cotswold Homes' concern is that such areas may be outside of its control enhancement of GI may simply not be possible. This potentially leads to undeliverable and unrelated requirements being placed on Applicants. As a result, this part of the Policy should be deleted.



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