

Down Ampney Neighbourhood Plan Regulation 14 Consultation

Representations on behalf of Cotswold Homes

In respect of:

Proposed Residential Allocation Reference DA2, Dukes Field & DA5A (Buildings at Rooktree Farm)

By:

McLoughlin Planning Ltd

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1.0 Introduction

- 1.1. Down Ampney Parish Council have published the Down Ampney Neighbourhood Development Plan (2021) (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 on that NDP in respect of its land interest on two allocations in Down Ampney, references DA2 (Dukes Field) & DA5A (Buildings at Rooktree Farm).
- 1.3. Whilst Cotswold Homes supports 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. 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. 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.
- 1.5. 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.’
- 1.6. 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.
- 1.7. 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 the Regulation 14 NDP currently meets the general terms of the basic conditions set out above, other than point (c) which needs to be addressed to ensure the NDP reaches an adoptable standard.
- 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.

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



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 3.5 (Landscape)

- 2.2. It is considered that the proposed language used under Objective LO1 conflicts 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. Whilst we raise no objections to the supporting proposed policies LP1 and LP2, we query why the notable vista point 2 on the supporting plan (figure 3.6) is directed from the western corner east, rather than from the eastern corner toward the church spire. Further detail on why the notable vistas are "notable" in the policy documents supporting text would be welcomed to help future applicants understand their relevance.

Section 4.5 (Infrastructure)

- 2.5. 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.
- 2.6. However, the associated proposed planning policies are considered to conflict with Local Planning Policy INF8, in their strict wording and are considered to unintentionally result in a conflict with paragraph 16(b) of the NPPF.
- 2.7. Policy IP1 states that larger developments consist of 5 or more dwellings. 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.



- 2.8. The requirement to consider “greater storminess” is not a terminology which can be quantified or measured in support of future planning applications. It is considered that the policy should be re-worded to reflect Local Plan policy INF8, the definitions of risk provided by the Environment Agency and PPG guidance on critical drainage areas and survey requirements.
- 2.9. The wording under Policy IP2 is also not compliant with paragraph 16(b)(d) of the NPPF in that it is not clearly worded and goes beyond a policy framework in directing new development.
- 2.10. The current wording reflects a planning condition, rather than a planning policy and is considered overly restrictive. The requirement to restrict development prior to occupancy should remain reserved for the decision-making process and be dictated depending on the individual cases necessity to provide further information on drainage where it is considered to result an impact the wider network.
- 2.11. Determining whether sewage which goes to Ampney St Peters is discharged into Ampney Brook is also not measurable and therefore unenforceable through the planning process. The requirements of the policy as currently written fall under control mechanisms which are outside of the planning system and therefore are not appropriate in planning policy.
- 2.12. Whilst we raise no objections to the principles and objectives of Policy IP3, it is considered that the policy does not provide sufficient flexibility for developments where SuDs may not be appropriate, restricting future deliverability in conflict with paragraph 16 of the NPPF.
- 2.13. In responding to the concerns with Policies IP2 and IP3, the NDP should review and choose wording better reflecting the requirements of Policy INF8 of the Local Plan, where greater flexibility has been incorporated into the language of the policy to ensure compliance with the NPPF.

Section 7.4 (Housing Density)

- 2.14. 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.
- 2.15. However, we have serious concerns about using density figures as a means 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).

- 2.16. 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.
- 2.17. 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.

Policy HP1

- 2.18. Proposed NDP policy HP1 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.
- 2.19. 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.
- 2.20. 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.
- 2.21. Notwithstanding, Cotswold Homes does not object to the aspiration of policy HP1 to provide homes suitable to meet the need of all generations. Therefore, it is recommended that proposed planning policy HP1 is re-worded to require all new homes to meet lifetime home standards.
- 2.22. These standards were introduced as a means of ensuring homes are designed to be functional for all occupants and visitors, including those with less agility and mobility. The standards set five overarching principles, which would need to be followed by developers to ensure future homes meet the needs of all.
- 2.23. In addition, consideration should be given to the wording of Local Plan policy H1, part 1 and supporting paragraph 8.1.3.



Policy HP2

- 2.24. Cotswold Homes has no objection to the principle of proposed policy HP2 in ensuring that new developments accord with the Cotswold Design Guide. Regarding the use of the 1995 Down Ampney Design Guide, this is significantly out of date and the principles would be covered by the Cotswold Design Guide and the National Design Guide.

Policy HP3

- 2.25. Cotswold Homes has no objection to the provision of policy to require affordable housing in accordance with the Local Plan.
- 2.26. However, planning policy cannot prescribe who can have access to the affordable housing, as this is managed by housing officers to ensure affordable housing is initially offered to local residents before moving further afield to provide for others in the District.
- 2.27. The proposed policy as written is unenforceable and conflicts with paragraph 16 & 34 of the NPPF. Furthermore, the policy conflicts with Local Plan Policy H2 (part 5), in ensuring the provision of affordable housing meets the needs of those throughout the District. The allocation of "who" gets the affordable housing is a matter controlled outside of the planning process by local housing officers and therefore not appropriate to include in planning policies.
- 2.28. There is also no definition of "key worker" in both the National Planning Policy or the Local Plan and therefore the terminology is not considered enforceable. Again, this is a matter controlled outside of the planning process.

Policy HP4

- 2.29. The Policy fails paragraph 16 of the NPPF in going beyond an aspiration and being undeliverable. The policy seeks to control matters which go beyond the planning system (i.e. the future occupants of affordable housing), which is specifically managed by housing officers after planning permission is granted.
- 2.30. The Policy would also conflict with the Local Plan, policy H2. It is strongly recommended that this Policy is removed from the NDP to ensure soundness.



Policy HP5

- 2.31. Cotswold Homes agrees that the provision of Green Infrastructure is important when designing and implementing new developments, in the interest of preserving local character and encouraging biodiversity net gain.
- 2.32. However, the proposed policy fails to comply with the requirements of paragraph 16 of the NPPF, as the policy risks the deliverability of future developments by restricting opportunities for applicants to amend planning permissions.
- 2.33. Furthermore, applicants have the right to apply for variations to planning permissions, particularly if amendments are required to ensure the deliverability of a development proposal. The Policy also has a negative connotation and implies that any variations are likely to result in a negative impact (in conflict with paragraph 16 of the NPPF). For example, amendments could be submitted which in fact improve the green infrastructure which this policy wording would not permit.
- 2.34. The principle of applicant's applying for variations to planning permissions cannot be restricted through planning policy, rather policies should seek to ensure any amendments can be managed to ensure compliance with social, economic, and environmental requirements (three strands of sustainability).
- 2.35. It is requested that this planning policy as currently drafted is removed and replaced with a planning policy which closely reflects the requirement of Policy EN4 of the Local Plan to ensure soundness of the NDP.

Section 8.2.1 (Landscape)

Policy LP1

- 2.36. Cotswold Homes raises no objections to proposed planning policy on protected key vistas and views.

Policy LP2

- 2.37. Cotswold Homes raises no objections to the allocation of local green spaces in the village.



Section 8.2.2 (Infrastructure & Housing)

- 2.38. Cotswold Homes notes that the policies provided under 8.2.2 and 8.2.3 are a repetition of the policies provided under section 4.5 and section 7.4 (already addressed above).
- 2.39. In the interest of compliance with paragraph 16 of the NPPF, it is recommended one of these sections is removed to ensure only one copy of the policies is within the document.

