

Down Ampney Regulation 14 draft: CDC Officer Comment.

May 2023

Please find below comments from **Cotswold District Council** (CDC) on the Down Ampney Neighbourhood Plan (NDP).

CDC acknowledges the work that has been put in by the authors of this NDP and commends them for their efforts, and commitment to full consultation.

The Council hopes that the following comments, observations and suggested amendments will assist with the progress on the plan through to submission and examination, which we anticipate later this year. In general these have been written to try to identify either points which in officers' opinion may not meet the Basic Conditions against which the NDP will be assessed, or where the wording used may be open to interpretation during the development management process.

Chapters 1-5

No comment, other than to say there is an error with the chapter numbering (i.e. chapter 5 landscape).

5.3.5 We strongly recommend you provide a justification and a boundary for the airfield, in order to present it as a non-designated heritage asset. The justification does not have to be extensive, but proportionate to make the case for the constraint this presents. In terms of mapping the boundary, please do advise if you would benefit from any assistance on this - as we are keen to map NDHAs on our own GIS systems, this may be something we can assist with.

Fig 4.6. The map shows "notable vistas" but does not indicate from exactly where the vista can be seen and looking in which direction, although there are photos. It would be helpful to confirm vistas are from publicly accessible locations e.g. a public footpath. When showing vistas it is common and good practice to show the direction and splay of the view/vista. In simple terms incorporate arrows within figure 4 showing the view point to the asset/environment of interest. Without which it will be difficult for the Local Planning Authority to conserve (suggest the word 'protect' rather than 'conserve') notable vistas. Please ensure the correct figure is being quoted also. Policy states fig 3.6 but it appears to be fig 4.6.

Policy LP2. We are not convinced the wording of the policy is quite correct, in terms of the implications of Local Green Space designation - this is an area where examiners have often made modifications, as the NPPF is very clear in terms of what LGS designation means - we'd note further that there is an instance where the courts have overruled a policy, while accepted that all the LGS themselves qualify. We would recommend you review the wording in the Local Plan Policy, and perhaps use this, to rely on the NPPF rather than risk an alternative interpretation. Without these changes it is likely the policy will not be in general conformity with the Local Plan and indeed national policy.

Chapter 5 Infrastructure – Roads, Transport, and Drainage

Support and welcome policies IP1 and IP2 to form part of the local development framework.

Chapter 6 Infrastructure: Community and Leisure

CP1 Protection of Existing Community Facilities.

We welcome a policy that identifies valuable community assets. We wonder whether there is a missing word, in the clause immediately under the list of assets -

‘when it is in accordance with relevant development **PLAN** and national planning policies.’

It could be helpful if the Reasoned Justification (the supporting text for the policy, not the policy ‘box’) directed the reader towards ‘INF2 of the Local Plan, or successor policies’ to make it clear what development plan policies this refers to.

Chapter 7 Economy and Employment, and Tourism

No comment

Chapter 8 Housing and Village Design

The title of this section refers to housing and design - while your focus is unsurprisingly on residential development, you may wish to make it clear that you have high design expectations of non-residential developments as well.

p.51, 8.5 You mention listed buildings – as noted in previous comments, we would have liked to see a review of Non-Designated Heritage Assets. Neighbourhood Plans are a great place to try to catalogue such – to try to afford them a bit more recognition through the planning system. That said, we are actively working on a Local Heritage List project, which will identify such assets outside of a neighbourhood plan, so there remains an opportunity to ensure such assets are identified in advance of development proposals.

HP1: Village Character and Housing Density

The Council encourages that this policy be reviewed, in particular to reflect on its purpose and the intended outcomes that it is trying to achieve. As written it is likely to not be in general conformity with national policy and the local plan. This policy is far too prescriptive and is normally seen in the reverse within metropolitan authorities that seek to ensure a minimum density is achieved on sites. There are likely to be unintended consequences of this policy, for example it is likely to promote large houses over smaller houses, it will affect the delivery of affordable housing in the district (as strategic policy) and overall site viability.

This policy is likely to promote unsustainable forms of development in the district and runs contrary to the Council’s transport decarbonisation strategies which seek to ensure good density and use of land in settlements to promote self sufficiency. National policy requires optimal use of land, the art is in the planning balance of various policies and material considerations ensuring densities protect and enhance the character of the area.

HP2 House Types: Inevitably, developers will seek to meet their smaller property quota through the affordable dwellings. It risks underserving evidenced local need - as it increases the risk that development doesn't provide family sized affordable dwellings. It should be noted that policy HP1 is likely to make the delivery of this policy difficult..

The wording of the policy may not provide sufficient certainty - the use of 'shall generally' and provision of a guide of up to 65%, coupled with a gentle exhortation to provide bungalows, means that the policy provides direction, but lacks clarity on the circumstances where these expectations might not apply.

HP3 Affordable Housing: This policy is superfluous, and thus we suspect would be recommended for deletion, by failing to meet the requirements of paragraph 16 of the NPPF. We suggest that if the authors of the plan feel it necessary to flag that the Local Plan policy stands, this should be done in the supporting text or another device, but not a policy 'box'.

We note that affordable housing and key worker housing are two distinct and separate tenures – although plenty of key workers will qualify for various affordable tenures

HP4 Maintaining Housing for People with a Local Connection: The policy and the NDP does not offer a definition for the concept of Local Connection. However, we suspect this would generally mean a direct connection with the village - residency, work, family connection - and often cascades out to surrounding parishes. However, such an interpretation would not be in general conformity with the strategic policies of the Local Plan. Principal settlements, of which Down Ampney is one, accommodate a share of district housing need, fulfilling a role wider than accommodating local needs only. It should be noted that policy HP1 is likely to make the delivery of this policy difficult

By way of assurance, Cotswold District and its housing partners operate a choice based letting process, which has proved an effective tool at matching people's housing needs with a location that suits.

Affordable housing cannot be secured in perpetuity except in very particular circumstances, as occupants have a right to buy/right to acquire (the first applying to Local authority owned properties, the second to properties owned by a registered social landlord).

HP5: Design of New Development in Down Ampney

We have some doubt over whether the final section of the policy really works - how would it be used at the application stage? Do you expect all the usual details that are dealt with by condition (e.g. landscape scheme) to form part of the initial application submission? We endorse the position of not diluting the quality of development as the planning process progresses, and direct you to para 135 in the NPPF that seeks to address this.

Design Guide

We note that the Cotswold Design Code will be extensively updated and extended as part of the partial review of the local plan.

2.3.1 A more detailed analysis of the landscape in that area can be found in the CWP integrated landscape character assessment -
<https://www.cotswold.gov.uk/planning-and-building/landscape/landscape-character/>

2.3.1 It should be noted that the Zone of Influence for North Meadow is currently being reviewed.

p.25 Under built form - it states "The historic estates vary in building height..." It would be helpful to clarify whether this means 'housing estates', as the term could equally be read as a reference to grander houses and their grounds. We're unsure of the intention behind the HE website reference.

p.42 para 03 We would recommend amended the reference to "low maintenance gardens" - you can have a low maintenance garden which is wildlife friendly. It would be better to recommend the avoidance of extensive hard surfaces.

We welcome the encouragement this guide provides on sustainable design, and the well-sourced detail on the existing buildings, but we wonder whether the guide could provide more direction on how these can work together. There's some positive mention of biodiversity opportunities, and we note that shortly biodiversity net gain will in fact be mandatory. The checklist is helpful.

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