

Item No 01:-

17/03826/REM

**Land At Broadway Farm
Down Ampney
Gloucestershire**

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Reserved Matters Application in conjunction with outline planning permission reference 15/01567/OUT for demolition of redundant buildings and redevelopment with up to 44 dwellings at Land At Broadway Farm Down Ampney Gloucestershire

Approval of Reserved Matters 17/03826/REM	
Applicant:	Sanctuary Group
Agent:	IDP Planning
Case Officer:	Claire Baker
Ward Member(s):	Councillor David Fowles
Committee Date:	11th April 2018
RECOMMENDATION:	PERMIT

UPDATE: THIS APPLICATION WAS DEFERRED FROM THE MARCH 2018 MEETING OF THIS COMMITTEE TO ALLOW FOR FURTHER DISCUSSION TO TAKE PLACE BETWEEN THE LOCAL LEAD FLOOD AUTHORITY AND THE APPLICANT

Main Issues:

The main issues to consider in respect of this application are as follows:

- (a) Scale, Design and Landscaping
- (b) Trees and Biodiversity
- (c) Highway matters
- (d) Neighbour amenity
- (e) Drainage
- (f) Other matters

Reasons for Referral:

Ward Member Councillor Fowles required determination by the Planning Committee in order for Members to consider the impact of the development on existing residential properties in Linden Lea.

1. Site Description:

The site is un-used agricultural land located within the village of Down Ampney. It comprises a parcel of land, measuring 3.2 hectares in area to the north of the main road that runs through the village. The site is located to the south east of the modern housing development at Linden Lea and to the north east of the village hall, playground and sports facilities. To the west are open fields. A footpath runs across the site from Linden Lea to the village hall and the facilities and there is a tree that is subject to a Tree Preservation Order towards the front of the site. The site is within the Cotswold Water Park.

2. Relevant Planning History:

13/01667/OUT Demolition of barns and erection of up to 22 residential units (of which up to 50% would be affordable). Permitted 1 April 2014.

15/01567/OUT Demolition of redundant buildings and redevelopment with up to 44 dwellings (all matter reserved except for access) Allowed on appeal on 3 March 2016.

17/03995/COMPLY Compliance with conditions 5 (landscape), 6 (CMS), 7 (drainage), 8 (drainage), 9 (drainage), 10 (drainage), 16 (illumination) and 17 (contamination) - Demolition of

redundant buildings and redevelopment with up to 44 dwellings (all matter reserved except for access). Currently under consideration.

3. Planning Policies:

NPPF National Planning Policy Framework
 LPR09 Biodiversity, Geology and Geomorphology
 LP10 Relocation of Farmsteads
 LPR21 Affordable Housing
 LPR38 Accessibility to & within New Develop
 LPR39 Parking Provision
 LPR42 Cotswold Design Code
 LPR45 Landscaping in New Development
 LPR46 Privacy & Gardens in Residential Deve

4. Observations of Consultees:

Conservation Officer: Comments incorporated into the report

Landscape Officer: Comments incorporated into the report

Biodiversity Officer: Comments incorporated into the report

Housing enabling Officer: No objection.

Tree Officer: Comments incorporated into the report

Highway Officer: No objection

5. View of Town/Parish Council:

Down Ampney Parish Council object to this application on a number of grounds.

1. Road layout: We strongly believe this design will simply become a rat-run for cars, which will make it extremely dangerous for children and parents with pushchairs in particular. Given that the development consists of 50% of social housing, which generally attract more, younger people and thus more children, we cannot see that it will be a safe place for them.

We further believe that the fact there are no pavements makes it even more of a dangerous layout, particularly young children using the road. Whereas adults have a fairly well developed sense of differentiation, young children need to know their boundaries. They would regard an undifferentiated road as an area to walk and run out on with the obvious danger of being hit by cars using the road.

We appreciate that Sanctuary Housing have altered the layout slightly to add one footpath but we believe they need to go further to secure the safety of the future residents. We would expect footpaths to be added to all sides of the road around the development.

2. Entrance to the development: We have strong concerns regarding the sight lines onto the main road at the entrance of the development. In the original plans, it was proposed that the wall at the corner with the cottage to the east side would be rounded off to aid sight lines. We understand that this isn't possible now as Sanctuary do not own these properties (we would reference Engineering Layout drawing SAN11). DAPC therefore believe the entrance road must be moved further west to improve sight lines towards the sharp bend heading out of the village.

3. House design: Overall we are pleased to see the points from our Down Ampney Design Statement have largely been taken into consideration. However there are some areas which are still in conflict with the Down Ampney Design Statement:

- a. The red brick bungalows and maisonettes;
- b. The red tiled roofs;

- c. The red brick garages;
- d. The brick chimneys.

The vernacular of Down Ampney is stone throughout the village which is in line with the Down Ampney Design Statement. It is a rural village and introducing brick buildings is a drift into urbanisation.

4. Houses backing onto Linden Lea in NE corner of development - we are very concerned and object to this area of the development and firmly believe that there should be a formal buffer here between the development and Linden Lea development to retain the open nature of Down Ampney which delineates the areas of development throughout the village, which again is in line with our Design Statement. Any proposed fencing/additional screening must be discussed and agreed with existing residents on the development boundary.

Further to this point we also still have serious concerns over the proximity of plot 44 to 10/11 Linden Lea and believe this plot in particular must be moved to make it less obtrusive.

A further general comment we would make is that on the engineering layout drawing SAN11 there appears to be pictorial conflict on the northern boundary to Linden Lea, which must be clarified.

Finally we would also reiterate our comments made on application number 17/03995/COMPLY:

On the whole the surface water proposals seem to be sensible. However the main issue lies outside the site and on this we would make the following points with reference to the Flood Risk Assessment and Drainage Management Strategy document.

1. In point 2.3.1 of the report the figures included have been transposed and are the wrong way round.
2. Discharge from the site is to a ditch at the southern part of the site. This connects with a pipe that in turn connects to the highway drainage. This then connects to a land drain pipe that crosses private land between the main road and the Kempsford/Marston Meysey road and across farmland to a ditch that flows not to Ampney Brook but to swampy land to the north of the old airfield. This is shown on the drawing in Appendix N. How will these areas cope with the additional water from the development and what problems will be caused in these areas?
3. Our largest concern is that the land drain and ditch will not have the capacity to take the additional peak flows (10 litres/sec) together with the highway drainage and additional field discharge in a peak rainfall event. This MUST be fully surveyed and properly checked BEFORE any work is carried out - this must be a pre-condition of works.
4. Para 4.7 is incorrect. Flooding has occurred in the road served by the highways drain to which the discharge from the site will be connected. In the past the house, Little Court, has been flooded. This is also borne out by Fig 4 (para 4.4.1) which shows a risk, albeit low, for flooding in the two roads precisely at the point where the highways drain connects to the land drain.
5. The pipe coming south of the development which is to be used to take water away from the site was originally used for slurry from the area. It would need to be confirmed that this pipe is actually clear. Is the pipe actually functioning? It did not work when the village flooded in 2007 as the water remained on the ground and did not flow away in the pipe and in fact travelled down through Little Court and the Laines Farm development to the west of the Broadway Farm land.
6. Our experience is that the land to the northwest of the development is prone to flooding and no work has been carried out by any organisation to alleviate this. It should further be noted that this area has only flooded since the development of the 38 houses on Linden Lea in 2002/3 so a further 44 dwellings will only exacerbate this problem.
7. Para 5.6.3 states that Gloucestershire County Council have agreed to the connection but it seems strange that the connection point will be between manholes apparently designated to Thames Water but are not a public foul sewer.

8. We would request that this information is passed to Laurence King (Flooding and Drainage Officer at CDC) and that he make a site visit with members of DAPC to discuss the history of the site.

With regard to foul water we would make the following points:

1. We would point out that historic evidence shows that the pumping station at the other end of the village to the development opposite Red House cannot cope with the existing number of dwellings. It regularly floods and Thames Water already struggles to keep it clear in the winter.
2. We would refer you to point 18 on page 4 of the Appeal Decision document, which states 'Drainage is a concern, and Thames Water confirms that the current sewerage network is unable to accept further development. There is agreement, though, that works could be undertaken to resolve the problem, and as such this is a matter which can be controlled by condition.' We are aware of a letter from Thames Water dated 26 July 2016, which stated that they had 'no concerns' in dealing with the discharge from an additional 44 houses in the village. We can confirm that in the interim period between the appeal and this letter (and indeed up to the current date) we are not aware of any remedial works having been undertaken by Thames Water to improve this situation to enable them to make the claims that they have in the July 2016 letter.
3. Further to this, in the past, engineers from Thames Water have said to members of the Parish Council that the biggest issue in Down Ampney is the fact that the pipe going from the village to the processing plant is only 4" in diameter when it should be 6". During the appeal process for the outline planning application Thames Water could not guarantee that the infrastructure for sewage and foul water would be adequate for an additional 44 homes in the village. Since then we are not aware of or have seen any evidence of any works being carried out by Thames Water to improve this situation. The only works we have seen are containers removing excess sewage from the pumping station at the west of the village, which couldn't cope with the volume. There is an historic problem of inadequate sewage and foul water drainage in the village and it is a significant problem.
4. We would also refer you to points 7 and 8 on page 8 of the Appeal Decision which also detail works that must take place prior to any development being started. We understand from Fairford Town Council that these technical surveys should have been carried out on one of the new developments in Fairford. However, according to one of the town councillors, no technical surveys were performed prior to the development starting they still do not know whether their system is going to cope with the number of new houses in Fairford. This must not happen on this development. There should be a pre-condition that connection takes place and is inspected to ensure outflow can be handled prior to any work being started

6. Other Representations:

10 objections received raising the following issues:

- (i) Developers, consultants and architects are being paid a lot of money to put as many houses as they can on a stupidly small bit of land to make as much money as possible with no thought at all for anything else, nobody actually reads the comments and a sensible answer is not expected from anybody who knows what they are doing;
- (iii) Lakes are shown as part of the SUDs scheme but no mention is made of who pays for the maintenance or safety screening;
- (iv) one footpath is still inadequate for the overall development as the lack of footpaths is dangerous for walking and cycling especially as the number of children would be increased by the development;
- (v) the site has been subject to flooding on many occasions and if work is not done in advance of this development, the current system would be unable to cope with the run off of both fresh and waste water that 44 more houses would bring and this would affect not only the site but the village as well;
- (vi) the access to the site is a concern on safety grounds as there has been a number of near misses already since the start of ground works at the site which has forced the occupants of the 2 cottages by the proposed entrance to park their cars on the road outside of their properties;

- (vii) the road has 2 blind bends in close proximity to the entrance and with the increase of traffic driving through our village add to this 44 houses with 2 cars each going in and out of the development it's an accident waiting to happen;
- (viii) Plot 44 is in too close proximity to 10 and 11 Linden Lee as it would block out sunlight and there is there is adequate space to reposition all 44 houses thus enabling a green corridor to circumnavigate the development ensuring an acceptable buffer between existing resident's and the new development.
- (ix) the boundary behind the properties affected by the development has been moved nearer to properties that back onto the development;
- (x) concerned about the large tree which is within the boundary of 7 Linden Lee and is shared by neighbours at 8 & 9 Linden Lea and would like confirmation that the tree will remain within our boundary;
- (xi) Plot 39 is too close to 24A Down Ampney and it would overlook the garden and bedrooms of this bungalow as the proposed velux is not high enough in the roof to ensure privacy and the bedroom 5 and landing window would give rise to overlooking;
- (xii) the hedge between plot 39 and 24A (known as H15 on the plans) is identified to be removed to allow the development plan to go ahead but this hedge is within the boundary of 24A and the hedge should remain to aid privacy, the hedge at the front of 24A (known as H17 on the plans) is also identified to be removed and once removed would allow open access to/from 24A to the development detracting from security and privacy to our property. If the hedge does need to be removed then we would want something put back in its place, to provide the similar level of security and privacy;
- (xiii) The front doors of all 4 maisonettes are facing to the road and there is a concern that this will encourage parking on the main road for both occupants and visitors to these dwellings as opposed to using their allocated parking at the rear, therefore adequate measures should be in place to prevent parking/access to the dwellings from the main road or change the floor plans to ensure access to the properties can only be made from the rear where the parking spaces are on the plan;
- (xiv) The current sewage system cannot cope with another 44 dwellings;
- (xv) The whole surface water drainage strategy is predicated on connecting the site drainage to the highway drain that discharges via a 300mm pipe which in turn discharges to a field ditch that flows to a swampy area to the north of the old airfield. There is no assessment of the capacity of the system downstream of the site. The road near the entrance to the site and to the west is already prone to ponding which in the past has led to flooding of Littlecourt. The field ditch also drains many hectares of farmland. The addition of another 10 litres/sec into the system is likely to exacerbate the problems in the roadway. A proper assessment should be made of the total system to prove that it has the capacity.
- (xvi) The residents whose homes abut the new development have asked that a buffer zone be created between the old and new developments as per the Chesterton development;
- (xvii) Shared surface roads are a safety concern and are not adequate for blind people who lose their kerb reference;
- (xviii) There is dispute regarding the boundary of the site and the boundary of houses in Linden Lea and the ownership of hedges and trees which should be resolved before any permission is granted;
- (xix) With regard to the handling of waste and foul water, an open transparent plan of how the new owner has calculated the loadings underwritten by an independent agency considering weather predictions produced by government and local agencies should be provided and the number of houses finalised afterwards;
- (xx) With regard to safety there should be an independent agency to produce a prediction of traffic generation to decide what measures are required.
- (xxi) Down Ampney cannot sustain the proposed amount of development including the roads;
- (xxii) There are potential problems with the proposed drainage solution outside of the site;
- (xxiii) Height levels and gradient of the land are important for surface water drainage and the site has had its top level of soil removed for an archaeological dig. A survey should be made to ensure that the original height and gradient of the site has been maintained.
- (xxiv) The main foul sewer is at capacity and no permission should be given without the agreement of Thames Water.
- (xxv) Brick garages bordering existing properties should be changed to recon stone;
- (xxvi) The hours of work on Saturday should be changed to comply with Inspector's condition 22.

(xxxi) Although pleased to see the reinstatement of velux windows in plot 39, the new window in the rear elevation will give rise to overlooking of 24A Down Ampney.

7. Applicant's Supporting Information:

Design and access statement
Arboricultural method statement and tree protection plan.
Landscape plan

8. Officer's Assessment:

Background

Outline planning permission was granted on appeal following the refusal by the District Council of application 15/01567/OUT, which was an outline application for the demolition of redundant buildings and redevelopment with up to 44 dwellings (all matter reserved except for access). Access would be constructed off the man road that passes through the village.

The Inspector allowed the appeal subject to conditions and a Section 106 Legal Agreement, which included the requirement to provide 22 units (50%) of affordable housing, public open space and to ensure the long term management of the public open space and the sustainable urban drainage system (SUDS). There was also an agreement to secure library contributions.

This principle of the development has therefore been established with the conditions imposed by the Inspector. A copy of the Inspector's letter, with conditions, is attached as an appendix to this report.

The current application consequently seeks approval of the Reserved Matters following the grant of outline permission, and addresses the details of appearance, landscaping, layout and scale.

(a) Scale, Design and Landscaping

Section 7 of the NPPF requires good design in all development and para 61 states that good design goes beyond aesthetic considerations and therefore planning decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.

Policy 42 of the Local Plan states that development should be environmentally sustainable and designed in a manner that respects the character, appearance and local distinctiveness of the Cotswold District. Emerging Plan Policy EN2 is consistent with Policy 42 and the provisions of the NPPF and therefore carries some weight in the consideration of this application.

This application seeks approval for the detailed siting and design of 44 residential units, of which 22 would be affordable. The units would mostly be 2 storeys other than 1 single storey dwelling, with the appearance of an outbuilding, of a traditional vernacular appearance, and would be a mixture of detached and semi-detached dwellings. The proposed walling materials would be a mixture of natural stone, reconstructed stone and brick and the roofing materials would be artificial stone tiles, natural slate and plain clay tiles. The proposed layout includes the provision of an area of communal open space at the front of the site adjacent to the main road and a further area of open space at the western and south western boundaries.

The design and layout of the proposed dwellings has been subject to discussion between Officers and the applicant and has been amended in response to concerns that Officers have raised. This has included discussion over the siting, form, design and details of the units as well as boundary treatments. Officers are now satisfied that the proposed development is acceptable and in accordance with Policy 42 of the Local Plan and Section 7 of the NPPF.

Paragraph 17 of the National Planning Policy Framework states that the planning system should recognise the intrinsic character and beauty of the countryside. Policy 45 of the Local Plan states that high standards of appropriate landscaping should be required in all developments and any attractive landscape features such as trees, hedgerows and other wildlife habitats should be retained and integrated into all landscaping schemes. The proposed layout incorporates areas of

public open space and a detailed landscaping scheme has been submitted which includes details of planting. Officers consider that the proposed public open space provision and landscaping scheme is acceptable, commensurate with the scale of the development and helps to integrate the development into its surroundings.

(b) Trees and biodiversity

Policy 10 of the adopted Local Plan states that development that would destroy, or adversely affect a tree protected by a Tree Preservation Order will not be permitted unless the removal of the tree would benefit the character or appearance of the area; or is in the interests of good forestry or arboricultural practice. Emerging Plan Policy EN7 is consistent with Policy 10 and the provisions of the NPPF and therefore carries some weight in the consideration of this application.

There is a tree protected by a Tree Preservation Order located to the front of the applications site. Condition 20 attached to the outline planning permission, allowed at appeal, requires that an Arboricultural Method Statement and Tree Protection Plan be submitted with any reserved matters application. The Tree Officer has confirmed that, following the receipt of amended arboricultural information, he is satisfied that the proposal would not adversely impact on the protected tree and that condition 20 has been satisfactorily complied with.

Policy 9 of the adopted Local Plan states that where development is permitted, the authority will consider the use of conditions or planning obligations to ensure protection and enhancements of the site's nature conservation interest. Emerging Plan Policy EN8 is consistent with Policy 9 and the provisions of the NPPF and therefore carries some weight in the consideration of this application.

Section 11 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible.

The Biodiversity Officer has confirmed that there is no objection to the proposed landscaping scheme from an ecological point of view. In addition condition 5 of the outline permission, allowed on appeal, requires that a detailed ten year landscape and ecological enhancement management plan be submitted for approval prior to the development taking place. This is currently under consideration as part of the corresponding condition compliance application (see Relevant Planning History) and further information has been sought as part of the on-going consideration of the latter application. The full list of conditions forms part of the Inspector's Decision Letter which is attached as an appendix to this report.

(c) Highway matters

Local Plan Policy 38 seeks to ensure sustainable development and safe access to and within development and Policy 39 seeks to ensure adequate parking provision. Section 4, Paragraph 32 of the NPPF states that; "Development should only be prevented or refused on transport grounds where the residual cumulative impacts of the development are severe."

The acceptability of the new access to the site and the issue of the impact of the proposed development of 44 residential units on the highway network were considered at the appeal and are therefore not Reserved Matters. The Inspector commented that the traffic resulting from the proposed development would be likely to be modest and noted that the access details had been agreed with the Highway Authority. He concluded that the new development would have no adverse impact on the safety of road users. The only highway matter for consideration as part of this reserved matters application, therefore, is the acceptability of the internal access roads and parking provision. The Highway Officer has confirmed that he is satisfied with the proposals from a highway point of view and considers them to accord with Local Plan Policies 38 and 39. The applicant's response to concerns raised by the Parish Council and other objectors concerning the internal highway layout is attached as an appendix.

(d) Neighbour amenity

Local Plan Policy 46 seeks to protect residential amenity. In particular, it states that care needs to be taken when considering the design and layout of new residential development, including extensions to existing dwellings, and that privacy and daylight to neighbouring properties is not adversely affected.

Section 7 of the NPPF requires good design in all development and para 61 states that good design goes beyond aesthetic considerations and therefore planning decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.

The application site is bounded to the north by two storey properties in Linden Lea. There is also a detached property, 24a Down Ampney located to the north-east. There are 6 proposed dwellings located adjacent to the north and north eastern boundary. The rear elevations of four of the proposed dwellings face the boundary. The interface distance between these elevations and the rear elevations of the properties in Linden Lea, exceeds the 21 metres which has been established by appeal Inspectors to be an acceptable interface distance, and which therefore forms the basis of the guidance that is used to support the adopted Local Plan policy. Two of the properties are orientated so that their side elevations are facing existing properties. There are no first floor windows in the side elevation of plot 44 facing the rear elevations of properties in Linden Lea. Originally there was a first floor window in a side elevation of plot 39 that is set back from the boundary with 24a Down Ampney. It was not considered that this window would give rise to significant overlooking of the adjacent property as the interface distance between this window and the side elevation of the adjacent property would meet the 21 metres referred to above. However, at the request of the owners of 24a, the layout of plot 39 has been amended so that this window has been relocated to the rear elevation and the original window replaced by velux windows.

Officers are therefore of the view that the proposal would not have an adverse material impact on the residential amenity of the occupiers of neighbouring properties in terms of loss of light or loss of privacy, and that the layout therefore accords with the provisions of the NPPF and Local Plan Policy 46.

(e) Drainage

Drainage and flood risk is not being considered as part of this reserved matters application. At the appeal the Inspector attached four conditions to ensure that drainage issues are addressed prior to any development taking place. The list of conditions forms part of the Inspector's letter which is attached as an appendix to this report. The applicant submitted a compliance application to satisfy these conditions but, due to the further information that is being sought by the relevant consultees, the Local Lead Flood Authority (LLFA), the Council's engineers and Thames Water, the compliance application in respect of the drainage conditions has been withdrawn. Further work is currently being undertaken in order to comply with the drainage conditions and a further compliance application will be submitted when this work has been completed. The Local Lead Flood Authority originally objected to the reserved matters application as the drainage issues had not been resolved. However, in view of the fact that drainage and flood risk is not a matter under consideration as part of the reserved matters application the LLFA has withdrawn its objection. The LLFA's consultation response is attached as an appendix to this report. The concerns of the Parish Council have been forwarded to the Local Lead Flood Authority.

(f) Other matters

There is currently a land ownership dispute between the owners of properties in Linden Lee and the developer. The developer's agent has confirmed that the developer has been in discussions with a number of the owners of properties in Linden Lea which back onto the application site as the owners have questioned the position of the boundary between the respective ownerships. The disputed area of land is modest and has no material effect as a planning consideration on the proposed layout, as indicated on the site layout and therefore is a matter to be resolved between the developer and the third parties. As such, this is not a matter that needs to be taken into

consideration as part of the assessment of this application. Officers will update Members on any progress on this issue at the Committee meeting.

9. Conclusion:

The principle of development of up to 44 dwellings upon the site has been established through the granting of the outline planning permission at appeal, with the means of access having also been approved. Having had regard to all of the relevant planning considerations described within this report it is considered that the proposal is an acceptable form of development, the design of which would integrate with the existing village and would therefore accord with the policies in the Development Plan and the NPPF. Members will be updated on proposed conditions on the additional pages.

10. Proposed conditions:

The development shall be started by 3 years from the date of this decision notice.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

The development hereby approved shall be implemented in accordance with the following drawing number(s):

P001 REV D, MD001 REV D, P01 Rev A, EL01,02 Rev A, EL02, EL03, PL03 Rev A, EL04, EL05, PL04 Rev A, EL06, EL07, EL08, PL05 Rev A, EL09, EL10, EL11, EL12, PL06 Rev A, EL13, EL14, EL15, PL07 Rev A, EL16, EL17, EL18, PL08 Rev A, EL19, PL09 Rev A, EL20, PL10 Rev A, EL21, PL11 Rev A, EL22, PL12 Rev A, EL23, PL13 Rev A, EL24, PL14 Rev A, EL25, EL26, GAR01, GAR02, GAR03, FAR04, GAR05, LA3058 -004 Rev A.

Reason: For purposes of clarity and for the avoidance of doubt, in accordance with paragraphs 203 and 206 of the National Planning Policy Framework.

The external walls of the development hereby permitted shall be built of natural Cotswold rubble stone, reconstituted Cotswold rubble stone and red brick, and shall be permanently retained as such thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that in accordance with Cotswold District Local Plan Policy 42, the development will be constructed of materials that are appropriate to the site and its surroundings. It is important to protect and maintain the character and appearance of the area in which this development is located.

The roof slopes of the development hereby permitted shall be covered with, artificial Cotswold stone tile (laid to diminishing courses), plain clay tile and natural blue slate, and shall be permanently retained as such thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that, in accordance with Cotswold District Local Plan Policy 42, the development will be constructed of materials that are appropriate to the site and its surroundings. It is important to protect and maintain the character and appearance of the area in which this development is located.

Prior to the construction of any external wall of the development hereby approved, samples of the proposed walling; natural walling stone, reconstituted walling stone, reconstituted stone for architectural details, red brick and dry walling stone, and proposed roofing materials; artificial stone tile, plain tile and natural blue slate, shall be approved in writing by the Local Planning Authority and only the approved materials shall be used unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that, in accordance with Cotswold District Local Plan Policy 42, the development will be constructed of materials of a type, colour, texture and quality that will be appropriate to the site and its surroundings.

Prior to the construction of any external wall of the development hereby approved, sample panels of walling of at least one metre square in size showing the proposed stone colour, coursing, bonding, treatment of corners, method of pointing and mix and colour of mortar for the natural stone walling, reconstituted stone walling and bonded garden boundary walling, including capping, shall be erected on the site and subsequently approved in writing by the Local Planning Authority and the walls shall be constructed only in the same way as the approved panels. The panels shall be retained on site until the completion of the development.

Reason: To ensure that in accordance with Cotswold District Local Plan Policy 42, the development will be constructed of materials of a type, colour, texture and quality and in a manner appropriate to the site and its surroundings. Retention of the sample panel on site during the work will help to ensure consistency.

Prior to the construction of any external wall of the development hereby approved, a sample panel of brick walling of at least one metre square in size showing the proposed brick colour, coursing, bonding, treatment of corners, method of pointing and mix and colour of mortar and a sample panel of drystone walling, shall be erected on the site and subsequently approved in writing by the Local Planning Authority and the walls shall be constructed only in the same way as the approved panels. The panels shall be retained on site until the completion of the development.

Reason: To ensure that in accordance with Cotswold District Local Plan Policy 42, the development will be constructed of materials of a type, colour, texture and quality and in a manner appropriate to the site and its surroundings. Retention of the sample panel on site during the work will help to ensure consistency.

All door and window frames shall be recessed a minimum of 75mm into the external walls of the building and shall be permanently retained as such thereafter.

Reason: To ensure the development is completed in a manner sympathetic to the site and its surroundings in accordance with Cotswold District Local Plan Policy 42.

No bargeboards or eaves fascias shall be used in the proposed development.

Reason: To ensure the development is completed in a manner sympathetic to the site and its surroundings in accordance with Cotswold District Local Plan Policy 42.

All windows and doors shall be of timber construction and shall be permanently retained as such thereafter.

Reason: To ensure the development is completed in a manner sympathetic to the site and its surroundings in accordance with Cotswold District Local Plan Policy 42.

Prior to the first occupation of the development hereby permitted, the windows and doors, including garage doors, timber porch canopies, posts, gates, block paving post-and-rail fencing, trip rails close boarded fencing and railings shall be finished in a colour to be first submitted to and approved in writing by the Local Planning Authority and shall thereafter be permanently retained in the approved colour unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the development is completed in a manner sympathetic to the site and its surroundings in accordance with Cotswold District Local Plan Policy 42.

No ridges, verges, eaves, valleys, chimneys, lintels, sills, reveals, windows including bay windows, window surrounds, doors, porches, garage doors, gates, post-and-rail fencing, trip rails and railings shall be installed/inserted/constructed in the development hereby approved, until their design and details have been submitted to and approved in writing by the Local Planning Authority.

The design and details shall be accompanied by drawings to a minimum scale of 1:5 with full size moulding cross section profiles, elevations and sections. The development shall only be carried out in accordance with the approved details and retained as such at all times.

Reason: To ensure the development is completed in a manner sympathetic to the site and its surroundings in accordance with Cotswold District Local Plan Policy 42.

Prior to the commencement of the development hereby permitted, plans showing the existing and proposed ground levels at the site, the finished floor levels, the eaves and ridge heights of the proposed building(s) and any neighbouring buildings adjacent to the site, shall be submitted to and approved in writing by the Local Planning Authority (such levels and heights shall be datums above sea level). The development shall only be carried out in accordance with the agreed details.

Reason: It is important to clarify the levels and height of the development in relation structures both on and off the site. The information is necessary to allow the impact of the development to be accurately assessed. These details need to be established prior to the commencement of development in order to ensure that groundworks and slab levels are clearly established thereby avoiding future ambiguity over the height of the development.

Prior to the first use/occupation of the development hereby approved, a comprehensive landscape scheme shall be approved in writing by the Local Planning Authority. The scheme must show the location, size and condition of all existing trees and hedgerows on and adjoining the land and identify those to be retained. It must show details of all planting areas, tree and plant species, numbers and planting sizes. The proposed means of enclosure and screening should also be included, together with details of any mounding, walls and fences and hard surface materials to be used throughout the proposed development.

Reason: To ensure the development is completed in a manner that is sympathetic to the site and its surroundings in accordance with Cotswold District Local Plan Policy 45.

The entire landscaping scheme shall be completed by the end of the planting season immediately following the completion of the development or the site being brought into use, whichever is the sooner.

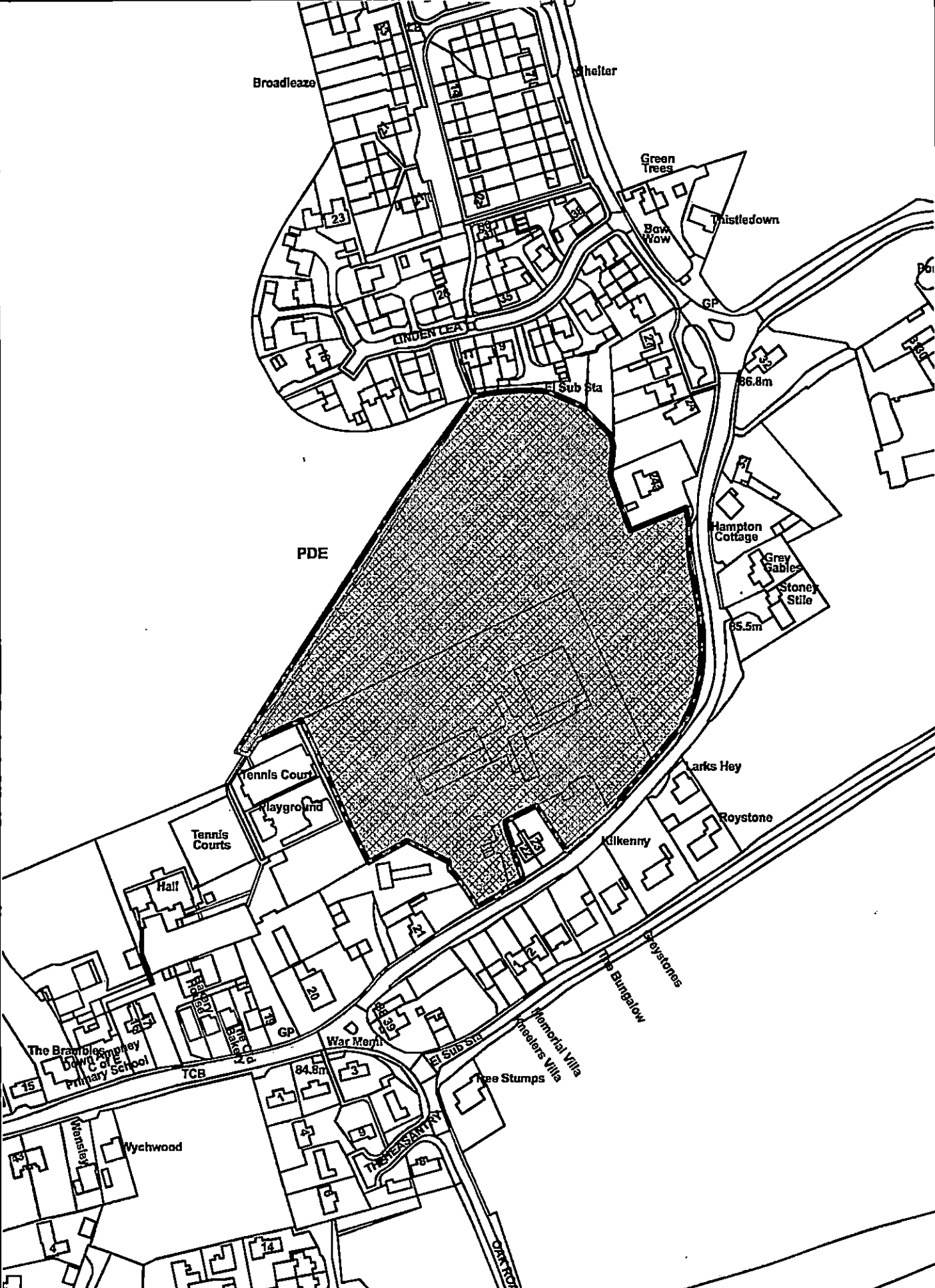
Reason: To ensure that the landscaping is carried out and to enable the planting to begin to become established at the earliest stage practical and thereby achieving the objective of Cotswold District Local Plan Policy 45.

Any trees or plants shown on the approved landscaping scheme to be planted or retained which die, are removed, are damaged or become diseased, or grassed areas which become eroded or damaged, within 5 years of the completion of the approved landscaping scheme, shall be replaced by the end of the next planting season. Replacement trees and plants shall be of the same size and species as those lost, unless the Local Planning Authority approves alternatives in writing.

Reason: To ensure that the planting becomes established and thereby achieves the objective of Cotswold District Local Plan Policy 45.

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any other statutory instrument amending or replacing it, no garages, outbuildings or extensions shall be erected, constructed or sited nor means of enclosure erected within the development site, other than those permitted by this Decision Notice.

Reason: It is in the interests of visual amenity, in accordance with Cotswold District Local Plan Policy 42.



LAND AT BROADWAY FARM DOWN AMPNEY

Scale: 1:2500

Organisation: Cotswold District Council

Department:

Date: 02/03/2018



COTSWOLD



NORTH



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Private Housing		Total	
Type A	2 bed house	826	7
Type B	3 bed house	1200	7
Type C	4 bed house	1821	3
Type D	4 bed house	1622	3
Type E	4 bed house	1798	4
Type F	3 bed house	2182	4
Type G	3 bed house	2050	4
Private Housing		8698	22
Affordable Housing		Total	
Type H	1 bed flat	508	2
Type I	1 bed flat	647	2
Type J	1 bed bungalow	627	2
Type K	2 bed house	827	4
Type L	2 bed house	806	3
Type M	2 bed house	806	3
Type N	3 bed house	1023	4
Type O	3 bed house	1022	2
Affordable Housing		5232	22
Total		13930	44

● Indicates affordable housing

Code	Description	Area (sqm)	Area (sqft)
D	23.51% (Residential)	129	138
C	13.31% (Existing General Residential)	128	138
A	19.51% (Affordable Housing)	128	138
E	19.51% (Residential)	128	138

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PLANNOVA
 PLANNING
 Former Broadway Farm, Down Ampney
 Site Layout
 Scale: 1:1,500
 Date: 01.02.17
 Drawn: TKB
 Checked: C2973
 Approved: P001 Rev D
 IPP GROUP, 21 WICKHAM PLACE, CHICHESTER, WEST SUSSEX, PO19 1JL
 TEL: 01243 782278 FAX: 01243 782276
 WWW.IPP-ARCHITECTS.CO.UK

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notes
 All plans shown 'as' hand, please refer to the site layout for specific handings of each plot



Front Elevation



Side Elevation



Rear Elevation



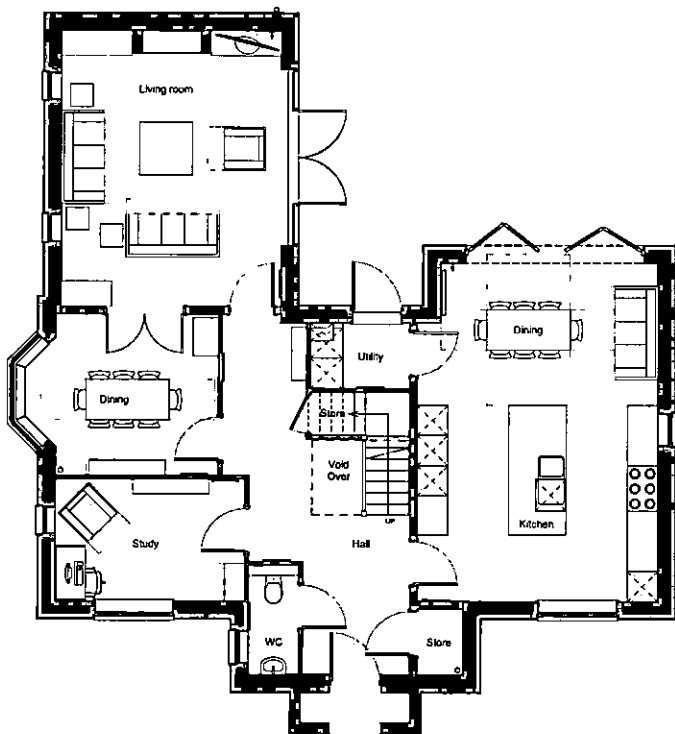
Side Elevation

Type F - Plot 39

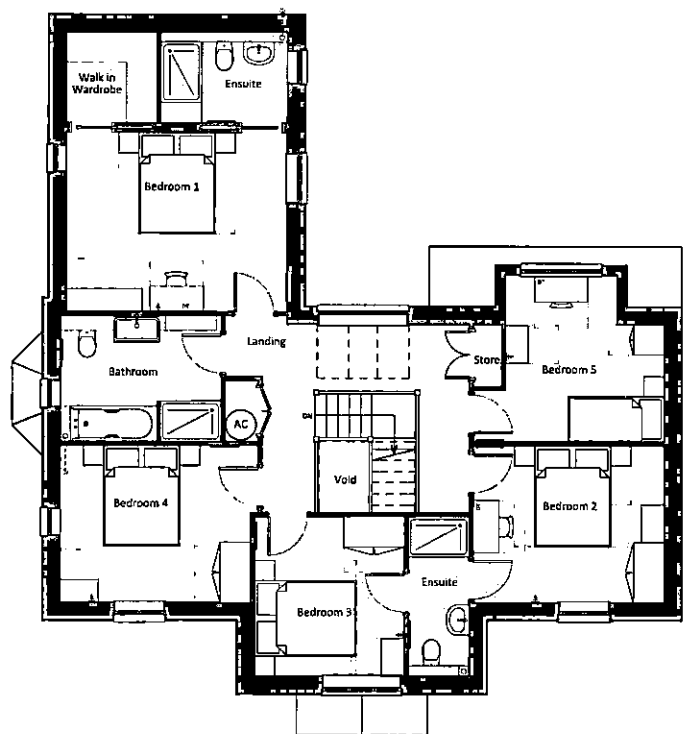
		ARCHITECTS, URBAN DESIGNERS, PLANNERS, PROJECT MANAGERS, LANDSCAPE ARCHITECTS, WE ARE IDP.
status:	PLANNING	RIBA Stage: 3
client:	Sanctuary Housing	
job:	Former Broadway, Down Ampney	
title:	Type F Elevation (4 of 4)	
drawn:	SAD	date: 20.04.17
checked:	TKB	scale up to: 1:100
job no:	C2973	orig ref: EL26 Rev -
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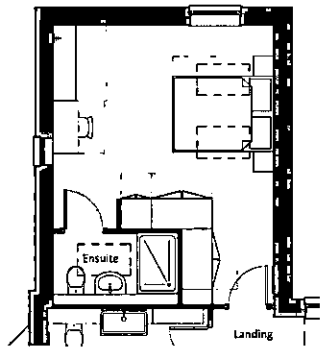
notes
 All plans shown 'as' hand, please refer to the site layout for specific handings of each plot



Ground Floor Plan



First Floor Plan



Alternative first floor plan which applies to plot 39 only

A 28.02.18 Plot 39 alternative floor plan added TKB TKB
 rev: 04/18 04/18/18

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STATUS **PLANNING** RIBA Stage **3**

client: Sanctuary Housing
 job: Former Broadway, Down Ampney
 title: Type F Floor Plans
 drawn: SAD date: 30.03.2017
 checked: TKB scale @ a3: 1:100
 job no: C2973 dtd no: PL06 Rev A

Type F - Plots 2, 8, 36 & 39
 (203 m²/ 2182 ft²)

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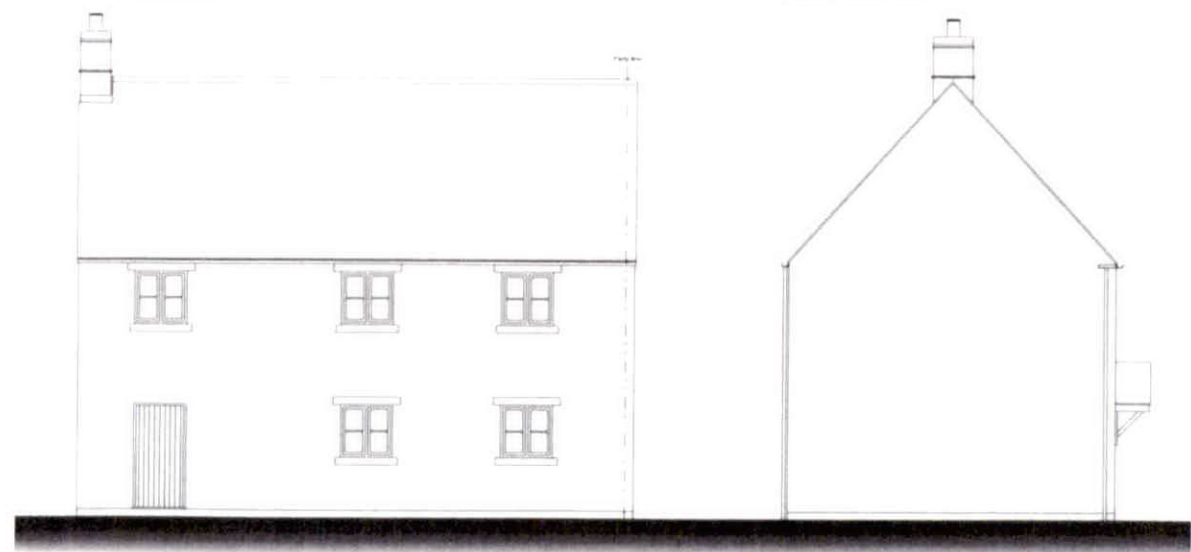
All dimensions to be checked on site and architect notified of any discrepancies prior to commencement.
 00 00 00 00

All plans shown 'as' hand, please refer to the site layout for specific handings of each plot



Front Elevation

Side Elevation



Rear Elevation

Side Elevation

Type H - Plot 15-18

AFFORDABLE HOUSING

20

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status: **PLANNING** HDA Stage **3**

client: Sanctuary Housing

site: Former Broadway Down Ampley

title: Type H Elevation

drawn: SAC date: 20.04.17

checked: TKB scale: 1:100

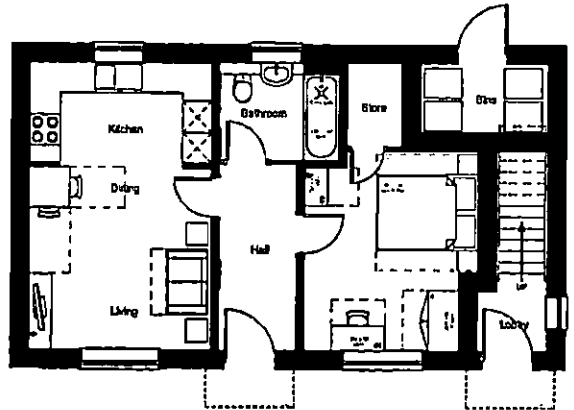
job no: C2973 big no: EL19 Rev -

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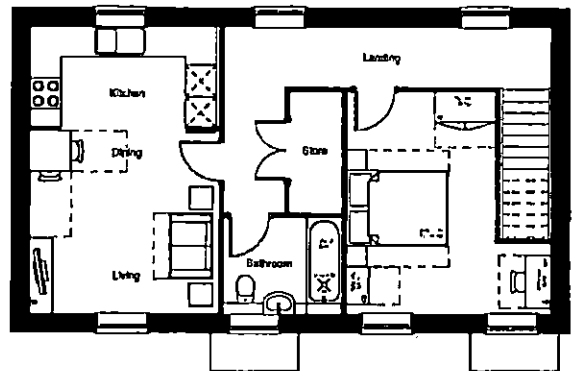
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 being identified.

All plans shown 'as' hand, please refer
 to the site layout for specific handings
 of each plot



Ground Floor Plan



First Floor Plan

Type H - Plots 15-18
 (xx m²/ xx ft²)

Rev	Date	Description	By	Check

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status: **PLANNING** RIBA Stage: **3**

client: Sanctuary Housing

job: Farmer Broadway, Down Ampney

title: Type H Floor Plans

drawn: BAD date: 30.03.2017

checked: TKB scale: 1:100

job no: C2073 dwg no: PL08 Rev -

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21

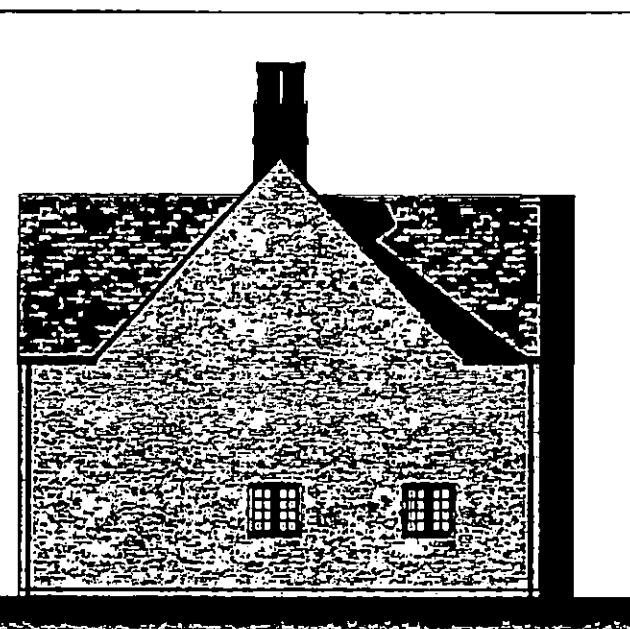
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All plans shown 'as' hand, please refer to the site layout for specific handings of each plot



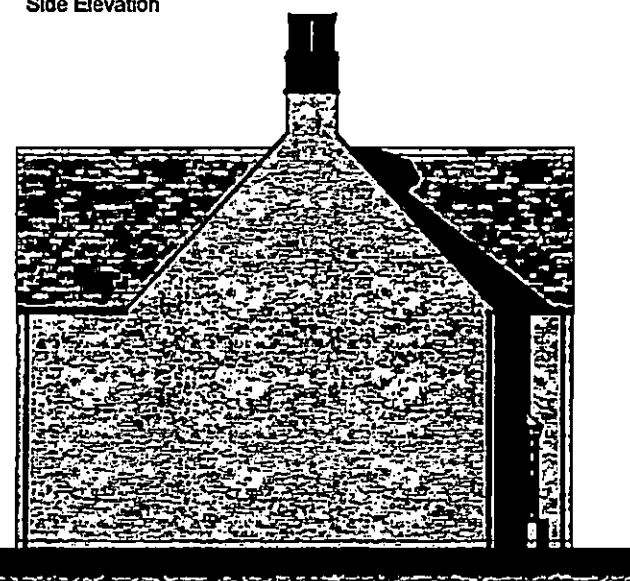
Front Elevation



Side Elevation



Rear Elevation



Side Elevation

DATE: 20.04.17 DRAWN BY: C2873 CHECKED BY: TKS



status: **PLANNING** RIBA Stage: **3**

client: Sanctuary Housing

job: Former Broadway, Down Ampney

file: Type G Elevation (2 of 3)

drawn: BAD Date: 20.04.17

checked: TKS scale: A3: 1:100

job no: C2873 dwg no: EL17 Rev -

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Type G - Plots 33 & 44

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 All not scale.

All plans shown 'as' hand, please refer to the site layout for specific handings of each plot



Ground Floor Plan



First Floor Plan

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status **PLANNING** HBA Stage **3**

user: Sanctuary Housing

cd: Former Broadway, Down Ampney

tbl: Type G Floor Plans

drawn: SAD date: 30.03.2017

checked: TKB scale: @ a3 1:100

job no: **C2973** dtp no: **PL07 Rev -**

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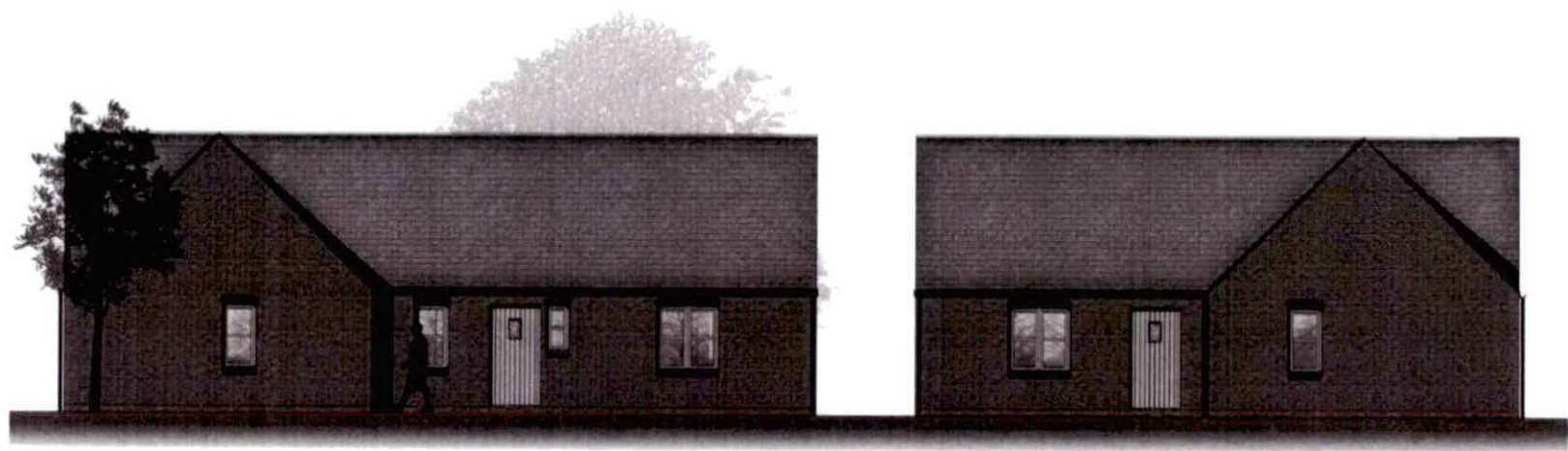
Type **G** Plots 28, 33, 34 & 44
 (xx m²/ xx ft²)

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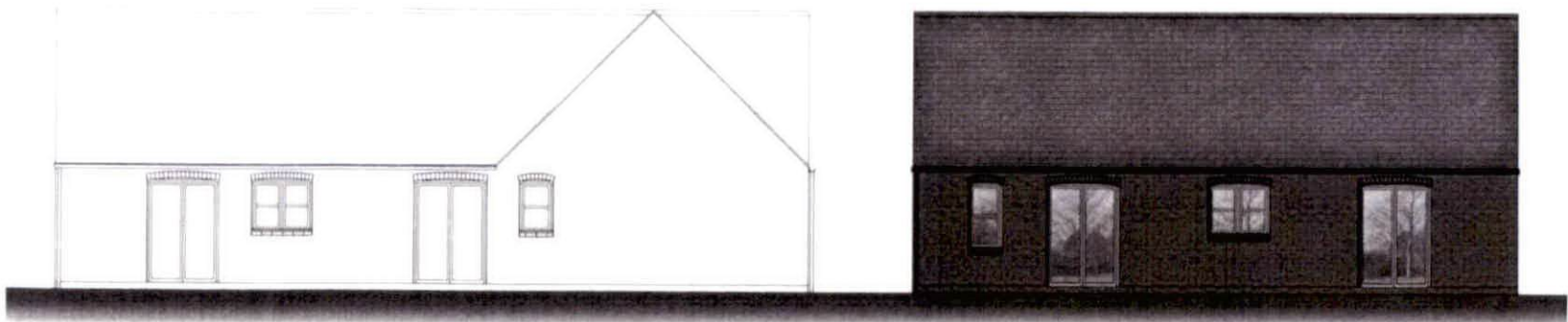
NOTE

All plans shown 'as' hand, please refer to the site layout for specific handings of each plot



Front Elevation

Side Elevation



Rear Elevation

Side Elevation

Type J - Plots 37 & 38 *AFFORDABLE Housing*

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STATUS: **PLANNING** NEDA Stage 3

Client: Sanctuary Housing

Site: Former Broadway, Down Annphey

File: Type J Elevation

Drawn: SAJ Date: 20.04.17

Checked: TRB Scale: @ x1: 1:100

Job No: **C2973** Job Title: **EL20 Rev -**

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 Do not scale.

All plans shown 'as' hand, please refer
 to the site layout for specific handings
 of each plot



Ground Floor Plan

Type **J** - Plots 37 & 38
 (xx m²/ xx ft²)

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STATUS: **PLANNING** RIBA Stage: **3**

Client: Sanctuary Housing

Location: Former Broadway, Down Ampney

File: Type J Floor Plans

Drawn: SAG Date: 30.03.2017

Checked: TKB Scale: 1:100

Job No: **C2973** Job Ref: **PL09 Rev -**

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25



Claire Baker
Development Management
Cotswold District Council
Trinity Road
Cirencester
Gloucestershire
GL7 1PX

14th December 2017

Dear Claire,

Down Ampney - Land at Broadway Farm (17/03826/REM)

Further to the Parish Council's (PC) response (dated 17 November 2017) to the reserved matters application (REM), and the same comments repeated in their response to the Compliance Application. There are a number of concerns which the PC believes amounts to an objection.

It is important to respond on the points raised by the Parish Council and to clearly explain the context and detail of the proposals, particularly where each concern relates to pre-application planning guidance, technical approval and/or planning policy.

The following response seeks to cover each concern, utilising the numbering as per the Parish Council's objection.

1. Road layout -

The road layout was discussed at the pre-application meeting with the LPA in April. The submitted design was based on guidance received at this meeting and is deemed entirely appropriate to serve a development of 44 dwellings. The circular road pattern fed from a single access point is designed to reduce vehicle speeds, a point that has been discussed at length with the Highway Authority which has raised no objection to the road layout.





The Parish Council's mention of it being a rat-run is difficult to understand as a rat-run can only be formed if the road system allows vehicles to avoid traffic problems by using cut-throughs. The submitted road layout uses a single point of access onto the main road through the village and therefore the layout cannot possibly create a rat run.

The concern that the layout is dangerous because of the absence of footpaths on some parts of the road layout, ignores the whole rationale behind the objective of creating shared surfaces within housing schemes with the objective of reducing vehicle speeds to increase not reduce the danger of conflict between pedestrians and vehicles. Traffic calming through the careful design of road layouts through housing areas, is increasingly used throughout the Country as the best approach to reducing vehicle speed and minimising conflict. If footpaths were to be added to the layout as per the Parish Council's views, the whole objective of reducing traffic speeds through the layout would be negated. The design is entirely in accordance with the guidance from the Highway Authority which has raised no objection.

2. Entrance to development –

The access into the site was approved as part of the outline planning permission and it has therefore been incorporated into the housing layout as a fixed element in the design. A road safety audit of the access was undertaken at the request of the Highway Authority which acknowledged that the wall would be moved in order to create the necessary visibility splay and the road safety audit found the access to be acceptable.

The Parish Council have commented that Sanctuary do not own the adjoining property and boundary wall, and cannot create the required visibility splay. It is important to point out that Sanctuary have a contractual agreement with the original owners of the site which ensure that works to move and rebuild the stone wall to deliver the visibility splay in accordance with the approved drawing (b/CoopDownAmpney.1-01 Revision E) can be fully implemented.

3. House design and materials –

These matters were fully discussed at the pre-application meeting, attended by the planning officer, the conservation & design officer and the landscape officer, and the materials that have been incorporated into the design of the houses are fully in accordance with what was agreed at the meeting. Contrary to the Parish Council's assertion regarding Red tiled roofs, these have been removed from the proposal as a direct result of feedback received at the public consultation event.





4. Boundary with Linden Lea -

Sanctuary has discussed the area of the site extensively with the Parish Council and explained its position with regard to the submitted layout. Plot 44 is in excess of the required minimum separation distance and its relationship to the boundary with Linden Lea is considered acceptable in both design terms and with regard to residential amenity.

Sanctuary is aware of the discrepancy shown on the engineering layout (SAN 11). Discussions are on-going with the adjacent residents with regard to this matter with a view to reaching a sensible agreement for all parties. This should not have any bearing on the planning determination.

Surface water

The detailed points made by the Parish Council with regard to foul and surface water drainage are matters that are the subject of a compliance application that has been submitted to the Council to discharge conditions on the outline permission. Accordingly, the concerns being raised here by the Parish Council are strictly matters for the determination of the compliance application to which the Parish Council has submitted identical concerns. This notwithstanding, a response to the detailed points being raised by the parish Council on drainage is set out below. It should also be noted that both surface water and foul drainage strategies were covered in detail at the community consultation event, with Sanctuary's drainage engineers present.

1. Sanctuary acknowledges that there is an error in paragraph 2.3.1 of the Flood Risk Assessment that should in fact read

"The general topography within site falls from the northern boundary to the southern boundary as illustrated in Figure 1, levels range from 87.58mAOD adjacent to the northern boundary of site to 84.98mAOD adjacent to Down Ampney road. The topographical survey identifies a drainage ditch in the south-western corner of site, leading into a culverted length within the site."

2. The Flood Risk Assessment sets out a comparison of pre-and post-development volumes. The report demonstrates that, although there will be an increase in the volume of water produced once the site is developed, the outfall discharge rates will be controlled for all flood events by adopting the drainage strategy. Currently, in extreme events, the site discharges water via overland run-off and piped connections into the on-site ditch towards the highway and there are no controls in place to manage the rate or volume of water run off. The drainage strategy proposes to introduce a flow control chamber on site to restrict flows





3. and provide on-site storage for the 1:100-year flood event. This strategy will aid in reducing peak flows through the downstream system in circumstances where volumes are increased, which is entirely in line with best practice guidance.
4. Contrary to the Parish Council's assertion, there will be no increase in peak flows. For storms beyond the mean annual event there will be an improvement compared to that of the current situation. In terms of the downstream drainage system, these fall under riparian ownership and thus there would only be a requirement to survey these if there was a proposal for additional peak flows. As this is not the case we do not believe there is any necessity for a survey as suggested by the Parish Council. Condition 09 of the outline planning permission sets out the requirements for approving the surface water drainage strategy prior to the commencement of development and Sanctuary has submitted details to discharge the planning condition which are currently before the Lead Local Drainage Authority to consider and advise the Council as to the acceptability of the drainage strategy.
5. Discussions that have been held with Gloucestershire County Council's Flood Risk team confirmed that no historical information on flooding of the highway drain has been identified. The flooding indicated in Figure 4 could be the result of a number of things such as blocked road gullies, blocked or un-managed downstream sections of drainage, or uncontrolled discharge from the current site (the latter of which Sanctuary will be improving.)
6. The pipe identified by the Parish Council flows under private land and is therefore deemed to be a culverted watercourse. As such the maintenance and upkeep is riparian and sits outside of Sanctuary's responsibility to survey.
7. The proposed drainage strategy is separate to Linden Lea. A full CCTV survey was undertaken along the highway length of the sewer which proved that this system only serves the highway. The Environment Agency flood maps show no history of flooding in this area.
8. Initial dialogue held with Thames Water indicated that this sewer was a highway sewer. Upon consulting with GCC Highways they deemed the sewer as Thames Water but suggested that a CCTV survey could be undertaken to determine if the sewer only serves highways gullies (and not water from private dwellings) then it would be deemed a sewer as a highways (GCC) asset. The CCTV survey was completed and issued to GCC on 14th December 2016 to confirm it only serves the highway.





Foul Water

As has been discussed with the Parish Council during various meetings, Sanctuary is working to the information provided by Thames Water that confirms capacity for the new development. Discussions are on-going with the LPA and statutory consultees with regard to foul drainage in the context of discharging conditions 07 of the outline permission.

Sanctuary will be sending this letter directly to the Parish Council so they are aware of what is being said to the concerns they have raised.

Regards

Michael Jones

Managing Director IDP Planning



Appeal Decision

Hearing held on 25 February 2016

Site visit made on 25 February 2016

by Philip Major BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 03 March 2016

Appeal Ref: APP/F1610/W/15/3131716

Land at Broadway Farm, Down Ampney, Gloucestershire.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by The Co-Operative Group against the decision of Cotswold District Council.
 - The application Ref: 15/01567/OUT, dated 14 April 2015, was refused by notice dated 29 June 2015.
 - The development proposed is the demolition of redundant buildings and redevelopment with up to 44 residential units.
-

Preliminary Matters

1. The application is made in outline with all matters reserved for future consideration except access. The Council has not objected to the access proposed.
2. There is an extant planning permission on part of the site for a development of 22 dwellings. This is the fallback position which establishes the principle of development on the southern portion of the current appeal site.
3. Shortly before the hearing a Statement of Common Ground was submitted. This records the agreement between the Council and the Appellant that the Council is currently able to demonstrate a 5 year supply of deliverable housing land. However, it is also agreed that the Policy cited in the decision notice (Policy 19 of the Local Plan) is time expired and out of date. It therefore carries little weight in this case. There are no other development plan policies relied on and the parties agree that the policy of the National Planning Policy Framework (NPPF) should be afforded the greatest weight in this case. It is agreed that there is no cap on housing numbers and, if the proposed development is sustainable development in the terms set out in the NPPF, that paragraph 14 of the NPPF is engaged.
4. The proposal was refused for 2 reasons. The second reason for refusal, relating to the lack of a legal agreement to contribute financially towards education and libraries, was not contested in the light of the S106 Undertakings which I deal with later.

Decision

5. The appeal is allowed and planning permission is granted for the demolition of redundant buildings and redevelopment with up to 44 residential units on land
-

at Broadway Farm, Down Ampney, Gloucestershire in accordance with the terms of the application, Ref: 15/01567/OUT, dated 14 April 2015, subject to the conditions set out in the attached schedule.

Application for costs

6. An application for costs was made in writing before the hearing by the Co-Operative Group against Cotswold District Council. This application was responded to in writing by the Council. Neither party wished to add anything at the hearing and I have dealt with the costs application on the basis of the written material submitted. The application is the subject of a separate decision.

Main Issues

7. The main issues in the appeal are:
 - (a) The impact of the proposal on social cohesion and wellbeing within Down Ampney;
 - (b) In light of the findings in the first issue, whether the proposal can be defined as sustainable development;
 - (c) The planning balance: whether benefits of the proposal are clearly and demonstrably outweighed by any identified adverse impacts.

Reasons

Social Cohesion and Wellbeing

8. Down Ampney is a moderate sized village. It has a range of services including a village primary school, shop and post office (run by village volunteers) community hall and leisure facilities. It is plain from what I was told at the hearing by representatives from the village that it has a good community spirit. I was also told that there is concern in the village that an influx of new residents resulting from the proposed development would be difficult to integrate successfully into the current cohesive community. The starting point here is that there is an extant planning permission for 22 dwellings, and the village community was not opposed to that development having recognised benefits which would flow from it. It follows that the concern must surround the impact of the potential for the integration of the residents of up to 22 extra dwellings.
 9. There is an emerging Local Plan, but all parties agree that it can carry little weight at present. However, that emerging plan contains proposals for some 54 dwellings in Down Ampney. This is a recognition that the village can absorb further development. The figure of 54 is untested but stems from previous work which suggested that the village would be suitable for between 50 and 100 new dwellings in the plan period (to 2031). The emerging number (54) apparently stems from commitments and the identification of peripheral village sites considered suitable for development. The figure is therefore a product of site identification exercises and not capacity studies. These figures must be treated with caution, but they do establish that the Council currently has no current 'in principle' objection to at least 54 dwellings being built in Down Ampney over the period of the emerging Local Plan to 2031.
 10. The Council has suggested that the appeal proposal would add 19% more dwellings to the current stock in Down Ampney. The Appellant suggests that
-

the true figure (taking into account the fallback position of 22 dwellings with permission) is less than 9%. In view of the fact that the local community was fully engaged with the scheme for 22 units, it seems logical to me to accept that the issue here surrounds a further increase in housing stock of about 9%.

11. I fully acknowledge the worries of the community here, as reflected in the Council's reason for refusing planning permission. The development would introduce a significant number of new residents in a relatively short space of time. But the village has not shown itself to be resistant to change and is to be commended for that. It has, as discussed at the hearing, successfully absorbed the relatively new development which took place at Linden Lea, a development of some 38 houses. I was told that it took much hard work to welcome and integrate the residents from Linden Lea and I do not doubt that was the case. Nonetheless it shows that a committed community can achieve good results. I heard nothing at the hearing to suggest that a similar outcome could not be achieved if the appeal site were to be developed.
12. Indeed, there was little evidence which could be offered by the Council or the community which indicated that there would be tangible difficulties in absorbing the residents of the proposed development. I accept, as pointed out by the Council, that it is difficult to define the social aspects of wellbeing but there is little of substance which indicates to me that this community would suffer social harm from the introduction of the proposed dwellings. There seemed to be some reluctance to accept that up to an 'extra' 22 dwellings would be anything but good for the village shop and other facilities, which I found surprising. It seems self-evident to me that the increase in population would be bound to assist in assuring the viability of local services to some degree. Despite my own questioning I was unable to glean any substantive evidence of any social harm which would be likely to occur if the dwellings were to be constructed.
13. The Council suggested that the provision of up to 44 dwellings in a single timeframe would be difficult to deal with. But, as noted, the community has successfully dealt with a similar proportionate increase previously. I am also unconvinced by the arguments that the provision of 50% affordable dwellings might leave some of their occupants at a disadvantage if they are on low incomes in a village location. Down Ampney is not the best served by public transport, but there is a rudimentary bus service and it is not very far from Cirencester. I am far from convinced that the village would not be able to cope, and that social harm resulting from the 'sheer numbers' of new residents, as referred to at the hearing, would materialise. There is no evidence that the vitality of the village would be compromised, and it is difficult to envisage how new residents could do other than increase vitality, especially if encouraged to make use of and become involved with village facilities.
14. With regard to benefits I have referred briefly to the likely support for the village shop and other facilities. I am told that the local school also has places available and that new residents with children would assist in keeping it viable. The Council does not contest that the provision of up to 22 affordable homes would be of significant benefit, and although the community is unaware of the 12 people with local need, it is clear from the Council's housing enabling officer that the provision would be welcome and would assist in addressing the need for affordable housing in the District.

15. To conclude on this issue, I am not satisfied that the objections relating to the social cohesion of the community have been made out. The provision of up to 22 homes in addition to those with planning permission is unlikely to cause undue harm to the community.

Other Matters

16. Before dealing with the issue of sustainability I deal with some other matters primarily raised by local residents.
17. The development would remove some of the green space between Linden Lea and the community hall. However this is not public land and it is of limited environmental value. I understand that local people would wish to retain open space, but the appeal development would be likely to increase the availability of publicly available green space.
18. Drainage is a concern, and Thames Water confirms that the current sewerage network is unable to accept further development. There is agreement, though, that works could be undertaken to resolve the problem, and as such this is a matter which can be controlled by condition.
19. The site access has been agreed with the highway authority. Extra traffic resulting from the 22 dwellings over and above those already permitted is likely to be modest. Whilst I understand that any traffic can result in some safety concerns it seems to me that in this instance such fears are not sufficient to weigh against the proposal. In addition, though there would no doubt be an element of commuting from the development, this site is not far from employment opportunities in Cirencester, and it is possible to use the limited bus service for other trips. I also take the view that this does not weigh greatly against the proposal.
20. The emerging Local Plan carries little weight as noted earlier. I therefore cannot ascribe much importance to the suggestion that permitting this development would have a negative impact on the emerging strategy for Down Ampney. I do not accept that there is any demonstrated advantage in delaying development on this site in order to permit the alternative village sites to be considered through the Local Plan process. The Local Plan is at too early a stage to justify that.
21. Other decisions have been brought to my attention in which Inspectors have concluded that harm would be caused to social wellbeing. These cases differ from that before me.
22. In the case of the Alderton appeal (APP/G1630/A/14/2222147) it is clear that the decision was taken in the light of a previous grant of planning permission for residential development in the same village. It seems that the aggregate of the 2 schemes there was about 107 dwellings, well in excess of the numbers here. The total number of dwellings would have been an increase of almost 50% of the existing village – again well in excess of the total here.
23. With respect to the Welford-on-Avon decision (APP/J3720/W/15/3039153) it seems that greater weight could be afforded to the emerging Core Strategy in that case. That strategy sought to limit development in the village, and records that the limit had already been breached. The appeal scheme there was also described as a sizable expansion. This contrasts with the case in

Down Ampney where the proposed development is within the predicted growth limits for the village.

24. The appeal decision for Feniton (APP/U1105/A/13/2191905) has also been put to me. I am told that the cumulative increase in housing at issue there was significantly greater than in this case.
25. It therefore seems to me that none of these other appeal decisions is a close parallel with the situation in Down Ampney. They show that each case must be determined in light of the particular circumstances pertaining to it.

Sustainability

26. Turning to the issue of sustainability, the NPPF sets out that there are 3 dimensions - economic, environmental and social.
27. Economically it is clear that the proposal would provide construction work and the new homes bonus. The additional support for the village shop resulting from the spending of new residents is also an economic benefit.
28. Environmentally the site is not argued to be of merit. It has no designation and at my site visit I was able to see that it brings little of value in environmental terms. The unattractive and disused agricultural buildings would be removed, and the loss of low lying scrub and tussocky grassland would not be detrimental, as confirmed by the Council's own assessment. In addition the development would offer the potential to bring environmental improvement with a well designed landscaping strategy. This would be under the control of the Council at reserved matters stage. There is no significant detriment from the impact of traffic or commuting.
29. The social dimension of sustainability is the crux of the case. I have already indicated above that I am not persuaded by the arguments made that there would be loss of social cohesion or impact on the vitality of the community. In fact there would be social benefits in the provision of both market and affordable housing, in the likely benefits to the viability of the primary school, and in the support for local facilities.
30. Sustainability must be seen as an overall concept. Whether a particular scheme is sustainable will depend on how well it addresses the 3 dimensions of sustainability when taken overall. Given the above matters it is my judgement that this development clearly meets the definition of sustainability as set out in the NPPF. I am satisfied that it would maintain the vitality of the village.

The Planning Balance

31. Given that this proposal falls to be determined as a sustainable scheme I turn to the planning balance. The provisions of paragraph 14 of the NPPF are engaged. This indicates that where the development plan is out of date (as here) planning permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the NPPF as a whole.
32. The benefits of the scheme are set out above and I do not need to repeat them all here. The provision of housing clearly follows the objective of the NPPF to boost significantly the supply of housing and this carries significant weight notwithstanding the acknowledged supply position at present. The provision of

affordable housing is also a significant material consideration in support of the proposal.

33. I have also set out above my concerns that neither the Council nor the local community has been able to demonstrate that there would be material harm caused by the proposal. I understand the concerns expressed, and recognise that the community would wish to see decisions made in the spirit of localism. However, decisions must be made in the light of the planning merits of any case, and here I cannot identify any harm which would be significant or demonstrable in the context of the policies of the NPPF. For these reasons the appeal must succeed.

Conditions and S106 Undertakings

34. A list of suggested conditions was provided by the Council and agreed by the Appellant. However it was agreed at the hearing that some of the conditions would be unnecessary, being more relevant to matters which will be determined at the reserved matters stage. In the interests of highway safety I agree that conditions are reasonable and necessary which deal with the provision of access, roads and parking. In order to ensure that the development provides a satisfactory standard of development conditions are necessary which address the matters of drainage, tree protection, lighting, landscape and ecology, archaeology, and potential contamination. The living conditions of neighbours require protection with conditions dealing with construction management and hours of work.
35. Two Unilateral Undertakings have been submitted pursuant to s106 of the 1990 Act. The first would deliver affordable housing in accordance with the current policy at a rate of 50% and make provision for the long term management of sustainable drainage and public open space. The second would provide a small contribution towards the library service.
36. I am satisfied that the provision of affordable housing, and the mechanism for ensuring that the dwellings are occupied by those needing such accommodation, as set out in the undertaking, meet the tests set out in paragraph 204 of the NPPF and the Community Infrastructure Levy (CIL) Regulations. It is necessary to make the development acceptable, directly related to the development, and fairly and reasonably related in scale and kind to the development. This is not a matter at issue between the Council and the Appellant. This Undertaking also makes provision for the long term management of sustainable drainage provision and public open space. Again, I am satisfied that the provisions set out in the Undertaking meet the tests set out above.
37. The library contribution has been calculated according to a standard formula relating to the increase in population resulting from the extra housing. I have been invited to make my own judgement on whether this contribution would meet the tests of the CIL Regulations. The provision of library facilities is a standard part of the provision of local services and contributed to by householders through Council and other taxation. The introduction of a further payment by planning obligation (albeit small) seems to me to initiate an element of 'double charging'. The relevant authority will receive revenue for the service through normal channels as a result of the occupation of the dwellings. I cannot therefore conclude that the contribution would meet the test of being necessary to make the development acceptable in planning terms.
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The development would be acceptable without the contribution. Hence I do not take that contribution into account in reaching my decision.

Overall Conclusion

38. As set out I have determined that the proposal is sustainable development. There are no development plan policies brought to my attention with which the proposal would conflict. There would be no significant and demonstrable harm when judged against the policies of the NPPF as a whole. For the reasons given above I conclude that the appeal should be allowed.

Philip Major

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
- 3) The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - 365.W.02
 - b/CoopDownAmpney.1-01 Revision E.
- 5) No development shall take place until a detailed ten year landscape and ecological enhancement and management plan has been submitted to and approved in writing by the local planning authority. The plan shall be based on the recommendations in Section 6 of the Updated Preliminary Ecological Assessment (Middlemarch Environmental April 2015) and indicated on drawing no 6654-L-03-B. All works shall be carried out as detailed in the approved plan, shall be completed before the new dwellings are first brought into use and shall be retained thereafter.
- 6) No development shall take place, including any works of demolition, until a Construction Method Statement (CMS) has been submitted to and approved in writing by the local planning authority. The approved CMS shall be adhered to throughout the construction period and shall:
 - i) specify access proposals (including HGV routes) and HGV trip profile and parking;
 - ii) provide for the parking of vehicles of site operatives and vehicles;

- iii) provide for the loading and unloading of materials;
 - iv) provide for the storage of plant and materials used in constructing the development;
 - v) provide for wheel washing facilities;
 - vi) include measures to control the emission of dust and dirt during construction;
 - vii) include measures for recycling of materials and the minimisation of waste.
- 7) No development shall take place until a foul drainage strategy detailing any on or off site works has been submitted to and approved in writing by the local planning authority. No discharge of foul or surface water shall be accepted into the public system until the drainage works in the strategy have been completed in accordance with the approved strategy.
- 8) No development shall take place until a scheme of drainage incorporating sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development have been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be completed in accordance with the approved details before the development is first occupied.
- 9) No development shall take place until details of a scheme for surface water attenuation and/or storage have been submitted to and approved in writing by the local planning authority. The approved scheme shall be completed in accordance with the approved details before the development is first occupied.
- 10) No development shall take place until soakaway tests have been carried out in accordance with BRE Digest 365, or such other guidance as may be agreed in writing by the local planning authority. The results of the tests shall be submitted to and agreed in writing by the local planning authority. Thereafter development shall be carried out in accordance with a scheme to be submitted to and approved in writing by the local planning authority prior to the development being first occupied.
- 11) No works shall take place on site (other than those required by this condition) until the first 10m of the proposed access road, including the junction with the existing public road and associated visibility splays, has been completed to at least binder course level.
- 12) The vehicular access hereby permitted shall not be brought into use until the existing roadside frontage boundaries have been set back to provide visibility splays extending from a point 2.4m back along the centre of the access measured from the carriageway edge (the x point) to a point on the nearest carriageway edge of the public road 54m distant in both directions (the y points). The area between those splays and the carriageway shall be reduced in level and thereafter maintained so as to provide clear visibility between 1.05m and 2.0m at the x point and between 0.26m and 2.0m at the y point above the adjacent carriageway level.
- 13) No part of the development shall be occupied until details of the proposed arrangements for future management and maintenance of the streets within the development have been submitted to and approved in writing by the local planning authority. The streets shall thereafter be maintained in accordance with the approved management and
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- maintenance details until such time as either a dedication agreement has been entered into or a private management and maintenance company has been established.
- 14) No dwelling shall be occupied until parking and turning facilities have been provided in accordance with the reserved matters details and shall be retained for those purposes thereafter.
 - 15) No dwelling shall be occupied until the carriageway(s) (including surface water drainage/disposal, vehicular turning head(s) and street lighting) providing access from the nearest public highway to that dwelling have been completed to at least binder course level and the footway(s) to surface course level.
 - 16) No development shall take place until a scheme has been submitted to and approved in writing by the local planning authority which specifies the provisions to be made for the level of illumination of the site and the control of light pollution. The scheme shall be implemented and retained in accordance with the approved details.
 - 17) No development shall take place until a site investigation for any contamination has been carried out in accordance with a methodology which has been submitted to and approved in writing by the local planning authority. The results of the site investigation shall be made available to the local planning authority before any development commences. If any significant contamination is found during the site investigation a report specifying the measures to be taken to remediate the site to render it suitable for the development shall be submitted to and approved in writing by the local planning authority.
 - 18) The remediation scheme agreed in writing by the local planning authority shall be fully implemented in accordance with the approved timetable of works and before the development permitted is first occupied. Any variation to the scheme shall be agreed in writing by the local planning authority in advance of works being undertaken. On completion of remediation the developer shall submit to the local planning authority written confirmation that all works were completed in accordance with the agreed details. If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this contamination shall be submitted to and approved in writing by the local planning authority and the additional measures shall be carried out as approved prior to first occupation of the development.
 - 19) No development shall take place until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation to be submitted to and approved in writing by the local planning authority.
 - 20) An Arboricultural Method Statement (AMS) and Tree Protection Plan (TPP) shall be submitted to the local planning authority with any reserved matters application. The AMS and TPP shall be in accordance with the guidance in BS 5837:2012 "Trees in relation to design, demolition and construction. Recommendations" and shall include details of:
 - i) Defined root protection area of all retained trees;
 - ii) The timing of all tree protection measures;

- iii) Details of proposed finished ground levels within the defined root protection areas of all retained trees;
 - iv) Details of tree protection fencing and excluded activities;
 - v) Details of temporary ground protection measures where access and working space is needed outside the tree protection fencing but within the root protection area of all retained trees;
 - vi) Details of any underground services within the root protection areas of any retained trees and how they will be installed;
 - vii) Details of how the tree protection measures will be monitored by the site manager.
- 21) All demolition works to the barns on site shall be carried out in accordance with the recommendations in Section 6 of the Updated Daytime Bat Survey and Barn Owl Survey reference number RT-MME-118500-02 Rev A.
- 22) No construction activity or deliveries shall take place outside the hours of 0800 to 1800 Monday to Friday, 0900 to 1300 on Saturdays, nor at any time on Sundays, Bank or Public Holidays.
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**Lead Local Flood Authority**Shire Hall
Gloucester
GL1 2THClaire Baker
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Trinity Road
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Gloucestershire
GL7 1PX

email: naveen.tangri@gloucestershire.gov.uk

Please ask for: Naveen Tangri

Phone: 01452427472

Our Ref: C/2017/039457

Your Ref:
17/03826/REM/LLFA

Date: 23 March 2018

Dear Claire Baker,

**TOWN AND COUNTRY PLANNING ACT 1990
LEAD LOCAL FLOOD AUTHORITY RECOMMENDATION****LOCATION: Land At Broadway Farm Down Ampney Gloucestershire**
PROPOSED: Reserved Matters Application in conjunction with outline
planning permission reference 15/01567/OUT for demolition of redundant
buildings and redevelopment with up to 44 dwellings

Further to the meeting / discussion yesterday with you and applicant LLFA would like to withdraw the objection on reserve matter application. **However please note that issue of surface water drainage and site layout should be considered together. If the proposed layout proves not suitable for the surface water drainage scheme the applicant will need to amend the layout and submit a new application.**

LLFA can not discharge the condition on surface water drainage on the compliance application (ref.no. 17/03995/comply/LLFA).

Applicant needs to demonstrate that where surface water will be disposed off the site and whether they have consent from relevant authority for that discharge. Recent conversations with Highways legal agreement team suggested that they cannot accept any connection to their Highway drainage system from proposed development.

I am also copying this email to Planning officer for compliance application (Sue Bremner).

NOTE 1 :The Lead Local Flood Authority (LLFA) will give consideration to how the proposed sustainable drainage system can incorporate measures to help protect water quality, however pollution control is the responsibility of the Environment Agency

NOTE 2 : Future management of Sustainable Drainage Systems is a matter that will be dealt with by the Local Planning Authority and has not, therefore, been considered by the LLFA.

NOTE 3: Any revised documentation will only be considered by the LLFA when resubmitted through suds@gloucestershire.gov.uk e-mail address. Please quote the planning application number in the subject field.

Yours sincerely,

Naveen Tangri

SuDS Engineer